



CITY OF GULF BREEZE

PERSONNEL MANUAL

**Amended and Adopted by Resolution No. 25-2020
May 4, 2020**

THE CITY OF GULF BREEZE, FLORIDA

PERSONNEL MANUAL

The City of Gulf Breeze provides a wide variety of services to our citizens and visitors. Our employees are invaluable to ensuring that these services are at all times provided in a professional, efficient, and courteous manner. This Personnel Manual describes certain expectations, policies, and procedures relevant to your employment with the City. Because this Manual does not provide an exhaustive description of expectations, policies, and procedures, employees are encouraged to ask questions of management or a human resources representative as needed. This Manual is not a contract and may be amended from time to time to better meet the needs of the City and our employees.

INDEX

SECTION I: INTRODUCTION	Page 7
1.1 Applicability	
1.2 At-Will Employment	
1.3 Limitations of Personnel Manual	
1.4 Definitions	
1.5 Organization for Personnel	
SECTION II: QUALIFICATIONS FOR APPOINTMENTS	Page 9
2.1 Equal Employment Opportunity	
2.2 Physical Standards	
2.3 Interviews and Background Checks	
2.4 Form of Application	
2.5 Other Standards for Employment	
2.6 Operators of City Owned Motor Vehicles	
SECTION III: APPOINTMENTS	Page 11
3.1 Vacancies	
3.2 Recommendations and Appointments	
3.3 Types of Appointments	
3.4 Outside Employment	
3.5 Employment of Relatives	
SECTION IV: CLASSIFICATION OF POSITIONS	Page 14
4.1 Classification Plan	
4.2 Coverage	
4.3 Assignment of Position & Classes of Position	
4.4 Maintenance	
4.5 Classification of New Position	
SECTION V: WAGE AND SALARY ADMINISTRATION	Page 15
5.1 Compliance with the Law	
5.2 Pay Procedure	
5.3 Pay Plan	
5.4 Setting Pay for New Employees	
5.5 Within Range Salary Increases	
5.6 Employee Performance Appraisal	
5.7 Promotions	
5.8 Reinstated Part Time Employees	
5.9 Transfer/ Demotion	
5.10 Reallocation Downward	

- 5.11 Timing of Status Change
- 5.12 Overtime/Compensatory Time
- 5.13 Auxiliary/Part-Time Officers
- 5.14 Called Back Employees
- 5.15 On Call Time
- 5.16 Uniform Allowance
- 5.17 Deductions
- 5.18 Deductions of Termination
- 5.19 Administrative Responsibility

SECTION VI: LEAVES OF ABSENCE

Page 20

- 6.1 Employment
- 6.2 Annual Leave
- 6.3 Sick Leave
- 6.4 Court Duty
- 6.5 Military Duty
- 6.6 Bereavement Leave
- 6.7 Leave of Absence
- 6.8 Absence without Leave
- 6.9 Family and Medical Leave
- 6.10 Holidays
- 6.11 Exemptions
- 6.12 Records

SECTION VII: ADDITIONAL EMPLOYEE BENEFITS

Page 28

- 7.1 Group Insurance Plans
- 7.2 Retirement Plans and Social Security
- 7.3 Benefits Continuation
- 7.4 Deferred Compensation
- 7.5 Training
- 7.6 Education Reimbursement Plan
- 7.7 Workers Compensation

**SECTION VIII: EQUAL OPPORTUNITY, HARASSMENT,
AND NON-FRATERNIZATION POLICY**

Page 32

- 8.1 Equal Employment Opportunity
- 8.2 No Harassment
- 8.3 No Retaliation
- 8.4 How to Report Concerns or Violations
- 8.5 Investigations
- 8.6 Completion of Investigations
- 8.7 Records of Investigations
- 8.8 Additional Reporting Options
- 8.9 Non-Fraternization Policy

SECTION IX: SEPARATION OF EMPLOYMENT

Page 35

- 9.1 Types of Separation
- 9.2 Dismissal
- 9.3 Suspension
- 9.4 Resignation
- 9.5 Layoff Protocol
- 9.6 Retirement

SECTION X: DISCIPLINE

Page 37

- 10.1 Suspension
- 10.2 Demotions
- 10.3 Dismissals
- 10.4 Causes for Suspension, Demotion or Dismissal
- 10.5 Disciplinary Procedures

SECTION XI: DRUG AND ALCOHOL FREE WORK PLACE

Page 44

- 11.1 Policy Statement
- 11.2 General Description of Drug and Alcohol Free Policy
- 11.3 Pipeline and Hazardous Material Safety Administration (PHMSA) Employees
- 11.4 Federal Motor Carrier Safety Administration (FMCSA) Employees

SECTION XII: SMOKE, VAPE, AND TOBACCO-FREE WORKPLACE

Page 49

- 12.1 Objective
- 12.2 Policy
- 12.3 Definition
- 12.4 Procedure

SECTION XIII: GENERAL PROVISIONS

Page 51

- 13.1 Assignment of Duties
- 13.2 Accident/Incident Procedure
- 13.3 Care and Responsibility of Public Property
- 13.4 Use of Public Property
- 13.5 Electronic Communications and Social Media
- 13.6 Purchasing Policy
- 13.7 Right to Strike
- 13.8 Political Activity
- 13.9 Employee Organizations
- 13.10 Travel Policy
- 13.11 Recording of Conversations in the Workplace
- 13.12 Dress Code
- 13.13 Attendance Policy
- 13.14 Gifts

- 13.15 Receipt of Checks
- 13.16 Cell Phone Policy

SECTION I: INTRODUCTION

1.1 APPLICABILITY OF THE PERSONNEL MANUAL

This Personnel Manual (“Manual”) applies to every employee of the City. The Manual does not apply to the City’s elected officials. To the extent that a labor union contract or other employment contract applies to an employee and the terms of the contract conflict with this Manual, the terms of the contract will control and supersede the terms of this Manual.

1.2 AT-WILL EMPLOYMENT/THE MANUAL IS NOT A CONTRACT

This Manual is not a contract and may be amended from time to time. Unless a contract signed by an authorized representative of the City states otherwise, all employees of the City are at-will employees who may choose to resign from employment, or be terminated from employment by the City, at any time.

1.3 THE MANUAL IS NOT EXHAUSTIVE

This Manual does not describe every expectation, policy, or procedure that may apply to each individual employment situation. In addition, Departments in the City may establish additional policies and procedures that apply to their department’s employees as long as they do not conflict with this Manual and adhere to minimum standards set forth by this Manual.

If an employee has a question or concern about any expectation, policy, or procedure, it is the employee’s duty and responsibility to seek information to answer his or her questions from management or a Human Resources representative.

1.4 DEFINITIONS

Where used within this Manual, the following words and terms shall have the meaning indicated below:

ALLOCATION: The assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.

CLASS: A position or group of positions that has similar duties and responsibilities, requires similar qualifications, and can be designated by a single title indicative of the kind of work, and for which the same range of pay can be applied with equity.

CLASS DESCRIPTION: A written description of a class of positions containing a title, statement of typical duties, responsibilities, and minimum or desirable qualifications for applicants or incumbents, to insure satisfactory performance.

CLASSIFICATION: The entire process of assigning and reassigning individuals to positions, positions to classes, and classes to grades, to the end that employees will be employed and compensated on the basis of merit, fitness, and actual duties performed so that there may exist equal pay for equal work.

DEMOTION: The change of an employee from a position in one class to a position in another class having a lower pay grade and requiring the performance of less responsible duties.

PAY RANGE: A minimum and maximum salary assigned to a position, class, or group of classes.

JOB PERFORMANCE INCREASE: Advancement of pay of an employee in the pay range based upon display of merit in performance of duties and not requiring a change in basic duties.

POSITION: A group of duties assigned to one person or job.

PROBATIONARY PERIOD: A working test period established as six (6) months, during which an employee is required to demonstrate by actual performance, fitness for the appointed duties, and general fitness and suitability as a public employee. The City Manager may extend the probation period up to an additional six (6) months.

PROMOTION: The assignment of an employee to a position in a higher class having a higher maximum salary than the position from which assignment is made.

VACANCY: A position existing or newly created, which is not occupied, and for which funds are available.

1.5 ORGANIZATION FOR PERSONNEL

The City Manager is designated as Personnel Officer and is responsible for personnel administration for the City.

SECTION II QUALIFICATIONS FOR EMPLOYMENT

2.1 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City of Gulf Breeze to provide equal opportunity and advancement opportunities to all individuals in all employment decisions, including, but not limited to, hiring, job assignment, compensation, benefits, training, discipline, and termination. The City does not discriminate on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, marital status, or any other characteristic protected by applicable law. The City makes employment decisions based on merit, qualifications, and abilities. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. Any employee who has questions or concerns about any type of discrimination in the workplace should bring these issues to the attention of their supervisor, City Manager, City Clerk, or Human Resources representative. The City does not tolerate any retaliation for raising a concern or report of discrimination. Anyone found to be engaging in prohibited discrimination or retaliation will be subject to discipline, up to and including dismissal from employment.

2.2 PHYSICAL REQUIREMENTS

Depending on the particular job position at issue, applicants for employment, after receiving a job offer with the City of Gulf Breeze, may be required to submit to a medical examination and a Functional Capacity Evaluation (FCE) to determine if they meet the occupational qualifications for the position applied for.

Existing employees who suffer serious illness or sustain a significant injury inside or outside the workplace that may affect their ability to safely perform their job may also be required to submit to a FCE as determined by the City Manager.

Existing employees who become unqualified for their job position due to a disability that cannot be reasonably accommodated may be dismissed from employment.

2.3 INTERVIEWS AND BACKGROUND CHECKS

All applicants for employment must be interviewed and, as appropriate for the particular job position applied for, submit to background checks and fingerprinting requirements.

2.4 FORM OF APPLICATION

All applicants for employment must fill out and furnish complete information on the application form established for the class of positions for which they apply. Any form of application developed must have the approval of the City Manager before being adopted for use. Such forms shall include information relative to residence, training, experience, references, and other pertinent information.

2.5 OTHER STANDARDS FOR EMPLOYMENT

Where other standards or requirements for a particular position are established, all applicants shall be required to meet those standards as a condition for employment. Any standards developed must have the approval of the City Manager before being adopted, and shall then be entered on the applicable position or class description. Any substitution for, or deviation from, established standards

must have prior approval by the City Manager. The City Manager may establish and must approve any tests or examinations which are developed and which are warranted to determine whether or not an applicant or employee meets established standards.

2.6 OPERATORS OF CITY-OWNED MOTOR VEHICLES

Any applicant or employee who may be assigned to operate a City-owned or leased motor vehicle must possess a valid driver's license and comply with the City's policies and procedures as to operation of City-owned and leased motor vehicles. Employees who have had an event related to their license (such as a suspension or revocation of their license or a charge of DUI or DWI) must immediately report this event to the City Manager and stop driving any City-owned or leased motor vehicle.

SECTION III APPOINTMENT

3.1 VACANCIES

The City Manager shall determine how vacancies are to be filled.

3.2 RECOMMENDATIONS AND APPOINTMENTS

Department Heads shall examine applications and applicants for employment and recommend applicants for appointment to vacancies existing within their departments. Appointments shall be made on the basis of ability, training, and experience without regard to race, color, religion, sex, pregnancy, national origin, age, disability, marital status, or any other characteristic protected by applicable law. The City Manager shall appoint all regular employees of the city covered by this Manual.

3.3 TYPES OF APPOINTMENTS

- (a) *REGULAR FULL-TIME*: Regular Full-Time employees are those employees who are not in a temporary or seasonal position and who are regularly scheduled to work a full-time schedule. Generally, Regular Full-Time employees are eligible for the City's benefit package, subject to the terms and conditions of each such benefit. Appointment to Regular, Full-Time positions will be made only when a vacancy in a regular classification exists. Such appointments will be subject to a six (6) month probationary period of employment. The probationary or working test period will be served by both new or promoted employees and shall be utilized for closely observing the new employee to the position, and for rejecting an employee whose performance does not meet the required standards. Upon recommendation by the Department Head and approval by the City Manager, the probationary period may be extended up to an additional six (6) months.
- (b) *REGULAR PART-TIME*: Regular Part-Time employees are those employees who are not in a temporary or seasonal position and who are regularly scheduled to work less than 30 hours per week. Appointment to Regular, Part-Time positions will be made only when a vacancy in a regular classification exists. Such appointments will be subject to a six (6) month probationary period of employment. The probationary or working test period will be served by both new or promoted employees and shall be utilized for closely observing the new employee to the position, and for rejecting an employee whose performance does not meet the required standards. Upon recommendation by the Department Head and approval by the City Manager, the probationary period may be extended up to an additional six (6) months.
- (c) *SEASONAL*: Seasonal employees are those employees whose position is intended to end in a term of employment no greater than 4 months in any one year, such as for a job position needed only during the summer.
- (d) *TEMPORARY*: Temporary appointments will typically be filled by an arrangement with a third-party placement service and are generally not intended to extend for a term greater than 6 months in any one year, although the City Manager has the discretion to extend the Temporary appointment beyond 6 months as appropriate. Employment under Temporary Appointment will not be counted as part of the probationary service unless the permanent appointment becomes effective at the expiration of the temporary appointment.

- (e) *EMERGENCY*: When an emergency exists and in order to prevent stoppage of public service or loss or inconvenience to the public, appointments may be made for a period not exceeding thirty (30) days. Emergency appointments will be reported immediately to the City Manager.
- (f) *ACTING*: Refers to a vacancy that occurs in a position that from the standpoint of the City's business cannot be left vacant for any but the shortest period of time. The City Manager may appoint an employee from another position to hold that position in an acting capacity.

3.4 OUTSIDE EMPLOYMENT

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

- (a) No such employment may be of a character inconsistent or incompatible with, or in conflict with the employee's duties with the City.
- (b) No municipal employee will engage in any outside employment which will impair the performance of City duties or be detrimental to the City.
- (c) Such outside occupations must be carried on fully outside of regular hours of City employment and must not interfere in the performance or efficiency of the employee's classified service position. Such work must not be of such a strenuous nature or of such a schedule as to influence his/her conduct, attendance or promptness.
- (d) The work must not place the employee in a position of compromise with regard to City responsibilities or be of such character as to cast doubt upon the employee's fairness or impartiality as a City employee.
- (e) No employee shall contract with the City for services or materials as an outside or independent contractor or supplier.

3.5 EMPLOYMENT OF FAMILY MEMBERS

No person may be employed into or transferred to a department where they shall be then employed as a regular full-time or regular part-time employee to someone related as parents, stepparents, son, daughter, sister, brother, aunt, uncle, niece, nephew, spouse, or whose relationship is similar, including cohabiting couples/significant others. This policy does not prohibit continued employment of two persons becoming married while working in the same department, but the City Manager retains discretion to require one or both of the individuals to leave the department if circumstances warrant for the benefit of the department.

This policy does not prohibit the existence of such a relationship between employees working in separate departments, but such persons may not later be transferred or assigned on a regular full-time or part-time position within the same department as the family member.

Provisions of this policy will not affect persons so employed and assigned when the policy was adopted on May 4, 2020, unless the City Manager determines that the arrangement has become detrimental to the City's best interests.

SECTION IV CLASSIFICATION OF POSITIONS

4.1 CLASSIFICATION PLAN

A classification plan has been established and is maintained and filed within the Office of the City Manager. No deviation will be made from the classification plan. Where circumstances warrant, the plan itself or the classification of a particular position or class of positions may be amended by the City Manager with the approval of the City Council. The City Manager will prepare a classification list of all positions in operating departments and recommend a scheduled number for each.

4.2 COVERAGE

The Classification Plan will include all full-time, regular classes of positions within the City.

4.3 ASSIGNMENT OF POSITIONS AND CLASSES OF POSITIONS

The City Manager shall make all assignments of positions to classes, and of classes to grades, and this authority may not be delegated. Positions which are sufficiently alike in duties and/or responsibility will be accorded the same pay scales. The City Manager will allocate each position covered by the Classification Plan to its appropriate pay scale.

4.4 MAINTENANCE

Department heads and supervisors shall be responsible for bringing to the attention of the City Manager any material change in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any position. Following the receipt of such information, the City Manager will re-study the position and determine if the classification should be changed.

4.5 CLASSIFICATION OF NEW POSITIONS

The City Manager will be responsible for the allocation of new positions to the existing classes or to new classes of position within the City. The City Manager will report the allocation of new positions to the City Council when such changes occur.

SECTION V WAGE AND SALARY ADMINISTRATION

5.1 COMPLIANCE WITH THE LAW

The City complies with the Fair Labor Standards Act (FLSA) and all other laws and regulations applicable to the City regarding payment of wages. Employees who have a question or concern about their compensation should contact their supervisor or a Human Resources representative. The City will not tolerate retaliation against any individual reporting a concern about wages.

5.2 PAY PROCEDURES

All City employees shall have their net pay directly deposited to a bank, savings and loan, or credit union of their choice unless specifically exempted. Direct deposit is secure, convenient, fast, and provides assurance that your net pay will be in your account on payday. Direct deposit ensures no lost checks and reduces opportunities for theft and fraud.

New City employees shall complete a Direct Deposit Authorization Form upon hire to establish direct deposit of net pay to the employee's account(s) at a financial institution. Depending on when the Direct Deposit Authorization Form is received, the employee payment via direct deposit may be delayed. City employees may choose to send, via direct deposit, a fixed dollar amount or a percentage of net pay to a secondary bank account by noting this on their Direct Deposit Authorization Form. The City employee must provide a voided check (Check with "VOID" written across the face of the check with the signature line removed) or a letter from a qualified banking institution, providing the account number and bank routing number.

All employees will be paid on a running biweekly schedule.

5.3 PAY PLAN

The pay of all employees is established by the pay plan for the class of position in which they are employed. The City Manager shall be responsible for the development of a uniform and equitable pay plan which will consist of minimum and maximum rates of pay for each position listed. In arriving at salary ranges, consideration shall be given to prevailing rates for comparable work in other public employment and private business, the current cost of living, and responsibilities of the position. The salary ranges shall be reviewed periodically using regional statistics as a common denominator to determine if salaries of employees are compatible with other area employers. The rate of pay within the assigned pay range will be determined as provided hereinafter.

5.4 SETTING PAY FOR NEW EMPLOYEES

Generally, a new employee will be paid the minimum rate of pay for his/her class. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class description.

Exceptions may be granted upon the written prior approval of the City Manager in the following cases:

- (a) When it is necessary to appoint a new employee, whose qualifications are less than the minimum, such employee may be given trainee status and shall be compensated during

the trainee period in accordance with an individual training schedule of pay rates as determined by the City Manager.

- (b) When a new employee more than meets the minimum qualifications stated in the Class Specification and will not accept appointment at the minimum rate of the class, such employee may, with the approval of the City Manager be appointed at a higher rate in the pay range for that class of work. Such cases should be analyzed and measured against objective standards. Consideration should also be given to a review of the salaries of employees in the class whose present salaries are below the recruiting rate.

5.5 SETTING PAY WITHIN SALARY RANGES

- (a) The salary ranges are intended to furnish administrative flexibility in recognizing individual differences between positions allocated to the same class, providing employee incentives, rewarding employees for meritorious service, and meeting emergency conditions requiring pay adjustments.
- (b) Salary increases or decreases within ranges are based on the job performance of each employee and the financial capacity of the City. Salary adjustments will be considered annually for all employees. Department Heads should complete employee evaluations prior to September 30 and submit increases or decreases to the City Manager for approval.
- (c) Salary increases within range for unusual or meritorious service may be granted without regard to limitations of time by the City Manager within available budgeted funds.
- (d) New employees who have not worked in their job position for 12 months will not receive an annual salary adjustment until they have been in that job position for 12 months.

5.6 EMPLOYEE PERFORMANCE APPRAISAL

- (a) Performance appraisal is an essential and integral part of the City's personnel management program in general and of the wage and salary administrative system in particular.
- (b) Performance appraisals will be provided annually and may be provided during and/or at the conclusion of the employee's probationary period. The City Manager may require performance appraisals to be completed by a certain date each year.
- (c) Performance appraisal is the supervisor's annual, official report of his/her evaluation of an employee's performance. It is designed:
 - (1) To be based on job related and behaviorally anchored criteria.
 - (2) To strengthen managerial skills of supervisors.

- (3) To inform employees of work standards and requirements.
 - (4) To recognize commendatory or outstanding job performance.
 - (5) To identify and lead to correction of work deficiencies.
 - (6) To assign a job performance factor for use in determining the amount of any annual performance-based salary adjustment.
-
- (d) The City Manager will provide performance appraisal forms and designate who will be responsible for preparing and reviewing the appraisal of each employee.
 - (e) An unsatisfactory rating is a basis for removing an employee by reassignment, demotion or separation from the position in which performance is rated unsatisfactory.
 - (f) Employees shall have the right to make a statement to be filed with their Performance Appraisal Report, and to appeal to the Department Head and then to the City Manager, if applicable, if they believe their appraisal to be inaccurate or unjust. The decision of the City Manager shall be final.

5.7 PROMOTIONS

When an employee is promoted to a position in a higher class, the salary will be increased to the minimum rate for the higher class. In the case of overlapping ranges and the employee to be promoted is at or above the minimum of the class to which promoted, the promoted employee's salary will be increased to afford such employee a minimum of a five percent salary increase. Upon promotion, a new six-month probationary period will commence. All accrued compensatory time earned in accordance with FLSA and these Policies shall be paid to the employee upon the promotion.

5.8 REINSTATED AND PART-TIME EMPLOYEES

A reinstated employee will be paid at a salary rate within the approved salary range for the position in which the employee is reinstated. When employment is on a part-time basis, only the proportionate part of the rate for the time actually employed will be paid.

5.9 TRANSFER/DEMOTION

The pay of an employee transferred to another position of the same pay grade shall remain unchanged. A transfer does not change an employee's pay or performance review duties. All accrued compensatory time earned in accordance with FLSA and these Policies shall transfer with the transferring employee.

The pay of an employee demoted to a position in a lower pay range shall be paid at a rate which is within the approved range for the lower position. The rate of pay shall be set by the City Manager, taking into consideration the circumstances surrounding, and the reasons for, the demotion. An employee who has not completed his/her probationary period prior to the demotion will be required to serve a new six-month probationary period. All accrued compensatory time earned in accordance with FLSA and these Policies shall be paid to the employee upon the demotion.

5.10 REALLOCATION DOWNWARD

When an employee's position is reallocated to a class in a lower pay grade, the employee will be appointed to the equivalent level in the lower pay range and shall be permitted to receive merit increases to the maximum of the lower range. If their present salary is above the maximum rate provided for the class to which their position is allocated, they shall be permitted to continue at their current rate of pay but shall not be entitled to any further salary increases as long as they are out of range or their class.

5.11 TIMING OF STATUS CHANGES

When practicable, status changes that affect an employee's pay will take effect at the beginning of a pay period.

5.12 OVERTIME/COMPENSATORY TIME

- (a) As a general rule, the requirement of frequent and considerable overtime services in a department will be considered evidence of under staffing or improper organization and will be subject to review by the City Manager.
- (b) All jobs in the City will be designated appropriately as either non-exempt or exempt from the overtime requirements of the FLSA. Employees in exempt positions are not entitled to overtime pay or compensatory time off.
- (c) For non-exempt employees, the City will pay overtime or provide compensatory time for all hours worked over 40 hours in a work week. Overtime pay is one and a half times an employee's regular rate of pay after 40 hours of work in a workweek. Compensatory time is one and a half hours of time off for each hour worked over 40 hours in a work week. Non-exempt employees should not work over 40 hours in a work week without prior authorization from the Department Head. Non-exempt employees working over 40 hours in a work week without prior authorization are subject to discipline, up to and including dismissal.
- (d) Compensatory time off will be offered in lieu of overtime pay only if the employee agrees on this arrangement prior to the performance of the work. Management may decline an employee request for compensatory time in lieu of overtime pay. Compensatory time off will not interfere with the operational needs of the Department involved. Compensatory time off may not be cumulative beyond thirty (30) days from the time earned without the written approval of the City Manager, who may extend the cumulative period to a maximum of sixty (60) days from the time earned. All employees will be able to take the compensatory time off or receive payment for overtime worked.
- (e) Exceptions for law enforcement and firefighters: At the City Manager's discretion, overtime calculations for law enforcement and firefighters may be calculated differently consistent with the applicable laws and any bargaining agreements.

5.13 AUXILIARY/PART-TIME OFFICERS

Use of part-time officers is authorized at the discretion of the Police Chief and with approval of the City Manager. Full utilization of auxiliary part-time officers will be encouraged wherever possible with such work to be paid at a rate to be set by the City Manager.

5.14 CALLED BACK EMPLOYEES

When an employee is called back to work at a time when the employee was not previously scheduled or otherwise not expected to work, the City will pay the employee an additional amount per hour consisting of a "Call Back Differential" for the hours worked while on the call out. The dollar amount of the Call Back Differential is set by the City Manager. This provision does not apply to scheduled work that takes place after hours or on weekends and holidays.

5.15 ON-CALL TIME

On-call time may be required for some departments or job positions. Each department requiring on-call time will issue policies approved by the City Manager for the administration of on-call time.

5.16 UNIFORM ALLOWANCE

Uniformed members of the City Department may be provided with such uniforms and equipment as approved by the Department Head and City Manager. Plain-clothes Police Officers may be provided an annual clothing allowance.

5.17 DEDUCTIONS ON TERMINATION

On termination of employment the Payroll Accountant will deduct and withhold from the final paycheck of any employee any amount owed to the City in payment for unearned leave, group insurance premiums, un-returned equipment, or any other indebtedness to the City. This deduction shall be made only from any unused vacation or accrued sick leave balances.

5.18 ADMINISTRATIVE RESPONSIBILITY

The City Manager will be responsible for administering the Pay Plan for all positions, for working out arrangements which will ensure an equitable administration of the plan for all affected employees, and for interpreting the application of the plan to payroll issues which are not specifically covered herein by using the principles expressed herein as guides.

SECTION VI LEAVES OF ABSENCE

6.1 EMPLOYMENT

For the purpose of Section VI, the following types of employment are established:

(a) *REGULAR FULL-TIME EMPLOYEES*

Regular full-time employees regularly work full time hours for not less than 50 weeks per year. Vacation, sick leave and holidays will count as time worked for the purpose of defining regular full-time employees.

(b) *REGULAR PART-TIME EMPLOYEES*

Regular part-time employees regularly work less than 30 hours per week for not less than 50 weeks per year. Vacation, sick leave and holidays will count as time worked for the purpose of defining regular part-time employees.

(c) *SEASONAL EMPLOYEES*

Seasonal employees are employed in a job position which is intended to last no more than 4 months in a calendar year, such as job positions needed only during the summer months.

(d) *LEASED OR AGENCY PAID EMPLOYEES*

Leased employees providing services to the City on a permanent full-time basis and are receiving their pay through any agency may, for purposes of benefits set forth in this Personnel Manual be referred to as a "REGULAR EMPLOYEE" and may receive the benefits due a "REGULAR EMPLOYEE" with the exception of retirement benefits.

6.2 ANNUAL LEAVE

Annual Vacation periods with full pay shall be allowed each regular full-time employee on the following basis:

<u>YEARS OF SERVICE</u>	<u>ACCUMULATIVE RATE</u>	<u>WEEKS OF VACATION</u>
From Hire up to 5	.834 days/mo.	2 weeks
After 5 up to 10	1.25 days/mo.	3 weeks
After 10 and up	1.667 days/mo.	4 weeks

(a) An employee begins accumulating vacation leave at the beginning of employment and is eligible to take vacation leave once it is earned. Employees must perform work at least one day in the month in order to accrue vacation for that month.

(b) If a holiday occurs during an employee's scheduled vacation, the employee will not use a vacation day for that day.

- (c) If an employee terminates, except as provided in the last sentence of this paragraph, the employee will receive pay for any earned, unused vacation time. Employees terminated for theft of property or services or internal damage to City property or if the employee leaves the employment of the City without appropriate, prior notification will not be eligible for this benefit.
- (d) An employee who should for any reason take vacation and later terminates before accruing the vacation time will be responsible for reimbursing the City the balance due, either in a cash payment or as a deduction to final payroll check. Unaccrued leave can only be taken with approval of Department Heads.
- (e) Earned vacation may be accumulated up to and not to exceed 240 hours at the end of a calendar year (December 31). Earned vacation in excess of 240 hours at the end of the year will be forfeited.
- (f) The time at which an employee may take his vacation will be determined by the Department Head, with due regard to the wishes of the employee and particular regard for the needs of the service. Vacation leave will be charged for actual hours taken as needed in quarter hour increments.
- (g) Any employee who terminates employment with the City for a period of more than one (1) year and who is subsequently rehired by the City will lose all rights to previously earned longevity, annual leave, sick leave, pay, and non-vested employer retirement contributions.
- (h) Regular part-time employees are entitled to accumulate annual leave based on one hundred sixty (160) hours of time worked being equivalent to one month of employment for leave purposes.
- (i) Under emergency situations, for good cause, and at the discretion of the City Manager, employees may convert a portion of their accrued leave time to a cash payment.
- (j) For exempt employees who are hired as a result of their prior administrative or supervisory experience, the City Manager may allow them to accumulate at a rate based on their prior years of experience.

6.3 SICK LEAVE

All regular full-time employees of the City are eligible for Sick Leave with pay which shall accumulate at the rate of one working day of leave for each full calendar month of employee's service with the City. Any such leave which is not used in any fiscal year may be carried over as accumulated leave for the succeeding years up to a maximum of ninety (90) working days.

- A. An employee may be eligible for sick leave for the following reasons:
 - 1. Personal illness or physical incapacity resulting from causes beyond employee's control

2. Serious illness of a member of the employee's immediate family requiring the employee's personal care and/or attention
 3. Quarantine of an employee by a physician or officer to comply with community health regulations
 4. "Immediate Family" as referred to in this ordinance means:
 - (a) Husband or wife of the employee (as the case may be)
 - (b) Father or mother of either husband or wife
 - (c) Sister or brother of either husband or wife
 - (d) Children or legally adopted children of either husband or wife, or both
 - (e) Any other person whose relationship to the employee is or has been such as to justify the employee's absence providing special approval of the employee's department head is first obtained.
- B. An employee who is unable to report for work due to one of the above reasons will report the reasons for his absence to his Supervisor or someone acting for his Supervisor within two (2) hours from the time he/she is expected to report for work. Sick leave with pay will not be allowed unless such report has been made and the Department Head or his/her alternate has acknowledged the report.
- C. Sick leave with pay in excess of three (3) consecutive working days for reasons of personal illness or injury or serious illness in the employee's immediate family, or sick leave taken at times that provide reasonable cause for documentation (such as recurrent absences on Fridays or Mondays), will be allowed only after presentation of a written certification by a qualified health care provider. Under certain circumstances, the above-mentioned requirement of a health care provider's statement, may be waived by the Department Head.
- D. Bona fide evidence of full justification for every absence receiving benefits must be presented when requested by the Department Head or Supervisor. If an employee accepts benefits based on false evidence, such action must be regarded as a breach of faith on the part of that employee and is justification for disciplinary action.
- E. Absence for a part of a day that is chargeable to sick leave in accordance with these provisions will be charged proportionately in an amount equal to the time taken rounded off to the nearest hour.
- F. An employee who consumes all of the sick leave benefits for which he/she is eligible shall be placed on an inactive employee status without pay, or may be terminated from employment, unless extenuating circumstances justify exceptional action by the City Council.

- G. Any employee whose employment with the City is terminated, except as provided in the last sentence of this paragraph, will be entitled to receive compensation for unused sick leave. The rate of compensation will be 25% of a day's pay for each day of accrued sick leave up to the limit of ninety (90) days. Employees terminated for theft of property or services or intentional damage to City property, or if the employee leaves the employment of the City without appropriate, prior notification will not be eligible for this benefit.
- H. Regular part-time employees are entitled to accumulate sick leave based on one hundred sixty (160) hours of time worked being equivalent to one month of employment for leave purposes.

6.4 COURT DUTY

An employee who has been duly requested to serve on juries, or who has been duly summoned, will be granted permission and time off with pay providing the employee:

- (a) Reports the summons to duty to the Department Head and makes proper advance arrangement for time off.
- (b) Reports number of days and number of hours per day of service required by the court.
- (c) Reports back to work on any such days when he/she shall have been excused by the court in time to work a reasonable portion of the regularly scheduled shift for the City.

6.5 MILITARY DUTY

The City will provide a military leave of absence to employees who must take time off from work to fulfill military obligations, including, but not limited to, leave for Reservists and National Guard members, for training, periods of active military service and funeral honors duty. Employees should provide a copy of military orders to their Department Head as soon as practicable. The City will comply with all laws pertaining to payment of employees while on leave and reemployment of employees upon return from military obligations. No person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or City policy. If you believe that you have been subjected to discrimination, you should contact a Human Resources representative or the City Manager as soon as reasonably possible. For more information in this regard, please review the USERRA informational poster that is posted in the breakroom or available online (currently, <https://www.dol.gov/agencies/vets/programs/userra>).

6.6 BEREAVEMENT LEAVE

All regular full-time employees of the City may be granted paid Bereavement Leave, up to three days, for the death of an employee's immediate family. Additional accrued sick or annual leave up to three (3) days may also be utilized in conjunction with Bereavement Leave with the approval of the Department Head.

Immediate family as referred to in this section means:

- a) Husband or wife of the employee
- b) Father or mother of either husband or wife
- c) Sister or brother of either husband or wife
- d) Children of either husband or wife, or both
- e) Any other person whose relationship to the employee is or has been such as to justify the employee's absence providing special approval of the employee's Department Head is obtained.

6.7 LEAVE OF ABSENCE

A regular employee may be granted leave of absence without pay for a period not to exceed one year for sickness, disability or other good and sufficient reasons which are considered to be in the best interests of the City. Such leave will require the prior approval of the Department Head and the City Manager.

Leave of absence may be granted to a regular employee without limitation as to time to enable him/her to take an exempt position in the city service.

Except under unusual circumstances, voluntary separation from the city service in order to accept employment not in the city service will be considered as insufficient reason for approval of a request for leave of absence without pay. If for any other reason, leave of absence may subsequently be withdrawn and the employee recalled to service. All employees on leave of absence without pay are subject to applicable provisions of this Manual.

During the time that an employee takes leave of absence, he/she will not accumulate additional annual leave or sick leave. However, upon prior approval, and for good cause shown, the City Manager may authorize the employee to receive annual and/or sick leave pay when applicable. The employee shall be responsible for full payment of health insurance including the portion normally paid by the City. Payments to the employee shall not exceed maximum pay out allowable if the employee were to terminate at the time the leave is requested.

6.8 ABSENCE WITHOUT LEAVE

No employee may excuse himself from duty without permission of the employee's supervisor. Absence without leave may be sufficient cause for forfeiture of all rights and privileges earned while employed. An employee who is absent for one or more working days without notice and without sufficient reason may be dismissed from employment.

6.9 FAMILY AND MEDICAL LEAVE ACT

In adherence with the Family and Medical Leave Act, employees are eligible for family and medical leave if they have worked for the City of Gulf Breeze for at least 12 months and have worked at least 1,250 hours during the 12-month period before the leave is to begin.

Eligible employees may take up to 12 weeks of unpaid, job-protected leave in a 12 month period for the birth of a child or placement of a child for adoption or foster care; to bond with a child (leave must be taken within 1 year of the child's birth or placement); to care for the employee's spouse, child, or parent

who has a qualifying serious health condition; for the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; and for qualifying exigencies related to foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a covered serious injury or illness. FMLA leave may be taken intermittently or on a reduced work schedule when required. Any available paid leave must be used concurrently with FMLA leave.

1. *Notice of Leave*

Employees must provide 30 days' advance notice for foreseeable leave. Employees need not share a medical diagnosis when requesting the leave, but must provide sufficient information for the City to determine whether the requested leave qualifies for FMLA protection (for example, that the employee is unable to perform the job duties for an extended time, that a family member cannot perform daily activities, or that hospitalization is necessary). In the case of a medical emergency, leave should be requested as soon as practicable. If an employee's need for leave is due to a planned medical treatment, they must make reasonable efforts to schedule the treatment so as not to unduly disrupt the work of their department.

2. *Certification*

If leave is requested due to an employee's own or family member's serious health condition, the employee must provide medical certification within 15 days (or as soon as practicable) from an appropriate health care provider in accordance with FMLA requirements. Employees may be denied leave if they do not provide satisfactory certification. Periodic medical recertifications may be required. If a certification is incomplete, a written notice will be provided indicating the additional information needed. If leave is for military exigency leave, employees will be required to submit appropriate paperwork.

3. *Employer Responsibilities*

The City will provide appropriate eligibility notices and notice of rights and responsibilities upon request for leave that may qualify under the FMLA. Employees will be informed whether leave is designated as FMLA leave, and, if so, how much leave will be designated as FMLA leave. No interference or retaliation related to FMLA leave will be allowed. If you feel that your rights under the FMLA have been interfered with or that you have been retaliated against for using FMLA leave, you should report this immediately, or as soon as reasonably possible, to your supervisor, Human Resources representative, or other appropriate person in management.

4. *Returning to Work*

If the leave is due to the employee's own medical condition, employees are required to provide medical certification that they are able to resume work before returning. Both employees and employee's health care provider must complete a Return to Work Medical Certification.

Upon returning to work, employees will ordinarily be entitled to be restored to their former position or to an equivalent position with the same employment benefits and pay if possible. If employees do not return to work at the end of the leave and do not notify City of their status, they may be terminated.

5. *Benefits During Leave*

Taking family and medical leave will not cause an employee to lose any employment benefits accrued prior to the first day of leave. The leave period will be treated as continued service for purposes of determining vesting and eligibility to participate in any retirement plan in effect. However, employees on FMLA leave normally will not accrue any other additional benefits during the leave period, unless it is paid leave under which benefits would otherwise accrue.

The City will maintain employees' insurance benefits while they are on leave, although they may be required to pay their portion of the premium. However, if they do not return to work after the leave, they may be asked to reimburse the City of Gulf Breeze for the cost of maintaining insurance coverage during the leave. This provision will not apply in cases where employee's inability to return is through no fault of their own -- for example, at the end of leave they remain physically unable to return due to their serious health condition.

6. *Misrepresenting Reasons for Leave*

If an employee intentionally misrepresents the reasons for requesting family and medical leave, they may be disciplined, up to and including dismissal from employment.

6.10 DOMESTIC AND SEXUAL VIOLENCE LEAVE

Employees who have been employed for at least three months are eligible for domestic violence and sexual violence leave. Eligible employees may take up to three unpaid days off in any twelve-month period if the employee or a family or household member of the employee is the victim of domestic violence or sexual violence and the employee uses the leave to:

- (1) Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- (2) Obtain medical care or mental health counseling, or both, for the employee or family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;
- (3) Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or rape crisis center as a result of the act of domestic violence or sexual violence;
- (4) Make the employee's home secure from the perpetrator of domestic violence or sexual violence or to seek new housing to escape the perpetrator; or
- (5) Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

Except in cases of imminent danger to the health or safety of the employee or to the health or safety of a family or household member, an employee seeking leave under this policy must provide appropriate advance notice to their Department Head. The employee may also be required to provide sufficient documentation of the act of domestic violence or sexual violence. Information provided by the employee in connection with the request for leave will be kept confidential and will be revealed only on a "need to know" basis. To the extent applicable, leave taken under the FMLA will run concurrently with leave taken under this policy.

6.11 HOLIDAYS

All Full-Time employees will be entitled to the following holidays:

New Year's Day	Veteran's Day
Good Friday	Thanksgiving Day (Thursday)
Memorial Day	Day after Thanksgiving (Friday)
Independence Day	Christmas Day
Labor Day	Two (2) Floating Days

The floating holidays may be designated by the City Manager. Floating holidays must be taken as full days off.

- 1) Holidays falling on Saturday will be observed on the preceding Friday, and when on Sunday, the following Monday will be used.
- 2) In order to receive holiday pay, an employee must work at least one day following the holiday, where such work day does not need to be immediately following the holiday.
- 3) Whenever it is necessary to work a holiday, the employee will be compensated by straight time payment for the holiday in addition to regular payment for working.
- 4) With respect to those employees scheduled to work on a holiday, employees working over eight (8) hours on an eight (8) hour shift and over ten (10) hours on a ten (10) hour shift will be compensated at 1½ times the regular pay for those hours worked longer than the scheduled shift. Employees classified as "exempt" from overtime requirements of the Fair Labor Standards Act will not be entitled to additional compensation for working over eight (8) or ten (10) hours on a holiday.
- 5) To be eligible for 2 floating holidays you must be a full-time employee prior to January 1st. Employees becoming full-time after January 1st but before June 1st will be eligible for one floating holiday that year. Any one becoming a full-time employee after June 1st will not be eligible for floating holidays until after January 1st of the following year.
- 6) Part-time and seasonal employees are not eligible for Holiday Pay, in any instance.

SECTION VII ADDITIONAL EMPLOYEE BENEFITS

7.1 GROUP INSURANCE PLANS

The City of Gulf Breeze offers eligible employees the opportunity to participate in group insurance plans. These plans are subject to change, but may include a health insurance plan, life insurance, vision, dental, and/or disability insurance. The City Manager will distribute information on these plans in a timely manner so that employees may make informed decisions as to their participation in these benefits. Eligibility for particular plans will be dependent on the terms of each such plan. Generally, plans are available to regular full-time employees of the City, including applicable dependent coverage for such employees. Coverage may also be provided for former regular full-time employees of the City who were members of the city's pension or deferred compensation plans; and surviving spouses or eligible dependents of any employee or former employee eligible to receive retirement benefits when the deceased employee was enrolled in an applicable plan prior to their last day of active service.

7.2 RETIREMENT PLAN AND SOCIAL SECURITY

The City participates in the Florida State Retirement System (FRS) on behalf of all eligible employees in the employment of the City prior to January 1, 1996. Employees hired subsequent to January 1, 1996, will participate in a defined contribution plan for general employees and a defined benefit plan for special risk employees separate from the FRS.

7.3 BENEFITS CONTINUATION

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Gulf Breeze's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City of Gulf Breeze's group rates plus an administration fee. The City of Gulf Breeze provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City of Gulf Breeze's health insurance plan. The notice contains important information about the employee's rights and obligations.

7.4 DEFERRED COMPENSATION PLAN

Employees may be eligible to participate in a Deferred Compensation Plan. For questions as to eligibility and plan requirements, please contact a Human Resources representative.

7.5 TRAINING

The City Manager will be responsible for developing in-service training program for employees of the City, for establishing in-service training courses, investigating outside training programs, and making recommendations to the City Council on whether the City should contribute to the cost of such training.

7.6 EDUCATION REIMBURSEMENT PLAN

When funds are available, the City provides for the full or partial reimbursement of tuition and textbook expenses under the following guidelines:

A. *Full-Time Employees*

1. Prior Department Head approval
2. Proof of a passing grade
3. Paid receipt provided
4. Employee has not been reimbursed for the class and/or books by any other source. Dual submission of reimbursement from the City and some other source is grounds for dismissal.
5. The class is for the mutual benefit of the employee and the City, enhancing the employee's technical, managerial or leadership skills related to their work.

Generally, the City's reimbursement will be made after completion of the class and proof of a passing grade for the course. Any requests for an advance payment of expenses must have approval of the Department Director and the City Manager and will be considered for full-time employees only. Advanced funds must be returned in full to the City if the employee does not complete the class or receive a passing grade. If the employee terminates employment with the City during or within six (6) months after completion of a class, the employee shall be responsible for reimbursing the City in full for tuition and books funded by the City during the preceding six (6) months. The reimbursement shall be by either a cash payment or a payroll deduction from final payroll check(s) or a reimbursement plan as approved by the City Manager.

B. *Part-Time Employees*

Regular part-time employees of the City who maintain a full course load (at least 12 credit hours per semester) at the University of West Florida, Pensacola State College, or other approved accredited college may be entitled to a reimbursement of up to \$200.00 per semester subject to:

1. Prior Department Head approval
2. Proof of a semester grade point average of a 2.0 ("C") or better
3. Paid receipt provided
4. Employee must be employed by the City at the time of the reimbursement.

7.7 WORKER'S COMPENSATION

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

The following procedures must be followed for each incident involving bodily injury sustained on the job by a City employee.

- 1) If employee is injured and requires immediate emergency treatment, call an ambulance (911) or transport employee to Gulf Breeze Hospital Emergency Room immediately.
 - a) Department Head should be informed as quickly as possible, and if Department Head is not available, the City's Human Resources representative should be informed.
- 2) Any injury is to be immediately, or as soon as reasonably practicable, reported to Supervisor, who will ensure Department Director is also informed.
- 3) Notice of Injury form must be completed whether employee receives medical attention or not. Notice of Injury must be forwarded to the Administrative Services Director immediately.
- 4) If employee needs medical attention other than immediate emergency treatment, the employee must request the care and must be seen at authorized Worker's Comp provider. (Notice of this location is posted and available for all employees' information).
 - a) Employee must take the Worker's Compensation Medical Report Form with them to this visit. (This form is readily available to all supervisors and/or Department Heads).
 - b) The authorized healthcare provider will determine the need for further examination or treatment, the extent to which the employee is able to work, and the need for loss of time from work for treatment, rest, hospital care, or a combination of the aforementioned.
- 5) If the employee is unable to return to normal duty due to physical limitations set forth by their healthcare provider, the City will make reasonable efforts to place the employee in another available position within the City of Gulf Breeze that accommodates their restrictions.

Workers' Compensation claims will be processed and administered by the City's Workers' Compensation insurance carrier.

To the extent consistent with the law, compensation will be paid from the commencement of the disability. The injured employee may be paid 100% salary up to ninety (90) days, without using accumulated leave. During this ninety (90) day period, funds the employee receives from workers' compensation will be deducted from the employee's compensation, as applicable. The ninety (90) day period of leave under worker's compensation will typically also qualify as concurrent leave under the Family and Medical Leave Act.

After the ninety (90) days, an employee may choose to use accumulated personal time off (PTO) leave. Beginning on day 91, an employee who remains off work due to a job-related injury/illness and who elects to take accumulated PTO may receive regular pay for the leave in addition to worker's compensation benefits.

At the end of the ninety (90) days of lost time for an on-the-job injury and when no other leave is available, the employee must return to full active duty or be placed in another available position within the City.

After ninety (90) days of on the job injury leave, expiration of the Family Medical Leave (which runs concurrent), and the expiration of accumulated personal time off, if the employee is unable to return to perform the essential functions of the job or if no accommodation can be made for physical restrictions, his/her employment may be terminated.

SECTION VIII EQUAL EMPLOYMENT OPPORTUNITY, HARASSMENT, AND NON-FRATERNIZATION POLICIES

8.1 EQUAL EMPLOYMENT OPPORTUNITY

All employment decisions will be made without regard to sex, race, color, religion, national origin, ancestry, citizenship, pregnancy, age, physical or mental disability, military status and/or any other protected status, classification or factor, in accordance with the requirements of all applicable federal, state and local laws. This policy applies to all aspects of the employment process including, but not limited to, hiring, assignment, promotion, evaluation, compensation decisions and separation decisions. It is expected that all individuals will avoid any behavior, action, decision and/or conduct that is inconsistent with this policy.

8.2 NO HARASSMENT

The work environment will be free from harassment based on or because of sex, race, color, religion, national origin, ancestry, citizenship, pregnancy, age, physical or mental disability, military status and/or any other basis protected by applicable federal, state, or local law.

Prohibited sexual harassment can include, but is not limited to:

- unwelcome sexual advances, propositions or statements;
- physical conduct such as touching, or impeding or blocking movements;
- verbal conduct such as making or using derogatory comments, explicit jokes, or comments about a person's body or dress;
- making inappropriate gestures;
- displaying sexually suggestive objects, pictures, cartoons, etc.; and/or
- any other visual, verbal, or physical conduct of a sexual nature by any employee, supervisor, manager or other person.

Harassment based on other protected characteristics that would make a reasonable person experiencing the conduct feel uncomfortable in the work environment, or would interfere with the person's job performance or ability to do the job – whether based on or because of race, color, national origin, ancestry, religion, physical or mental disability, age or military status – is also prohibited by our policies.

Sexual and all other forms of harassment are prohibited whether the conduct or behavior involves or constitutes harassment by a co-worker, harassment by a manager, or harassment by persons doing business with or for the City.

8.3 NO RETALIATION

The City will not tolerate any form of retaliation against any employee for making a good faith report or complaint of harassment or discrimination; for cooperating in a harassment or discrimination investigation; or for participating in any aspect of the EEO enforcement process. An employee who makes a report maliciously or in bad faith may be subject to discipline.

8.4 HOW TO REPORT CONCERNS OR VIOLATIONS

Any employee who believes he or she is being subjected to prohibited discrimination, harassment or retaliation by a co-worker, manager or any other individual (whether or not the individual is employed by the City), or any employee who believes he or she has witnessed or learned about such conduct, should inform their supervisor, Department Head, Human Resources representative, or City Manager. If an employee reporting a concern or violation to one of these listed individuals believes that the employee did not receive a proper or prompt response, the employee should inform another of the listed individuals.

A complaint concerning the City Manager should be directed to the Mayor.

A complaint concerning a City Council member should be directed to the Office of the Attorney General for the State of Florida.

8.5 INVESTIGATIONS

Concerns and complaints will be promptly investigated. All employees are expected to fully cooperate with any investigation. Depending on the circumstances, an investigation may require that the person making the report or potential witnesses provide written statements or other appropriate information. Investigations will be conducted on a “need to know” basis, but due to the nature of some investigations, absolute confidentiality cannot be guaranteed. The City will follow public records laws regarding complaints and investigations, which law includes that records of equal opportunity complaints are not available for disclosure as public records until the investigation has been completed.

8.6 COMPLETION OF INVESTIGATION

Upon completion of an investigation, the employee reporting the concern or violation will be informed of the conclusion of the investigation, and to the extent appropriate, the nature of the resolution of the investigation.

8.7 RECORDS OF INVESTIGATION AND DISPOSITION

Only substantiated findings of discrimination, harassment, or retaliation shall be placed in an employee’s personnel file. An accused employee shall be afforded the right to place a rebuttal of the findings in his/her personnel file or any other records retained by the City regarding the investigation and disposition of a complaint of harassment, discrimination, or retaliation.

8.8 ADDITIONAL REPORTING OPTIONS

Nothing in this policy prohibits an employee from filing a complaint in any other lawful manner, including with the Florida Commission on Human Relations or other appropriate government agency. Nothing in this policy is intended to supersede or conflict with any applicable laws such as the collective bargaining agreements or the Police Officer’s or Firefighters’ Bill of Rights.

8.9 NON-FRATERNIZATION POLICY

All supervisors and department heads are prohibited from dating any employee under his or her supervision. Such relationships can be disruptive to the work environment, create a conflict or the

appearance of a conflict of interest, and lead to charges of favoritism, discrimination, and sexual harassment. Accordingly, the City of Gulf Breeze strictly prohibits supervisory personnel from dating or engaging in romantic or sexual relationships with personnel under their supervision. Any relationship must be disclosed so immediate steps can be taken to resolve the conflict with this policy.

The terms dating and romantic relationship, as used in this non-fraternization policy, include but are not limited to casual dating, serious dating, casual sexual involvement where the parties have no intention of carrying on a long-term relationship, cohabitation, and any other conduct or behavior normally associated with romantic or sexual relationships.

This non-fraternization policy is not intended to discourage friendship between co-workers or between supervisory and non-supervisory personnel. This non-fraternization policy shall be implemented in a nondiscriminatory manner and the City shall take such steps necessary to avoid disparate impact on either sex. This non-fraternization policy applies only to consensual romantic or sexual relationships between employees. Unwanted sexual attention (including physical contact) and sexually oriented behavior with the purpose or effect of creating an offensive environment is strictly prohibited as discussed in this section.

SECTION IX SEPARATION OF EMPLOYMENT

9.1 TYPES OF SEPARATION

DISMISSAL:

Any involuntary separation from employment

SUSPENSION:

Involuntary separation during a limited period for disciplinary purposes

RESIGNATION:

Voluntary separation

LAYOFF:

Involuntary separation through no fault of the employee, as by reason of lack of funds, changes in organization, completion of temporary or restricted employment, and without adverse effect on the employee's eligibility of further employment.

RETIREMENT:

Voluntary or involuntary separation as administered through the Retirement Plan in force.

DEATH

9.2 DISMISSAL

The termination of the services of an employee shall be termed a dismissal when, in the opinion of the City Manager, the employee fails to render satisfactory services for any of the reasons given in and pursuant to the procedure detailed in Section 10 of this manual.

9.3 SUSPENSION

The City Manager may suspend without pay for a period of time deemed appropriate, but not to exceed twenty-one (21) days in any twelve (12) month period as provided in Section 10 of this manual.

9.4 RESIGNATION

An employee may voluntarily resign employment with the City.

9.5 LAYOFF PROTOCOL

A layoff may become necessary due to a shortage of funds, material changes in duties, or organization for purposes of the economy or efficiency, lack of work, or abolishment of positions. The order of layoff is hereby declared to be as follows:

- (a) The order of the layoff will be inverse to the relative value of the employees to the City as determined by the City Manager.

- (b) No permanent employee will be laid off from any position while any temporary employee is continued in a position of the same class.
- (c) Each employee laid off shall be given a written notice. Whenever practicable, this notice should be given at least three (3) days prior to the effective date, and should include the reasons for the layoff, the effective date, and any other information deemed necessary by the City Manager.

9.6 RETIREMENT

Employees eligible for retirement under the Retirement Plan in effect may terminate their employment by providing notice of retirement.

SECTION X DISCIPLINE

10.1 SUSPENSIONS

The City Manager may, at his/her own initiative or upon the written recommendation of a Department Head, suspend an employee without pay for disciplinary purposes for such length of time as the City Manager considers appropriate, but not to exceed twenty-one (21) days in any twelve (12) month period. A written statement of the reason for suspension shall be submitted to the Department Head and to the employee affected in each case, such statement to be submitted within forty-eight (48) hours of the time the unpaid suspension becomes effective, excluding Saturdays, Sundays, or general holidays as provided by rules or by City Council authorization.

10.2 DEMOTIONS

- (1) The City Manager may, when it has been determined that an employee is unable to satisfactorily perform the duties of the position in which he/she is employed, authorize demotion of that employee to a position having duties which the employee can successfully perform and which is in a class with lower compensation. The employee affected will retain status in the new class. A written statement of the reason for demotion will be given to the employee by the City Manager. The employee will have the right of appeal as outlined in Section 10.5 of these rules.

- (2) An employee may be demoted at his/her own written request to a vacant position in a lower class, subject to the approval of their department head and the City Manager. The City Manager will determine whether the employee is qualified to perform the duties and responsibilities of the lower job class.

10.3 DISMISSALS

Any employee may be dismissed by the City Manager for cause in accordance with the procedures outlines in Sections 10.4 and 10.5 of these rules.

10.4 CAUSES FOR SUSPENSION, DEMOTION OR DISMISSAL

Although suspension, demotion or dismissal may be based on other causes, any one or more of the following will be sufficient:

- (a) has been convicted of a felony, or of a misdemeanor involving turpitude.

- (b) is a member of a subversive organization, or knowingly or willfully violates the laws of the United States, the State of Florida, the Ordinances of any City, or any Department rules and regulations.

- (c) willfully, wantonly, unreasonably, unnecessarily, or through culpable negligence has been guilty of brutality or cruelty to an inmate or prisoner or to a person in custody provided the act committed was not necessarily or lawfully done in self-defense, or to

protect the lives of others, or to defend, or to protect the lives of others, or to prevent the escape of a person lawfully in custody

- (d) violates any of the provisions or regulations of this Manual
- (e) is offensive in his/her conduct or language in public, or toward the public, City Officials, or fellow employees, either on or off duty
- (f) violates any lawful official regulation or order, or fails to obey any proper direction made and given by a superior officer
- (g) violates the drug or alcohol policy
- (h) is unable to perform the essential functions of the job with or without reasonable accommodation
- (i) is incompetent or inefficient in the performance of the duties of his/her position
- (j) is careless or negligent with the monies or other property of the City or takes any property of the City for his/her own personal use or for sale or gift to others
- (k) fails to pay or make reasonable provisions for future payment of his/her debts or to provide for proper family support and to pay his/her just financial obligations
- (l) has used or threatened to use, or attempted to use personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or in any manner related to his/her work
- (m) induces, or has attempted to induce, an officer or employee in the service of the City to commit an unlawful act or to act in violation of any lawful or official regulation or order
- (n) takes for his/her personal use from any person, any fee, gift, or other valuable thing in the course of his/her work or in connection with it, when such a gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons, nor will he/she accept any bribe, gift, token, monies, or other things of value intended as an inducement to perform or refrain from performing any official act, nor will he/she engage in any action of extortion or other means of obtaining money or other things of value, through his/her job position
- (o) speaks disrespectfully, publicly criticizes, or maliciously ridicules any official or employee of any Department of the City, Judges, Justices, or any other Officer of any court
- (p) excessive absenteeism or tardiness
- (q) being absent without leave or failing to report after leave of absence has expired
- (r) failure to notify the Department Head and personnel director within one working day of suspension or revocation of valid operator or chauffeur license (applies only to

employees whose job requires valid operator or chauffeur license), or continuing to drive a City vehicle without a valid license

- (s) Making a false statement of a material fact or practicing or attempting to practice any fraud or deception in an attempt to secure any job-related benefits as set forth in any ordinance, the City Charter, or the Code of Ordinances of the City, or the Statutes of the State of Florida
- (t) Any other just cause. For purposes of the Section X “just cause” shall mean cause based upon reasonable grounds governed by good faith.

10.5 DISCIPLINARY PROCEDURE

Dismissal, Unpaid Suspension or Demotion of City Employees:

A. Probationary Employees

Employees in their probationary period may be dismissed at any time with or without cause and without any internal appeal process.

B. Immediate Dismissal or Unpaid Suspension

1. The City Manager may determine that immediate dismissal or unpaid suspension is appropriate to avoid damage to City property; to avoid injury to persons; or to otherwise protect the interests of the City. In such cases, the Department Head or other appropriate supervisor shall document in writing the reasons for the disciplinary action, and the City Manager may undertake further inquiry as necessary prior to making a decision.
2. Employees not in their probationary period who have been immediately dismissed or suspended without pay by the City Manager are entitled to:
 - (1) Prompt, written notice of the action and the facts upon which such action was based.
 - (2) If requested by the employee within five (5) days of commencement of suspension or dismissal, an evidentiary hearing before the City Manager or his/her designee within fifteen (15) days after the commencement of such dismissal or suspension, at which evidentiary hearing the employee may present witnesses and evidence on his/her behalf.
 - (3) A written decision within five (5) days of such evidentiary hearing.
3. If for any reason the aforementioned evidentiary hearing is not held, including but not limited to the injury or illness of the employee, or illness of any member of such employee's family, the failure of the employee to appear for the evidentiary hearing, the employee being AWOL, or a request for an extension of

time by the employee or his/her attorney or authorized representative, the decision of dismissal shall be final and the hearing not rescheduled.

C. Dismissal, Unpaid Suspension, or Demotion with Notice

If the circumstances do not warrant immediate dismissal or unpaid suspension, the following procedures will be followed:

1. The Department Head will conduct such interviews and gather information as may be appropriate.

It is not required that a hearing with the employee be held by the Department Head; rather, it is expected that the Department Head will hold a hearing only when there is sufficient doubt as to whether or not the employee violated the Rules or Regulations upon which disciplinary recommendations will be based. The Police Chief will hold such hearings required by the provisions of the Police Officers Bill of Rights.

In considering his/her final recommendation, the Department Head may take into account all prior disciplinary action of the subject employee and the employee's employment record, and if such disciplinary actions or record entered into the recommendation of the Department Head, he/she will so indicate in his/her written summary to the City Manager.

The Department Head will prepare a written summary of the facts, evidence, and documents upon which his final decision was based, including a summary of any statements given. Said summary will further set forth the final disciplinary recommendation of the Department Head. Such written summary, together with notice of the action sought, the employee's comments and affidavits (if any), and any writings or documentation upon which the recommendation is based, will be forwarded to the City Manager for action.

2. The City Manager will furnish to the subject employee written notice of the recommendation for dismissal, suspension, or demotion at least ten (10) working days prior to such contemplated action and will further furnish, at the same time, a summary of facts upon which the contemplated action is based. Such notice will either be hand-delivered or, if the employee is not working, sent by certified mail and by email address, if known. In that letter, the employee will be notified that he/she has five (5) working days from the date of such written notice within which to file with the City Manager a written response (which may include a request for a hearing), with affidavits if desired.

3. If no written response is received from the employee within the five (5) day period, the employee shall be deemed to have accepted the facts upon which the contemplated disciplinary action is based. It will be the responsibility of the employee to request the aforementioned hearing with the City Manager, and if the employee does not request the same, he/she will be deemed to have waived such hearing.

4. Upon request of the employee, the City Manager or the Department Head shall make available to the subject employee during the aforesaid five (5) day period any files, correspondence, memoranda or other written documents upon which his/her contemplated disciplinary recommendations will be based.
5. If a written response is received from the employee within the aforementioned five (5) day period, the City Manager or his designated representative shall arrange for a hearing (if requested) with the subject employee with regard to the facts relating to the contemplated disciplinary action. The Department Head or other individuals may be requested to attend such oral interview. The interview will be recorded and transcribed for the City's records.
6. If after such hearing has been scheduled, the hearing is not held for any reason including, but not limited to, the injury or illness of the employee, or any member of such employee's family, the failure of the employee to appear for such interview, the employee being AWOL, a request for extension of time by the employee or his/her attorney or authorized representative, the City Manager may proceed to make his/her final decision in the matter.
7. Based upon all information received, the City Manager will make a decision in the matter and determine appropriate disciplinary action. The employment action contemplated will take effect promptly. No pending appeal for review with the Disciplinary Review Board will stop the employment action from moving forward.
8. If the employee disagrees with the decision of the City Manager, the employee may request a review of the City Manager's decision by a Disciplinary Review Board. The decision of the City Manager may be overturned by the Disciplinary Review Board only upon clear and convincing evidence that the City Manager did not have just cause (defined in Section 10.4(v)) for the decision. The burden of proving that there was not just cause, which must be demonstrated by clear and convincing evidence, shall be upon the employee. The determination of the Disciplinary Review Board shall be final and there shall be no basis for further appeal or redress of the disciplinary action.

The Disciplinary Review Board shall be comprised of five members. The members shall be appointed on a case by case basis at the time the employee requests a review of the City Manager's decision. Two members of the Disciplinary Review Board shall be Department Heads appointed by the City Manager (neither of whom shall be the Department Head, if any, who initiated the employment actions contemplated). The two Department Heads shall be appointed by the City Manager within ten working days of the City Manager's receipt of the employee's request to have a Disciplinary Review Board review the City Manager's decision. The employee shall appoint two members to the Disciplinary Review Board who must both be full-time employees of the City. The appointments made by the employee shall be in writing and delivered to the City Manager within fourteen days of the employee's request for a review by a Disciplinary Review Board of the City Manager's decision. If the employee fails to make any appointment in writing

and within the time provided, it shall be deemed that the employee has waived his or her right to make appointments to the Disciplinary Review Board. Members of the Disciplinary Review Board appointed pursuant to this paragraph will then select an additional member to serve on the Disciplinary Review Board. Such additional member must be a Department Head and shall preside over all proceedings pertaining to the City Manager's decision. In the interest of due process, individuals with a conflict of interest, such as family members of the subject employee or of the Department Head recommending the employment action at issue, or individuals reasonably expected to have testimony that is material to the hearing, may not serve as members of the Disciplinary Review Board.

It is anticipated, and the members of the Disciplinary Review Board shall endeavor, to hold a hearing for purposes of reviewing the City Manager's decision within thirty days of the appointment of the presiding member. It is recognized that time constraints, scheduling difficulties, conflicts, Board members' primary employment duties, witnesses' schedules, and the need to prepare for the hearing amongst other reasons may reasonably cause the hearing to be continued or scheduled beyond the aforesaid thirty-day time period. It is therefore recognized that the thirty-day time period is merely a guideline and shall not be binding, confer any rights or impose any obligations upon any interested persons, specifically including the employee requesting the review.

In accordance with applicable government in the sunshine laws, hearings will be properly noticed and open to the public. The hearing shall be informal and guided only by minimum due process requirements. The Disciplinary Review Board shall not have the authority to modify or alter the extent of discipline or action reflected in the City manager's decision. Rather, the sole function of the Disciplinary Review Board is to determine whether, on the basis of the evidence presented during the hearing, it has been clearly and convincingly demonstrated that there was not just cause for the City Manager's decision. In other words, it must be demonstrated that the City Manager's decision was unreasonable and/or made in bad faith. If it is demonstrated by clear and convincing evidence that the City Manager did not have just cause, the decision shall be overturned. Otherwise, the City Manager's decisions must be upheld. The standard and burden of proof for reversal of the City Manager's decision is intentionally established at a high level and is intended to provide the mere assurance that the City Manager's decisions were not arbitrary and capricious.

D. Dismissal or Unpaid Suspension of Non-Probationary Employees Other than Regular Full-Time Employees:

The procedures for the dismissal, unpaid suspension, or demotion of non-probationary employees who are not regular full-time employees is the same as outlined above with the exception that the request for a hearing with the City Manager or designee will not toll or suspend the ability of the City Manager to dismiss, suspend or demote such employee. Further, the City Manager may immediately suspend any temporary, part-time and probationary employee, but

during the period of such suspension, the procedures set forth in part C of this section shall nevertheless be applicable. If, as a result of the hearing and/or a review of other information subsequently provided, the City Manager rescinds the disciplinary action, any lost pay will be reimbursed and the employee's attendance records will be revised to leave with pay.

SECTION XI DRUG AND ALCOHOL FREE WORKPLACE

11.1 POLICY STATEMENT

- A. It is the policy of the City of Gulf Breeze ("the City") to provide and maintain a drug and alcohol-free working environment for all employees. Through the establishment of a Drug-Free Workplace Program, the City will:
- (a) Protect the health of its employees;
 - (b) Ensure the City's reputation for honesty and integrity with employees and the public;
 - (c) Protect the confidentiality and quality of its services;
 - (d) Reduce absenteeism and tardiness; and
 - (e) Reduce the number of incidents of accidental injury to person or property.
- B. The City prohibits the unlawful manufacture, distribution, dispensing, possession, or use of drugs, alcohol, or other controlled substances on City property and any City job sites. Activity that compromises the integrity or accuracy of the City's Drug-Free Workplace Program, any failure or refusal to abide by this policy, and/or conviction under any criminal drug statute, may result in termination of employment.
- C. Employees are expected to report to work in a condition fit to perform their duties. Individuals under the influence of drugs, alcohol, or any other controlled substance while on the job are in violation of the City Policy.
- D. Any employee whose off-duty abuse of alcohol, drugs or a controlled substance contributes to excessive absenteeism, tardiness, accidents, poor job performance or jeopardizes the safety of other employees or the public, is showing proper cause for disciplinary action up to and including termination of employment.
- E. Employees taking any medication or drug that has the potential to impair their ability to safely perform their job must inform their supervisor or Human Resources representative. The City may require the employee to provide medical documentation clearing the employee to work safely while taking such medication or drug, or may temporarily adjust working tasks to ensure the safety of employees and the public.
- F. The City's drug and alcohol policy and procedures are designed to comply with the Florida Drug Free Workplace Act, Florida Statutes Section 112.0455. Additional or different requirements will apply to employees in job positions subject to the Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT), or other regulations specific to those job functions.

11.2 GENERAL DESCRIPTION OF DRUG AND ALCOHOL FREE POLICY

- A. The City of Gulf Breeze strives to provide a safe work environment, and therefore considers substance abuse as a serious threat to our staff and the public. For more details, employees should review the full text of the City of Gulf Breeze Drug Free Workplace Policy, which is provided to all employees upon hiring, and to FL Statute 112.0455.
- B. The following words and terms shall have the meaning indicated below:

- “Drug” means alcohol, including distilled spirits, wine, beer, malt beverages, and intoxicating liquors; amphetamines (speed, methamphetamine, dexedrine, uppers, crank, etc.); cannabinoids (marijuana, pot, THC, grass, weed, etc.); cocaine (coke, crack, rock, blow, etc.); phencyclidine (PCP, angel dust, etc.); hallucinogens (LSD, etc.); methaqualone (Quaaludes etc.); opiates (heroin, oxycodone, morphine, etc.); barbiturates (phenobarbital, downers, etc.); benzodiazepines (Valium, Xanax, Ativan, etc.); synthetic narcotics (methadone, propoxyphene, etc.); designer drugs; or a metabolite of any of the substances listed herein.
- “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.
- “Random testing” means a drug test conducted on employees who are selected through the use of a computer-generated random sample of employees.
- “Reasonable suspicion drug testing” means drug testing based on a belief that an employee is using or has used drugs in violation of the employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing may not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:
 - Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
 - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
 - Evidence that an individual has tampered with a drug test during employment with the current employer.
 - Information that an employee has caused, or contributed to, an accident while at work.
 - Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.
- “Routine fitness for duty” means an employer may require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer’s established policy or that is scheduled routinely for all members of an employment classification or group.

- “Pre-employment testing” or “job applicant testing” means an employer may require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.
 - “Post-accident testing” means drug and alcohol test may be required after various car and automobile crashes.
 - “Follow-up testing” or “return to duty testing” means if the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employer may require the employee to submit to a drug test as a follow-up to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.
- C. The City’s drug testing program generally includes pre-employment, random, reasonable suspicion, post-accident, routine fitness for duty, and follow-up testing.
- D. The following may subject an employee to discipline, up to and including termination from employment:
- a positive drug test, including failing to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation;
 - refusing to submit to a drug test or leaving the collection site prior to the conclusion of the testing;
 - unreasonably delaying the taking of a drug test; or
 - attempting to tamper with, alter or interfere with the results of a drug test
- E. Prior to and after the drug test, employees will have the opportunity to confidentially report the use of prescription or nonprescription medications to the Medical Review Officer. Additionally, the City maintains a list of common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test developed by the Agency for Health Care Administration. Employees may consult the testing laboratory for technical information regarding prescription and nonprescription medication.
- F. When a drug test is positive, the employee or applicant may contest or explain the result to the City within 5 working days after written notification of the positive test result. If the explanation or contest provided is not sufficient for the City, the employee may have remedies available under Florida Statute Section 112.0455. Employees or job applicants have a responsibility to notify the testing laboratory if they initiate any administrative or civil action brought under Section 112.0455. Employees subject to a collective bargaining agreement or other contract should consult such contract.
- G. The City’s Human Resources department maintains a current list of available employee assistance programs or local alcohol and drug rehabilitation programs.
- H. The City’s drug testing policy is designed to maintain confidentiality to the extent allowable under the law.

11.3 PIPELINE AND HAZARDOUS MATERIAL SAFETY ADMINISTRATION (PHMSA) EMPLOYEES

PHMSA specific employees are subject to federal standards that general employees are not. Therefore, in accordance with aforementioned federal regulations, the City has established a policy applying to all PHMSA employees. One should refer to the full text of the PHMSA Drug Free Drug and Alcohol policy for a more in-depth explanation of the rules and regulations, provided to all employees upon hiring.

- A. Covered employees include any person who performs on a pipeline or liquefied natural gas (LNG) facility on operation, maintenance or emergency response function.
- B. Types of drug tests include pre-employment, random, reasonable cause, post-accident, return to duty and follow up. Types of test for alcohol include post- accident, reasonable suspicion, return to duty, and follow up.
- C. An accident that requires testing is one that involves a gas pipeline facility or LNG facility or hazardous liquid or a carbon dioxide pipeline facility.
- D. Testing on the basis of reasonable suspicion is when a trained supervisor makes the decision to test based on signs and symptoms.
- E. Testing on the on the basis of reasonable cause is when a trained supervisor can make the decisions to test based upon reasonable and articulable belief that the employee is using prohibited drugs on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use.
- F. Employees under this category are not allowed to use alcohol up to four (4) hours prior to the performance of duty.
- G. If the employer chooses to return the employee to covered service within eight (8) hours, the blood alcohol content (BAC) retest must be below 0.02.

11.4 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) EMPLOYEES

FMCSA specific employees are subject to federal standards that general employees and PHMSA are not. Therefore, in accordance with aforementioned federal regulations, the City has established a policy applying to all FMCSA employees. One should refer to the full text of the FMCSA Drug Free Drug and Alcohol policy for a more in-depth explanation of the rules and regulations, provided to all employees upon hiring.

- A. Covered employees include anyone who operates (drives) a Commercial Motor Vehicle (CMV) with a gross vehicle weight rating (GVWR) of 26,001 or more pounds; or is designated to transport 16 or more occupants (including the driver); or is of any size and is used in the transport of hazardous materials that require the vehicle to be placated.
- B. Type of drug tests include pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up.

- C. Types of alcohol tests include pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up.
- D. Any accident involving a fatality requires testing. Testing is also required in accidents in which one or more motor vehicles are towed from the scene or in which someone is treated medically away from the scene; and a citation is issued to the CMV driver.
- E. A trained supervisor has the authority to make the decision to test on the basis of reasonable suspicion based on scientific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.
- F. Employees under this category are not allowed to use alcohol up to four (4) hours prior to the performance of duty.
- G. The employee cannot be returned to duty until the next day or start of the employee's next regularly scheduled duty period, but not less than 24 hours following the test, if their BAC is between 0.02-0.039.

SECTION XII SMOKE, VAPE, AND TOBACCO-FREE WORKPLACE

12.1 OBJECTIVE

In keeping with the Florida Clean Indoor Air Act, Florida Statute 386.201-211, the City of Gulf Breeze is committed to the promotion of a healthy environment. This includes the prevention of disease. Smoking and tobacco usage is a major cause of preventable diseases and deaths in this country.

12.2 POLICY

For the above reason and for the health and comfort of City employees, citizens and visitors, all City of Gulf Breeze facilities shall be smoke, vape, and tobacco free except in designated areas. Smoking, vaping or use of any tobacco product is prohibited in all City buildings, indoor facilities or vehicles or during any public meeting related to City business except in designated areas.

12.3 DEFINITIONS

1. "City building" means any building or any portion of any building owned by or leased to the City.
2. "City vehicle" means any motor vehicle owned by or leased to the City.
3. "Public meeting" means all meetings open to the public in City Buildings.
4. "Smoking area" means any designated area meeting the requirements of this policy where smoking, vaping, or use of tobacco products may occur.

12.4 PROCEDURE

1. Smoking, vaping, and use of tobacco is prohibited in all City buildings including private offices, lounges, restrooms, elevators, stairwells, lobbies, reception areas, customer service areas and all City vehicles.
2. Each building or facility may have a designated smoking area outside the building, at least 10 feet from any entry to the building. Committees of employees, managers, smokers and non-smokers may decide the designated smoking areas for each building.
3. Signs will be posted designating all City facilities as smoke-free areas and signs designating smoking areas for each building.
4. Each Department Head and supervisor is responsible for monitoring the compliance of this policy. Every supervisor is responsible for enforcing this policy among his/her employees.
5. All employees are responsible for politely reminding visitors that their facility is "smoke, vaping, and tobacco-free" and advising them of the locations of smoking areas, if appropriate.

6. Employees may report violations of this policy by filing a complaint with their supervisor or Department Head. All complaints, regardless of where filed, will be forwarded to the respected violator's department director for appropriate handling.
7. Compliance with this policy is expected and will be sought with thoughtfulness, tact, and the exercise of appropriate judgment. Employees who violate this policy will be subject to disciplinary action.

SECTION XIII GENERAL PROVISIONS

13.1 ASSIGNMENT OF DUTIES

The City Manager shall have the power to assign to any City employee any duty not inconsistent with the provision of this ordinance; and will determine disputes or questions relating to the respective powers or duties of employees.

13.2 ACCIDENT/INCIDENT PROCEDURE

Should an accident/incident occur in which a City employee, city equipment and/or property is involved, these procedures must be followed:

Steps to be taken by City Employee who is advised/aware of accident:

- 1) Take any emergency action necessary, call 911, etc.
- 2) Notify Department Head immediately or as soon as reasonably practical.

Steps to be taken by Department Head:

- 3) Have Incident Form completed as accurately as possible.
- 4) Take photos where relevant; contact either police department or code enforcement.
- 5) Immediately forward all to the Human Resources representative (copies may be kept in your files).

13.3 CARE AND RESPONSIBILITY OF PUBLIC PROPERTY

Any employee who loses or damages City owned property, particularly vehicles and equipment, where he/she is guilty of causing the loss or damage through carelessness or negligence, may be held liable for the cost of replacing or repairing the lost or damaged property.

13.4 USE OF PUBLIC PROPERTY

Property of this municipality is public property and its use for private personal convenience is prohibited unless specifically authorized by the City Manager. Vehicles and equipment shall not operate outside the city limits unless on official business and specific authority is granted by a superior who has the concurrence of the Council, unless an emergency situation so dictates proper use of good judgment. Violation of this section is considered grounds for immediate dismissal.

13.5 ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA

Employees should have no expectation of privacy when using the City's computer, internet, email, or other electronic systems. Use of such systems may be monitored at any time. The City follows public records laws regarding all City communications.

The City maintains a website and may maintain accounts on social media platforms for the purpose of providing timely and efficient information to citizens and visitors. Posts made on behalf of the City should be professional, appropriate, and respectful of the City and its citizens and visitors.

When discussing matters pertaining to the City on websites or social media platforms for their personal use, employees should take reasonable steps to ensure that the reader understands that the posting is not made on behalf of the City, such as use of a disclaimer that the postings are the employee's own and do not necessarily reflect or represent the City. Personal posts made by an employee that are not protected by First Amendment rights and that may reasonably interfere with the City's effectiveness, such as advocating illegal activity; discrimination against persons on the basis of race, age, gender, religion, disability, or other legally protected characteristics; or sexual violence, may subject the employee to discipline, up to and including dismissal.

13.6 PURCHASING POLICY

The City Manager will issue a Purchasing Manual to govern the procedures for all purchases by the City in accordance with council policy and the provisions of law. All employees are responsible for following the purchasing policy.

13.7 RIGHT TO STRIKE

Because the public health, safety and welfare may be adversely affected thereby, no employee will have the right to engage in or encourage any form of sit down, slow down, public demonstration, or in fact any form of work stoppage or strike for any reason, against the City.

13.8 POLITICAL ACTIVITY

Employees shall have the right to express freely their views as a citizen and to cast their votes.

Coercion for political purposes of and by employees and use of their positions for political purposes is prohibited. While on duty with the City, employees may not take active campaign steps such as soliciting votes or distributing signs or pamphlets.

No employee or official of the City of Gulf Breeze shall, directly or indirectly, coerce, attempt to coerce, or advise an employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes. Furthermore, no employee or official shall use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

Participation in partisan political activity by employees shall be permitted to the extent as provided under the Federal Hatch Political Activities Act, as amended, and any subsequent amendments which may be made thereto.

Florida statutes may restrict certain employees seeking political office. Employees who have no restrictions may seek any municipal, county, state or federal elected position without resigning or taking a leave of absence, provided that campaigning does not interfere with normal job performance.

Any person violating the provisions of this section may be subject to dismissal by the City Manager.

13.9 EMPLOYEE ORGANIZATIONS

The government employees of the City of Gulf Breeze shall have the right to organize, join, and participate, in any employee organization freely and without fear of penalty or reprisal, for the purpose of collective negotiation through representatives of their own choosing on terms and conditions of employment. Nothing contained in this section shall preclude the right of the employee of the City from submitting an appeal.

13.10 TRAVEL POLICY

It is the policy of the City of Gulf Breeze to allow business travel by paying applicable expenses for employees when the travel is necessary and of benefit to the City. The City follows applicable laws related to travel expenses, specifically including Section 112.061, Florida Statutes.

Approval Prior to Travel. Employees seeking reimbursement for travel expenses must have authorization for the travel prior to travel. Department Heads may authorize the travel for employees within their departments, and Department Heads must have advance approval by the City Manager.

Completion of Travel & Training Expense Report. Reimbursement requests for travel expenses must be completed on the most current expense report form as of the time of the travel, which is currently entitled, "Travel & Training Expense Report." All expense reports will be signed by the employee and approving Department Head or City Manager, state the purpose of the travel, provide details on the expenses, and include a certification that is the same or substantially similar to the following:

Travel expenses incurred were necessary travel expenses in the performance of official duties and the claim is true and correct as to every material matter; further, I understand any person who willfully makes and subscribes any such claim that he or she or advises the preparation or presentation of such a claim that is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such a claim, commits a misdemeanor of the second degree, punishable as provided in Florida Statutes, 775.082 or 775.083. Whoever receives an allowance or meal reimbursement by means of a false claim is civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

All authorized travel forms shall be submitted to the Finance Office PRIOR to travel and a copy should be kept by the traveler for completion upon return. All travel reports must be completed, approved, and returned to the Finance Office within 14 days of travel. Any form not returned in a timely manner may be ineligible for reimbursement, and the untimely return of travel forms may result in the employee being ineligible for further travel until the issue is resolved.

Employees should contact their supervisor for assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Reimbursement Rates. Reimbursement will be made at rates approved by the Council from time to time, but in no instance will such rates exceed the applicable rates allowed under Section 112.061, Florida Statutes.

Employees should consult the current approved rates at the time of travel, but the following information current as of May 2020 is provided for general guidance:

Overnight travel expense reimbursement is typically limited to either a maximum of \$80 per diem, or, if actual expenses exceed \$80, no more than \$6 for breakfast, \$11 for lunch, or \$19 for dinner plus actual lodging expenses at a single occupancy rate. Out of state travel may be eligible for General Services Administration (GSA) rates. No reimbursement will be made when the meal or lodging expense is included within a conference or convention registration fee.

When travel away from the City does not require overnight travel, no per diem is allowed. However, employees may be allowed up to \$6 for breakfast when travel begins before 6 a.m. and extends beyond 8 a.m.; up to \$11 for lunch when travel begins before noon and extends beyond 2 p.m.; and up to \$19 for dinner when travel begins before 6 p.m. and extends beyond 8 p.m.

Transportation by personal vehicle shall be reimbursed at the applicable rate, which as of May 2020 is \$0.445 per mile.

Receipts and Restrictions.

- Meals:
 - Receipts for meals must be itemized and not merely reflect the total cost.
 - Expenses related to alcoholic beverages may not be reimbursed.
- Lodging:
 - Receipts for lodging must be itemized and not merely reflect the total cost.
 - Expenses related to personal telephone calls or pay per view movies, games, entertainment, etc. may not be reimbursed.
 - Lodging reimbursement includes parking costs.
 - For lodging within the state of Florida, lodging reimbursement will not include state sales tax.
- Transportation:
 - When choosing the means and routes for transportation, employees shall use a direct route and one which is most efficient and economical. Extra expense caused by travel by an indirect route or less economical means for the convenience of the employee will not be reimbursed.
 - When substantiated by receipts, employees will be reimbursed for costs, including taxes and fees, of transportation by airline or other common carrier paid for personally by the employee.

- Transportation by personal vehicle will be reimbursed at the applicable mileage rate for miles between the point of origin and the point of destination, including any additional miles necessary for the conduct of business. Mileage for personal travel will not be reimbursed.
- When substantiated by receipts, gasoline expenses incurred when taking transportation by publicly-owned vehicles will be reimbursed.
- When substantiated by receipts, the cost of rental cars, including gasoline costs, will be reimbursed.
- Tolls, taxis, shuttles, and tips will be reimbursed with itemized receipts when available.

Abuse of this business travel policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

13.11 RECORDING OF CONVERSATIONS IN THE WORKPLACE

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

All City of Gulf Breeze Employees will observe all provisions of the Florida Security of Communication Act, Chapter 934, of the Florida Statutes.

13.12 DRESS CODE

During business hours, or in any circumstance when representing the City, employees should appear clean and neat. Department administrators are responsible for establishing an appropriate dress code suitable for their respective department. Employees can potentially be asked to leave the workplace and return dressed in an appropriate manner according to the respective dress code.

In all administrative positions and offices, dress is expected to be business casual Monday through Thursday. On Fridays, employees are allowed to dress down to the casual level. Even on Casual Friday, it is not appropriate to wear stained, wrinkled, frayed, or revealing clothes in the workplace.

13.13 ATTENDANCE POLICY

Punctual and regular attendance is necessary for the efficient operation of the City. Every employee shall be in attendance at work in accordance with these policies and their general department guidelines. Excessive absences or tardiness is grounds for disciplinary action.

13.14 GIFTS

City employees shall not accept gifts of favors from any source when a reciprocal action is implied or expressed by the giver.

13.15 RECEIPT OF CHECKS

Checks made payable to the City of Gulf Breeze must be brought to the Finance Director immediately for deposit into the City bank account on a timely basis. Timely is defined as within 1-2 days, depending on the time of receipt.

13.16 CELL PHONE POLICY

City employees shall not drive a vehicle, either while on duty in their own vehicle or at any time when driving a vehicle owned or leased by the City, while holding a cell phone. When reasonably safe to do so, cell phones may be used in hands-free mode, while stopped at a red light, or while parked out of the way of traffic.

For employees who have been provided a City-owned or leased cell phone, employees have a duty to protect the phone from damage and theft and use the phone for authorized purposes. The following guidelines govern cell phones issued by the City:

1. Occasional personal use is authorized according to the following criteria:
 - a. Call does not adversely affect the performance of duties.
 - b. Call is of reasonable duration and frequency.
 - c. Employee may be requested to pay for any personal calls resulting in additional service charges.
2. If the phone is lost or destroyed, it must be reported to Department Director immediately.
3. At the discretion of the Department Head, if an employee damages or loses the phone due to fault of their own, the employee may be asked to pay to replace the phone with no expectation of reimbursement from the City.