

City of Marianna

2898 Green Street (32446)

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Marianna, Florida

850-482-4353 Fax: 850-482-2217

Welcome

Dear Employee,

We are glad you have chosen the City of Marianna as your place of employment. As a new employee, we extend to you a warm “welcome” and hope our association will be long and mutually beneficial. The City believes it is vital for success to give the residents of Marianna the most efficient and courteous service for their tax dollar. You will be part of this common goal. It is imperative that residents and customers are shown courtesy and respect while in performance of your duties.

The purpose of the personnel policy manual is to establish policies and procedures to provide the City of Marianna with a structured and consistent practice of personnel management.

Please take the time to read and familiarize yourself with this manual. It contains important information about what is expected as a City employee and explanation of benefits. If you have any questions, please ask your Department Head, Supervisor or an employee of the human resource department.

We wish you success and hope you will have a satisfying and rewarding career here at the City of Marianna.

Sincerely,

Mayor,
City Commissioners &
City Manager

Disclaimer

The City of Marianna, based on economic and budgetary conditions, reserves the right to add, delete, or amend, in whole or in part, the terms and conditions of employment, which, for example, include compensation, benefits, policies, and other working conditions, at any time, at the sole discretion of the City Commission, or as delegated, by the City Manager, except where provided otherwise by contract or law. These terms and conditions are subject to change at any time during an employee's period of employment.

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Policy # 001 – Marianna Health and Rehabilitation Center

SECTION 1 GENERAL PROVISIONS

1.1 PURPOSE

The purpose of these Personnel Policies is to provide a general guide for the personnel administration of the City of Marianna.

The City retains all management rights including but not limited to the following:

- A. To determine the organization of the City.
- B. To determine the purpose of each of its departments.
- C. To exercise control and discretion over the organization and efficiency of operations.
- D. To set standards for services to be offered to the public.
- E. To manage and direct the employees of the City and to determine the number of personnel to be employed.
- F. To hire, examine, classify, promote, train, transfer, assign, schedule and retain employees.
- G. To suspend, demote, discharge or take other disciplinary action against employees.
- H. To increase, reduce, change, modify or alter the composition and size of the work force, including the right to relieve employees from duties because of lack of work, lack of funds or other reasons.
- I. To determine the location, methods, means and personnel by which operations are to be conducted including the right to contract and sub-contract existing and future work.
- J. To establish, change or modify the number, types and grades of positions or employees assigned to an organization, unit, department, division or project.
- K. To establish, change or modify duties, tasks, responsibilities or requirements within job descriptions in the interest of efficiency, economy, technological change or operating requirements.
- L. To require all employees to have periodic physical examinations which may include psychological, drug and controlled substance testing, etc. at the City's expense.

It is the intent of these policies to assure fair treatment of all of the City employees in all aspects of personnel administration. These policies shall be carried out without regard to an employee's political affiliation, race, color, creed, national origin, religion, marital status, handicap, age or gender and with proper regard for an employee's privacy and rights as a citizen.

All employees serve at the pleasure of the City and no employee shall have any vested rights in his/her employment or in the practices and procedures set forth in these personnel policies except only by a specific written contract. It is the intent of the City to have a mutually beneficial relationship with each employee. Each employee should endeavor to improve his/her performance and skills to enable the City to offer quality service to the public and provide opportunities for advancement of employees.

1.2 POSITIONS COVERED

These Personnel Policies cover most employees in the municipal government. Some positions are not covered due to their nature. Those positions are:

Mayor and Commissioners
City Manager
Police Chief
City Attorney
Members of Boards and Commissions
Seasonal and Temporary positions.

Department Heads and some supervisory positions are exempt under the Fair Labor Standards Act and are covered by all provisions except overtime policies.

Personnel employed under the provision of government programs or grants approved by the City Commission or the City Manager shall be considered as non-covered positions. Methods of appointment, rights and benefits will be determined by the City Manager, unless otherwise specified by the governmental agreement.

1.3 ADMINISTRATION

The City Manager shall be responsible for the administration and direction of the City's personnel program.

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

1.4 AMENDMENTS

The City Manager shall present to the City Commission, for its approval, rules, regulations and changes as for the administration of the personnel policies.

Amendments, changes or revisions of the Personnel Policies as approved by the City Commission shall be posted on City bulletin boards and distributed to all City departments.

1.5 PRIOR MEMOS, POLICIES AND REGULATIONS

All prior memos, policies, procedures and regulations inconsistent with the City Personnel Policy Manual are null and void.

1.6 DEPARTMENT POLICIES

With the City Manager's approval, and subject to applicable law, Department Heads may establish operating policies and procedures to meet specific operational needs of their Department. Department operating policies and procedures serve as supplements to these policies. In the event of conflict in any section, the City Personnel Policies shall prevail, unless specifically approved as an exception such as police and fire policies which specifically address these departments such as their Bill of Rights, Collective Bargaining Agreement or similar policies.

All department policies and procedures will be in writing and approved by the City Manager for conformance to the Personnel Policies.

The Marianna Health and Rehabilitation Center is a City of Marianna Facility and employees are employees of the City of Marianna. Because the Center is a medical facility certain regulations will apply to Marianna Health and Rehabilitation Center employees that will not apply to general, fire, and police employees. All City of Marianna Personnel Policies in this manual will apply to Marianna Health and Rehabilitation Center employees.

Policy #001 of this Manual will cover policy pertaining directly to the Center's staff or variation to procedures that apply to general, police and fire employees.

SECTION 2 DEFINITION OF TERMS

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

Anniversary Date - The date on which an employee begins full time paid employment in a position and the same date in following years.

Applicant - Individual who has completed and submitted an application for employment with the City.

Appeal - An application for review of a disciplinary action submitted or instituted by an employee.

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

Auxiliary Personnel – Employee who is employed on an hour to hour basis and are not eligible for benefits. This is only available for fire and police department.

Career Service Employee - A full-time employee who has successfully completed an initial probationary period. A Career Service Employee is subject to and receives all benefits and rights as provided by the Personnel Policies.

Children - Son or Daughter -The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

City - Municipal Corporation chartered under the State of Florida.

Continuous Service - Employment which is uninterrupted except for authorized leaves of absence, suspension or separation due to reduction in work force. Authorized paid leaves of absence are included as part of continuous service.

Contract Employee - Employee appointed in the same manner and subject to the same procedure as regular employees except that they will be laid off at the close of the period for which they were appointed.

Covered Active Duty - means (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (b) in the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to

active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

Covered Service Member - means (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Demotion - Assignment of an employee from one class to another which has a lower maximum rate of pay.

Department Head – Department Head shall mean city clerk, public works director, municipal development director, fire chief, recreation director, police chief and MHRC administrator.

Dismissal - Separation from City employment for cause.

DROP – Leave election for Deferred Retirement Option Program for members of the State of Florida Retirement System.

Electronic Communications - Emails, instant messaging, text messages (SMS, Blackberry PIN, etc), multimedia messaging (MMS), chat messaging, social networking (Facebook, Twitter, etc.), or any current or future electronic messaging technology or device.

Exempt Status - Employees who are in exempt status category under the Fair Labor Standards Act. Exempt employees are not eligible for overtime pay or compensatory time.

FLSA - The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recorder keeping and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments.

Full Time – General employees which include police and fire non-sworn officer personnel, who work a total of 2,080 hours annually are considered full-time. Fire personnel (sworn officers only) who work a total of 2,756 hours annually are considered full-time. Police personnel (sworn officers only) who work a total of 2,184 hours annually are considered full-time.

FRS – State of Florida Retirement System

He/She - References to the use of the words in Employee Manual is for brevity only and shall be interpreted to mean he/she.

Hire Date - The date on which an employee begins employment with the City of Marianna.

Immediate Family – Includes spouse, children, step-children, parent, step-parent, father-in-law (current spouse), mother-in-law (current spouse), brother, sister, grandparents, great-grandparents, grandchildren or legal guardian. (This definition is for purposes of sick leave and bereavement leave only).

Insubordination - The unwillingness on the part of an employee to submit to the authority vested in Supervisors, Department Heads, and the City Manager as outlined in the Personnel Policies.

Leave - Approved type of absence from work as provided by these policies.

MHRC - Marianna Health and Rehabilitation Center.

May - The word "May" shall be interpreted as permissive.

Non-Covered Position - Employees and positions which are exempt from specific provisions of the Personnel Policies.

Non-exempt employees - An employee who does not meet any one of the Fair Labor Standards Act exemption tests and is paid on an hourly basis and covered by wage and hour laws regarding hours worked, overtime pay, etc.

Overtime - Time worked in excess of the regularly scheduled work periods for those persons not working on an exempt basis.

Parent - The term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Part Time – A position that requires a general employee to work fewer hours normally designated for others in the same classification. Employees serve in an exempt status and must meet the requirements set by the City. Employee is not eligible for City benefits unless otherwise applicable by Federal, State or Local laws.

Performance Evaluation - A report relative to the job performance of employee made by the Supervisor.

Position - Group of duties and responsibilities assigned and budgeted requiring the full time or part time employment of one (1) person.

Probationary Employee - Full time or part time employee serving a trial period prior to regular appointment in that position.

Probationary Period - Period of time provided to allow the Department Head an opportunity to evaluate an employee's performance and to decide whether or not the employee is to be retained.

Promotion - Assignment of an employee from one position to another which involves more responsibility and/or a higher rate of pay.

Reduction in Force - Reduction of the number of employees due to the lack of work, funds or other causes.

Regular Appointment - Appointment to a regular position authorized to be filled.

Relative - Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparents, grandchildren. This definition is for purposes of nepotism and next of kin closest blood relative.

Resignation - Act of voluntarily withdrawing from City employment.

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

Sexual Harassment - Unwelcome sexual advances of whatever nature, requests for sexual favors or other verbal or physical conduct of a sexual nature.

Shall/Will - These terms are interpreted as being mandatory.

Spouse - The term "spouse" means a husband or wife, as the case may be.

Suspension - Relief from work without pay under the Personnel Policies by their Department Head or other Supervisor authorized to enforce disciplinary action.

Temporary Employee - An employee appointed for a special project or other work of a temporary or transitory nature. All will serve in a non-covered status and meet requirements set by the City. Due to the temporary nature of their employment, he/she will not qualify for fringe benefits, holiday or overtime benefits afforded to regular full time employees.

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

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

Work Day - Scheduled number of hours an employee is required to work per day.

Work Period - Number of hours regularly scheduled to be worked during any seven (7) consecutive days or any schedule established by departments working on a shift basis.

SECTION 3 EMPLOYMENT POLICIES

3.1 APPLICATION PROCEDURES

Departments for general, MHRC, fire and police personnel will submit requests for persons to fill vacancies; the requests shall include the title of the position and other pertinent information as may be needed to locate qualified applicants. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit. Upon being notified of a vacancy, the employee delegated this authority shall prepare a notice and advertisement where appropriate, outlining the qualification for the position.

Notice of vacancy will be posted at City Hall, distributed to local newspaper(s) and employment agencies and other forms of media for advertisement. All positions will be circulated to Department Heads to be posted on department bulletin boards in all divisions to notify current employees of vacancies in order to be afforded the opportunity to apply for the vacancy. For all full time and non-managerial positions, employees who are interested in applying for an advertised position must submit a letter of interest outlining qualifications to the Human Resource Department or the designated department for processing. For supervisory or exempt positions outlined in the manning document, employees will be required to submit a resume outlining qualifications and experience with his or her letter of interest. The City Manager or his/her designee will determine which of the applicants, if any, that applied for the job may be interviewed. Interview selection for current employees shall be based on qualifications and ability to perform the job, employees past work related experience with the City and previous employment(s), and employees past performance record(s) with the City. Vacancies may be filled by promotion, transfer or voluntary demotion of qualified employees within the City and MHRC.

Applications will be taken only when there is a published vacancy. Applications shall be given out and received by the human resource department or an approved employment agency. Applications may be rejected based on failure of the applicant to meet job requirements, prior unsatisfactory employment, giving false information concerning past employment history, conviction record if relevant to the position, incompleteness, or for any other appropriate reason. If a newly filled position becomes vacant within six (6) months, Department Head at his or her discretion with approval from the City Manager may select a previous applicant who interviewed for the aforementioned position to make an offer of employment, re-interview or re-advertise for position. See Policy #001 for MHRC procedures.

Applications for employment will be retained as required by federal law, state statute or other regulations.

3.2 PROCESSING / HIRING

All applications received for employment will be reviewed and considered without regard to that person's age, race, color, sex, religious creed, national origin, political opinions or affiliations,

marital status or disability, except when such requirement constitutes a bona fide occupational qualification necessary to perform the essential functions of the position. Human Resources shall separate or delete any information from the applications or resumes concerning the applicant's race, age, sex, marital status, national origin or disability. Applications will be reviewed by Department Heads and Supervisory personnel as appropriate in the human resource department. The Department Head is responsible for all recommendation of hire(s) in his/her department. All recommendations shall be submitted to the City Manager for final approval.

Upon selection of an applicant for general, fire, police and MHRC personnel position, the Department Head should complete a Personnel Action Form for processing and screening and submit it to the human resource department. No Department Head shall tell an applicant he/she has the position applied for until all screening is complete, the City Manager approves the applicant and the human resource department the request. No employee will be placed on the City's payroll unless a completed application or resume and Personnel Action Form is submitted to the human resource department and approved by the City Manager.

All new hires must present:

- A. Proof of education, if required by the position.
- B. Date of birth.
- C. Citizenship or resident alien status.
- D. Social Security Card or a form from the social security office which shows application for such card and has social security number evidence on first day employee reports to work.
- E. Valid Florida Driver's license if required by the position.
- F. Separation from the Armed Forces, if appropriate (Form DD214).
- G. Copy of all license and certifications when applicable.

The City shall collect social security numbers from employees for the following purposes:

- A. Identification and verification;
- B. Benefit processing
- C. Retirement
- D. Data Collection
- E. Report wages to the Social Security Administration
- F. Report income to the Department of Internal Revenue Service
- G. Background checks
- H. Drug Screening Test Identification

As part of the post offer employment procedure, references provided by applicants or reference sources may be checked. As a condition of employment, police personnel and MHRC employees are subject to a local FDLE level two criminal background investigation which consist of fingerprinting and if applicable a driver license verification check if required by position. All other employees are subject to a background check of local and state records and if applicable a driver license verification check if required by position.

New employees will be hired at the minimum pay grade for the position. In the event the applicant exceeds all of the minimum standards required for the job, the assigned starting salary may be greater than the beginning salary for the position, but cannot exceed 20% over the starting salary for the position. If a higher salary is requested above the 20%, the request will have to be approved by the City Commission.

3.3 PHYSICAL EXAMINATION

A post offer employment physical examination and a Workers' Compensation scan may be required for applicants for regular full and part-time positions.

Physical examination will be conducted after an offer of employment has been made to the applicant for position as required by federal law, state statute or other regulations. Subject to applicable law, all medical examinations shall include testing to determine the presence or absence of illegal controlled substance in their body. Drug testing will be conducted under the Drug Free Workplace Policy of the City.

Appointment actions for the identified positions shall be contingent upon successful completion of the post offer employment physical.

The prospective appointee shall not be authorized to begin employment until completion of the medical examination process.

Upon notification of a selection action, the City shall initiate action to schedule the prospective appointee for a medical examination.

The prospective appointee shall be required to complete and present to the City authorized physician a medical history report and a consent/authority to release medical information form.

Failure by the applicant to present the completed forms shall be cause for disqualification from employment.

The Human Resource Department shall prepare a referral for medical examination and enclose a job description and/or a list of major duties to be performed by the prospective appointee for general, fire and police positions.

The City-authorized physician shall conduct the physical examination for potential general, fire, police and MHRC personnel and identify all, if any, medical conditions which may have an effect on the prospective employee's ability to perform the essential duties of the identified position.

If the results of the medical examination show medical restrictions/limitations, the City Manager or MHRC Administrator (for MHRC personnel) shall review the medical report and determine:

- A. If reasonable accommodations can be made available to the selected candidate to perform the essential functions of the job without undue hardship to the City or MHRC.
- B. If the prospective appointee shall be required to submit additional medical information from his/her personal physician.
- C. If the selection action will be withdrawn subject to applicable federal, state and local laws dealing with a disability status.

The prospective appointee shall be notified of the results of the medical examination and the City will affirm or withdraw the selection action.

An applicant, who fails to successfully pass the medical examination, may request reconsideration by submitting additional medical information.

- A. Request for reconsideration must be made to the City Manager's office for all departments of the City including MHRC.
- B. Receipt of a request for reconsideration shall be reviewed with the Department Head and the physician who made the initial assessment. If necessary and with the recommendation of the Department Head, the City Manager may authorize an additional medical examination at City expense.

See Policy #001 for further procedures for MHRC personnel.

3.4 DRUG SCREENING

The City will drug test in accordance with its policy under the Drug Free Workplace Act.

3.5 DRUG FREE WORKPLACE

It is the objective of the City of Marianna to provide a safe and effective public service. To meet this objective, the problem of drug and alcohol abuse must be identified, confronted, and defeated. In order to achieve this, the City of Marianna has developed a comprehensive drug-free workplace policy authorized by F.S. 440-102 of the Florida Administrative Code. The drug free workplace policy was adopted by the City Commission on September 5, 2006. A full copy of the policy will be given to all new hires and a signed receipt of policy being received will be placed in the employee file.

3.6 SMOKE AND TOBACCO FREE WORKPLACE

The City is committed to providing a safe and healthy workplace and to promote health and well-being for our employees, customers, visitors and vendors. In keeping in this philosophy, we maintain a drug, alcohol and tobacco free work environment. Smoking and/or tobacco use is not permitted in City owned or leased buildings, structures, or vehicles. Tobacco use includes tobacco products that produce smoke, "E" cigarettes" and other similar vapor devices, smokeless tobacco, and other tobacco products. Smoking and/or tobacco use is permitted only in areas

designated by each department for its employees. The sale of any tobacco products on City property is also prohibited.

This policy shall pertain to all employees, customers, vendors, and visitors. Department Heads and/or Supervisors are responsible for ensuring compliance and should explain the policy to employees, customers, vendors and visitors who violate the policy. They may be asked to leave the premises and go elsewhere to smoke or use tobacco.

Easy to read signs will be prominently displayed at entrances to all City of Marianna owned facilities. These signs will state that City of Marianna buildings are smoke and tobacco free. Signs will be displayed at the designated smoking and tobacco use area(s). Employees will be informed of these areas by their Department Head or Supervisors. The presence of ashtrays alone does not designate a tobacco use area or otherwise serve to permit tobacco use in that vicinity. Employees should make Department Heads or Supervisors aware of policy violators.

If employees, visitors/vendors continue to violate the policy, they should be referred to administration during normal working hours.

All employees of the City of Marianna, regular, part-time, temporary, auxiliary, and contract, are expected to act in accordance with the no smoking and tobacco use policy.

Employees who continue to violate the policy will be subject to discipline by the Department Head or Supervisor. Disciplinary action will begin with a documented verbal warning and progress to written warnings, suspension and/or termination for failure to comply with the no smoking and tobacco-free policy.

The Florida Statutes provide for penalties for any person who violates Chapter 386 of the "Florida Indoor Clean Air Act", punishable by a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation.

3.7 TYPES OF EMPLOYEE CLASSIFICATIONS

Nonexempt – Employees whose work is covered by the Fair Labor Standards Act (FLSA). They are not exempt from the law's requirement concerning minimum wage and overtime.

Exempt – Employees are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold positions that meet the standards and criteria established under the FLSA by the U.S Department of Labor. Exempt employees are not eligible to accrue compensatory time.

The City has established the following categories:

Full Time - Employees who work full-time which is set by the department. Full time employment for general and MHRC employees (includes employees at the police and fire department who fall under this category) work 2,080 hours annually, police public safety

personnel work 2,184 hours annually, and fire public safety personnel work 2,756 hours annually.

Contract - Employees appointed in the same manner and subject to the same procedure as regular employees except that they will be laid off at the close of the period for which they were appointed.

Part Time - Employees who work less than the normal scheduled hours per week. Employees who fall under this category work 29 hours or less in the established work week for the department. This is only available to general and MHRC employees.

Auxiliary Personnel – Employees who are employed on an hour to hour basis. This is only available for fire and police department.

Temporary - Position (whether part-time, full-time or hourly) that is anticipated to be of comparatively short or definitely limited duration, for special projects, grants or programs.

Trainee - Employees who do not meet the minimum qualifications of the position. The length of training is at the discretion of the City.

There are four categories of employees for the City of Marianna. They are as follows:

- A. General Employees
- B. Fire Personnel
- C. Police Personnel
- D. Marianna Health and Rehabilitation Center Employees

3.8 PROBATIONARY PERIOD

The probationary or "working test" period is six months for MHRC employees and general employees (includes employees at the police and fire department who fall under this category), and one year for sworn officers of fire and police employees, which is utilized to observe the new employee's work, to secure the most effective adjustment of a new employee to the position, and to reject any employee whose does not meet the required work standards.

An employee within the probationary period may be discharged by the City Manager, Administrator or the head of the department for which the employee works without cause, upon prior approval of the City Manager. If the employee is not discharged before completion of his/her probationary period, the employee shall be confirmed in his/her position and shall be a regular employee of the City.

Where the completion of minimal educational requirement or other qualification are required upon the initial employment of an employee, the probationary period shall be extended until all of the educational requirements or other qualifications for the position have been met.

If an employee is promoted to a higher position, his/her promotion shall not be deemed regular until he/she has completed and served in such capacity for a probationary six months following the date of the promotion. Probation status shall not affect annual/sick leave status or other applicable benefits.

Prior to completion of the probationary period the employee's Supervisor will notify the employee if performance is not satisfactory and test period requirements are not being met. The City may, at its discretion, extend the probationary period of any employee for an additional three (3) to six (6) months.

If a newly hired probationary employee has been found to be unqualified to perform or will not properly perform the duties of the position, the employee shall be dismissed by Department Head at the time of such determination with approval from the City Manager.

If an employee who is serving a probationary period incurred as a result of a promotion is found to be unqualified to perform the duties of the higher position, every effort will be made to return the employee to the position and status held immediately prior to the promotion. If the employee's former position is filled, the employee may be transferred to a vacant position with the same job classification, subject to the approval of the Department Head, if a vacancy exists. If no vacancy exists the employee will be terminated.

Employees will earn leave benefits during the probationary period.

Annual leave will not be allowed to be taken during the first six (6) months of employment. However, the City understands there may be reasons that an employee may need to request leave during probationary period and such instances will have to be submitted to the Department Head for pre-approval by the City Manager which is outlined in section 4.2.

3.9 ASSIGNMENTS

The City Manager or a Department Head may assign any employee under his/her jurisdiction to any duties within the responsibilities of that department. Assignments shall be based upon knowledge of the position, capability, and ability to perform. Any employee directed to work at a classification for five (5) days or more shall be paid at a step above his/her current pay grade/step.

In the event a Department Head determines that there is a need to temporarily fill a regularly budgeted vacant position with an employee from a higher or lower classification, the Department Head shall immediately advise the City Manager. In the event there is no current eligibility list relative to the budgeted position, the Department Head may select an employee from a lower classification and pay rate. An employee who is temporarily assigned to a position of higher rank for five (5) days or more shall be entitled to the minimum salary pertaining to that rank or the step in that rank which is at least 3% higher than his current rate of pay from the first day of assignment. Any temporary assignment shall be carried through via personnel action forms and be subject to the approval of the City Manager. Temporary assignment shall not include requests

from Supervisors for temporary standby assistance or assistance due to additional workloads during vacation periods. Assignments will be made to cover positions of employees who are out on approved FMLA or leave without pay. Assignments will not be made to cover employees who are out on approved annual leave.

All assignments shall be approved by the City Manager

3.10 TRANSFERS

Upon final approval of the City Manager, an employee may be transferred from a classification in one department to the same or equivalent classification in another department. No transfer may be made without the approval of the two Department Heads involved, unless approved by the City Manager. Two weeks notice shall be given prior to the transfer unless agreed upon by both Department Heads, unless approved by the City Manager.

When an employee is transferred from one position to another in the same classification or to a position in another classification with the same pay grade, he/she shall continue to be paid at the same pay rate and shall retain his/her anniversary date.

All transfers shall be approved by the City Manager

3.11 PROMOTIONS

A promotion shall be based on qualifications, and ability to perform the job, employees past work related experience with the City and previous employment(s), and employees past performance record(s) with the City and MHRC. Promotion from within the City is a desirable practice in that positions may be filled with an individual who is qualified and knowledgeable about the operations of the City, and the orientation period is significantly shortened.

The City employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibilities, make known their qualifications for promotion to more difficult and responsible positions, and compete for vacant positions for which they are qualified.

When an employee is promoted to a position in a class assigned to a higher pay grade or his/her position is reallocated to higher pay grade, his/her salary shall be at the minimum rate in the higher pay range or the greater of the employee's current rate.

If an employee is promoted to a higher position, his/her promotion shall not be deemed regular until he/she has completed and served in such capacity for a probationary six months following the date of the promotion. Probation status shall not affect annual/sick leave status or other applicable benefits.

All promotions shall be approved by the City Manager

3.12 DEMOTIONS

A demotion is the assignment of an employee from one class to another which has a lower grade level in the following instances and could result in a reduction in pay:

- A. In lieu of reduction of force, when a position is to be abolished or an employee with prior rights returns to the position.
- B. In lieu of dismissal, when an employee is not performing satisfactorily or when a health examination conducted by the City's physician discloses that the employee is not physically qualified to perform the duties of the position.
- C. When an employee fails to perform satisfactorily during the probationary period following promotion.

The City shall furnish the employee a written statement containing the reasons for the demotion.

All demotions shall be approved by the City Manager.

3.13 REINSTATEMENTS

An employee who has resigned in good standing or whose position has been abolished may be re-hired, if a vacancy exists, to the same or similar position by the same department from which the employee left.

An employee may be reinstated at the same pay rate as previously received, or may revert to a lower rate at the discretion of the City Manager.

Reinstated employees are considered new employees for purposes of annual leave, sick leave, retirement and salary increases and must once again serve a probationary period.

All reinstatements shall be approved by the City Manager

3.14 NEPOTISM

No City employee may work for, or be under the direct supervision of, any person to whom he/she is related or considered to be related. See definition of Relative.

3.15 ATTENDANCE

Employees are expected to report for duty at the scheduled time and each Department Head shall be responsible for the punctual attendance of all persons in the department. If an employee is unable to work for any reason, he/she must notify their direct Supervisor and if he/she is not available, the employee must contact the Department Head as close to the scheduled reporting time as possible. Repeated or unjustified absenteeism or lateness is cause for disciplinary action up to termination.

Considering the nature of the absence, unreported absences of one work day may be considered as abandonment of the position and three consecutive work days shall be considered as an abandonment of the position and in either case the employee will be subject to disciplinary action up to termination of employment. In such a case, the Department Head shall notify Human Resources of absences of three consecutive days. If there are no unforeseen reason why employee did not report to work then Department Head will send recommendation of termination to the City Manager for approval.

See Policy # 001 for additional MHRC policy.

3.16 HOURS OF WORK

The City Manager establishes the hours of work for all departments and divisions of the City of Marianna, depending on the function and operations involved in accordance with the need of the City and Public.

Job responsibilities differ from department to department, so work schedules will also vary. Seniority may be considered when scheduling hours of work. Some employees will also work different shifts or hours. Employees will be responsible for knowing the hours and schedule of their jobs.

Exempt and non-exempt general, MHRC, fire admin and police admin/dispatch personnel are considered to be on a forty (40) hour work week. Certified law enforcement and fire fighters are on a specialized schedule over a twenty-eight day cycle. Any time absent from established workweek, employee is required to use annual or sick leave. Employees who are found to be falsifying physical hours worked are subject to disciplinary action up to and including discharge.

The official City work week for general, fire and police employees begins at 7:00 a.m. Wednesday and ends on 7:00 a.m. Wednesday. The work week for MHRC employees begins at 7:00 a.m. Monday and ends at 7:00 a.m. Monday.

The following is not considered physical hours of work and shall not be counted as time worked for overtime computations: any admin leave, sick leave, annual leave, holidays, bereavement leave, court leave/jury duty, military leave or any other absence from work while on pay status.

No approved leave, admin leave or holiday shall put employee over his or her regular hours for an established work week, "8" and "80" system or a 28 day cycle unless employee has physically worked over established hours.

Time spent in home-to-work travel by an employee in an employer provided vehicle, or in activities performed by an employee that are incidental to the use of the vehicle for commuting are not considered hours worked and are not compensable.

3.17 BREAKS AND MEALS

According to the Federal and State Laws, breaks and meal periods are not required to be provided by an employer. However, the City recognizes the need to get away from the work area. Lunch periods and breaks will be scheduled at the discretion of the Department Head or Supervisor. It is the policy of the City to provide a non-compensatory meal period daily, for all full-time employees. The length may vary from thirty (30) minutes to one (1) hour depending on the needs and hours of operation of the Department.

The Department Head or Supervisor determines whether it is possible to provide a break in the morning and/or afternoon. 2) If a break is granted, it should be no longer than fifteen (15) minutes in length and is compensable.

The City and MHRC will provide an unpaid reasonable break time for nursing mothers up to one year after the birth of her child as required under the Patient Protection and Affordable Care Act which amended section seven of the FLSA.

3.18 OVERTIME

Over-time means physical hours worked in excess of a normal established work week which must be authorized in advance in the following order by an employee's Department Head, Supervisor or City Manager. Overtime shall be authorized or directed only when it is in the best interest of the City and is the most practical and economical way of meeting unusual workloads or deadlines.

Employees will be required to work overtime when requested unless excused by their Supervisor.

Employees in designated Non-Exempt classifications will be paid overtime or receive compensatory time at the discretion of the Department Head in accordance with provisions of the Fair Labor Standards Act.

Positions designated as Exempt are not subject to overtime provisions of the FLSA and do not earn compensatory time unless specifically mandated by Federal or State law.

Overtime will be calculated based on physical hours worked over an established work week. Any admin leave, sick leave, bereavement leave, jury duty, annual leave, annual military leave, and any other absence from work while on pay status will not be counted as time worked for overtime computations.

Law enforcement and fire protection personnel are not eligible for overtime unless physical hours worked over a twenty-eight day cycle are in excess allowed by law outlined under the Department of Labor, Code of Federal Regulations, Title 29, Chapter 553.230 (7k). MHRC full time employees fall under the "8" and "80" system as defined under the Department of Labor, FLSA, Section 207.

3.19 COMPENSATORY TIME

The decision to receive compensatory time or pay for overtime worked shall be reached between the employee and Department Head prior to any overtime being worked.

Overtime shall be compensated at either one and one-half times the employee's regular rate of pay or with compensatory time off at the rate of one and one-half hours for each hour worked. Prior approval for compensatory time off shall be obtained from the Department Head.

Compensatory time may not accumulate to more than fifty (50) hours. If an employee exceeds the fifty (50) hours maximum, he/she shall be paid his/her regular rate earned by the employee at the time the employee receives such payment for the excess time, or shall be required to take time off.

If an employee is terminated, resigns or retires without having used accumulated compensatory time, the time will be paid out at the regular rate earned by the employee when he/she left employment of the City. Compensatory time earned and used should be reported on time sheets.

Exempt employees are not eligible for compensatory time.

3.20 ON CALL AND CALL BACK HOURS

On call status will be determined by the needs of the department. No department will utilize on call status unless approved by the City Manager. If an employee is placed on call, he/she shall receive a minimum of one (1) hour per day Monday through Friday and a minimum of two (2) hours per day on Saturday and Sunday at his/her regular straight time rate. If an employee is called out while on call, he/she will receive pay at time and one half in hourly increments. Work orders must be filled out and submitted with timesheets for each call out in order for the employee to receive overtime pay.

Any employee who, in the exercise of his official duties, is called back into work or required by the City to appear before any person or agency on his regular day off shall receive a minimum of three (3) hours pay at the rate of time and one half his regular rate. If an employee works over three (3) hours then employee will receive overtime for those actual hours worked.

Appropriate paperwork such as work orders, mandatory training notices or subpoenas must be attached to applicable timesheets in order for the employee to receive pay.

3.21 PAY CHECKS

Payday for general, fire and police employees shall be bi-weekly on Friday. Payday for Marianna Health and Rehabilitation Center personnel shall be bi-weekly on Thursday.

The City of Marianna does not make advances on any employee's pay. Checks will be distributed every normal payday unless that day is a holiday, in which case checks will be distributed the last

work day preceding that scheduled payday. Any errors should be reported immediately by the employee to his Supervisor. Persons leaving the employment of the City between regular pay days will receive their pay checks on the next regular pay day. All City property must be turned in at the time of separation and/or prior to receiving final pay. The reimbursement for items not turned in shall be accomplished by deduction from the employee's eligible annual or sick leave pay out.

3.22 PERFORMANCE EVALUATION

Performance evaluations shall be used to improve productivity, to determine the worthiness of a performance increase if approved by the City Commission, and as a factor in determining promotions and other job actions. Evaluations are given to document the employee's work, attitude, quality, quantity and performance and to assist the employee and management in recognizing strengths and identifying areas of weakness that need improvement. In addition to assisting in achieving and maintaining acceptable or better job performance, evaluations are considered in determining promotions, disciplinary actions, and other job actions.

Performance evaluations shall be conducted at least annually for regular full-time employees and on other occasions as determined necessary by the City Manager or Department Head when and if determined such evaluations are needed.

Rules and procedures for the performance evaluation system will be contained in the appropriate manual. Performance Evaluation Forms are available in the Human Resource Office.

3.23 RAISES

General, MHRC, Police and Fire employees are entitled to a raise as outlined in the manning document adopted by the Marianna City Commission.

3.24 POSITION CONTROL

All positions in the City and MHRC are established and maintained through a personnel manning document adopted by the City Commission. The establishment of new or additional positions can be authorized by the City Commission.

3.25 EMPLOYEE TRAINING

The City may establish and develop educational and training programs for employees. The purpose of such programs is to increase operational efficiency and to assist employees in preparing themselves for positions of increasing difficulty and responsibility.

3.26 EQUAL OPPORTUNITY EMPLOYMENT

The City is firmly committed to equal employment opportunity and does not discriminate in any employment-related decisions on the basis of race, color, religion, national origin, creed,

gender/sex, wages, pregnancy, marital status, political affiliation, age, genetics, mental or physical disability unless such disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications which cannot be accommodated without undue hardship, with respect to recruitment, examination or appointment of applicants, or any personnel actions affecting employees including training, layoffs, and disciplinary transactions. All personnel actions should be based solely on merit of the individual.

Any complaint of violation of the equal opportunity policy may be handled through the regular complaint procedure. You may also report such complaints directly to your Supervisor; however you must follow the complaint procedure contained in Section 5.4 of this policy manual. All such complaints will be promptly investigated and, if deemed valid, corrective action will be taken.

Discrimination is prohibited in hiring, promotion, discharge, wage, fringe benefits and other aspects of employment by Title VII of the Civil Rights Act of 1964. Under the Immigration Reform and Control Act employers may hire only persons who may legally work in the U.S., i.e., citizens, nationals of the U.S. and aliens authorized to work in the U.S. The Age Discrimination in Employment Act of 1967 prohibits employment discrimination against persons who are 40 years of age or older.

The City prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of an employee to perform their expected job duties is absolutely not tolerated.

3.27 THE AMERICANS WITH DISABILITIES ACT (ADA) and THE ADA AMENDMENTS ACT (ADAAA)

The City of Marianna will provide equal opportunities for persons with disabilities seeking employment and will provide a bias free work environment in accordance with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendment Act (ADAAA). The act prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

The city will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates undue hardship to the city. Contact the Human Resources department with any questions or requests for accommodation.

3.28 VETERANS PREFERENCE

The City is an Equal Opportunity/Affirmative Action employer, who provides hiring preference to qualified persons who have been members of the Armed Forces of the United States, in accordance with applicable state and federal law provided they have the ability to perform the essential functions and the assigned tasks of the position. The City is not required to hire a veteran over a more qualified non-veteran.

3.29 FAIR LABOR STANDARDS ACT (FLSA)

The Fair Labor Standards Act (FLSA) is administered by the Wage and Hour Division (WHD). The FLSA establishes standards for minimum wages, overtime pay, recordkeeping, and child labor standards affecting full time and part time workers in the Federal, State and local governments. Special rules apply to State and local government employment involving fire protection and law enforcement activities, volunteer services, and compensatory time off instead of cash overtime pay. The City will adhere to the basic provisions and requirements set for by the FLSA and WHD.

FLSA does not require vacation, holiday, severance, sick pay, meal or rest periods, holidays off, or vacations, premium pay for weekend or holiday work, pay raises or fringe benefits or a discharge notice, reason for discharge, or immediate payment of final wages to terminated employees.

Employees may find out how to file a complaint by contacting the local Wage and Hour Division office, or by calling the program's toll-free help line at 1-866-4USWAGE (1-866-487-9243). In addition, an employee may file a private suit, generally for the previous two years of back pay (three years in the case of a willful violation) and an equal amount as liquidated damages, plus attorney's fees and court costs.

It is a violation of FLSA to fire or in any other manner discriminate against an employee for filing a complaint or for participating in a legal proceeding under FLSA.

3.30 HUMAN RESOURCES RECORDS

It is important that Human Resources records be correct and up-to-date. Employees must notify the Human Resource Department of any changes in personal information such as address, name, dependent status or telephone number. Employees who do not keep his/her records up to date are violating Section 7, Disciplinary Action, 7.4, Types of Offenses, Group I Offenses, Number 13.

All employees shall be permitted access to their official human resource file. Such review shall be available to the employee at reasonable times, under the supervision of the designated record's custodian.

3.31 PERSONNEL FILES

Personnel files shall mean all records, information, data, or materials maintained by the City in any form or retrieval system whatsoever, with respect to any employee, which is uniquely applicable to the employee. Personnel files shall be maintained in the Human Resources Office on each employee. It is essential that you notify Human Resources of any changes in address, telephone number, marital status, number of dependents or a change in beneficiaries. This is the responsibility of the employee and failure to inform Human Resources may result in not being eligible for changes to benefits due to a qualifying change. Copies of employee training if applicable should be forwarded to the Human Resources Office to become a permanent part of the employee's personnel file. Only information that is protected by F.S. 119.071 are exempt from a Public Records Request.

3.32 CITY VEHICLE USE POLICY

Some employees, because of the nature of their work, may be issued and are responsible for a city issued vehicle which may be driven to and from work and lunch, and to conduct official business. Such vehicle shall not be used for personal pleasure or private business. The purpose of this policy is to enable the employee in question to respond to emergency conditions promptly. Abuse of this policy may result in a withdrawal of the vehicle and appropriate disciplinary action up to termination.

The use of city vehicles is restricted to employees of the city only. Non-employees such as spouses, children, other relatives, or friends are not authorized to drive city vehicles at any time or allowed to ride in city vehicles.

Time commuting from home-to-work or from work-to-home by an employee in an employer-provided vehicle is not considered hours worked unless employee is in the scope of his or her employment. Employees who are assigned a city vehicle shall not be allowed to travel more than 10 miles outside of the city limits, and/or the confines of Jackson County, on their commute to or from work. Supervisor will have to designate and notify City Manager a safe place to park city vehicle if an employee lives outside of the 10 mile radius.

3.33 BUSINESS TRAVEL REIMBURSABLE EXPENSES

All travel must be approved in advance to be eligible for reimbursement. Reimbursement by the City will be denied absent advance approval. For general employees travel must be approved by his or her Supervisor and Department Head with final approval from the City Manager. For Department Heads travel must be approved by the City Manager. If you are required to travel on official business, you will be reimbursed for the expenses essential to the transaction of official business. Allowable cost include meals, fuel, bridge, road and tunnel tolls, parking fees and lodging. All travel receipts must be attached.

If employee wishes to receive advanced payment prior to travel, all travel requests must be submitted for signatures and check processing at least fifteen (15) days prior to leaving. Travel

request forms must include documentation that show the dates, cost, location, event itinerary and whether or not meals are included. No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a seminar, convention or conference registration fee paid by the City. No travel request will be processed in advance or reimbursed unless all documentation is attached.

City furnished vehicles, when available must be used by employees for official travel. Employees traveling under official business must be in possession of a current valid State operator's license. Reimbursement for expenditures related to operation, maintenance, and ownership of a privately owned vehicle shall not be allowed except for incidental travel expenses such as bridge, road or tunnel tolls or parking fees.

A travel period is a period of time between the time of departure and time of return when employee is on official duty. An employee is eligible for two types of travel which are overnight or day travel which takes an employee away from his or her official workstation outside of the city or county.

An employee whose business travel is less than 250 miles away will be required to return home after a convention, conference or seminar concludes as long as event itinerary does not show adjournment passed 4:30 p.m. C.S.T.

Employees who generally commute to work and are on business travel are not eligible for mileage reimbursement if direction of travel is in the normal commute to work. Eligibility will commence after employee is outside of normal work commute.

Expenses are calculated as follows:

- Hotel/Motel: Single, at cost (double at same cost is acceptable). Receipt required. City does not pay Florida State Sales Tax on lodging within the state. Employee is responsible for ensuring tax is not included.
- Meals: Breakfast - \$10 (leaving before 8 a.m.); Lunch - \$12 (travel begins before noon & extends beyond 2 p.m.); Dinner - \$26 (travel extends after 6 p.m.)
- Transportation: Airfare – reimbursed at cost for coach fare only (receipt required); City vehicle – reimbursement for fuel at cost (receipts required); Personal vehicle – reimbursed at mileage set by the City, not to exceed cost of airfare; other means of transportation (ie: cabs, buses, and parking) is reimbursed at cost (receipt required).

An employee shall be entitled to a mileage allowance set forth by f.s. 112.061.

Employee is responsible for submitting all travel documentation for approval by management. If employee has been issued travel expenses in advance and event is cancelled or employee is unable to attend, the employee is required to reimburse the City amount issued.

To the extent this section differs from the provisions of Florida Statute 112.061, the one which affords the higher benefit will be used.

3.34 INFORMATION TECHNOLOGY POLICY

City of Marianna departments may utilize social media and social network sites to further enhance communications with various stakeholder organizations in support of City goals and objectives. City officials and City organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting City business. Social media facilitates further discussion of City issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

- 1) All City of Marianna social media sites shall be (1) approved by the Information Systems Tech, the City Manager, and the requesting Department Head; (2) published using approved City social networking platform and tools; and (3) administered by the Department of Information Technology or their designee. Designees can be any department employee designated by the requesting Department Head that has a complete understanding of this policy and has appropriate content and technical experience.
- 2) All City of Marianna social networking sites shall adhere to applicable state, federal and local laws, regulations and policies including all Information Technology and Records Management City policies and other applicable City policies.
- 3) Freedom of Information Act and e-discovery laws and policies apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.
- 4) All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
- 5) Content submitted for posting that is deemed not suitable for posting by a City of Marianna social networking moderator because it is not related to the particular topic on a social networking site that is being commented upon, or is deemed prohibited content based on the criteria in Policy –Item 8 of this policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed not suitable for posting.
- 6) The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
- 7) Each City of Marianna social networking site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social network site. Where possible, social networking sites should link back to the official City of Marianna Internet site for forms, documents and other information.
- 8) City of Marianna social networking content and comments containing any of the following forms of content shall not be allowed for posting:

- a) Comments not topically related to the particular site or blog article being commented upon;
 - b) Profane language or content;
 - c) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 - d) Sexual content or links to sexual content;
 - e) Solicitations of commerce;
 - f) Conduct or encouragement of illegal activity;
 - g) Information that may tend to compromise the safety or security of the public or public systems; or
 - h) Content that violates a legal ownership interest of any other party.
- 9) All City social networking moderators shall be trained regarding the terms of this City of Marianna policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
 - 10) All social networking sites shall clearly indicate they are maintained by the City of Marianna and shall have City of Marianna contact information prominently displayed.
 - 11) Where appropriate, City IT security policies shall apply to all social networking sites and articles.
 - 12) Employees representing the City government via social media outlets must conduct themselves at all times as a representative of the City and in accordance with all human resource policies. See–Employee Guidance for Participating in Social Networking.
 - 13) Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

For the purpose of this City of Marianna Social Media Policy, the following terms are defined as provided below:

- 1) Social Media: Social media is content created by individuals using accessible and scalable technologies through the Internet. Examples of social media include Facebook, blogs, MySpace, RSS, You Tube, Second Life, Twitter, LinkedIn, Delicious, Flickr, etc.
- 2) Blog: (an abridgment of the term web log) is a City of Marianna website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
- 3) City of Marianna author: An authorized City of Marianna official that creates and is responsible for posted articles and information on social media sites (see article below).
- 4) Article: An original posting of content to a City of Marianna social media site by a City of Marianna author.

- 5) Commenter: A City of Marianna official or member of the public who submits a comment for posting in response to the content of a particular City of Marianna article or social media content.
- 6) Comment: A response to a City of Marianna article or social media content submitted by a commenter.
- 7) City of Marianna moderator: An authorized City of Marianna official, who reviews, authorizes and allows content submitted by City of Marianna authors and public commentators to be posted to a City of Marianna social media site.

Comments submitted by members of the public must be directly related to the content of the articles. Submission of comments by members of the public constitutes participation in a limited public forum. City of Marianna blog moderators shall allow comments that are topically related to the particular article being commented and thus within the purpose of the limited public forum, with the exception of the prohibited content listed in Policy Section Item 8 above.

Author and Commenter Identification

- ❖ All City of Marianna blog authors and public commentators shall be clearly identified. Anonymous blog postings shall not be allowed.
- ❖ Enrollment of public commentators shall be accompanied by valid contact information, including a name, address, and email address.

Ownership and Moderation

- ❖ The content of each City of Marianna blog shall be owned by and the sole responsibility of the department producing and using the blog.
- ❖ Documents and articles submitted to a City of Marianna blog shall be moderated by an authorized and trained blog moderator.

Blog Comments & Responses

- ❖ All blog articles and comments shall be reviewed and approved by an authorized blog moderator before posting on a City of Marianna blog.
- ❖ All blog articles and comments submitted for posting with attached content shall be scanned using antivirus technology prior to posting.
- ❖ The linked content of embedded hyperlinks within any City of Marianna blog articles or blog comments submitted for posting shall be evaluated prior to posting. Any posted hyperlinks shall be accompanied by a disclaimer stating that the City of Marianna guarantees neither the authenticity, accuracy, appropriateness nor security of the link, web site or content linked thereto.

The City of Marianna understands that social networking and Internet services have become a common form of communication in the workplace and among stakeholders and citizens. Social networks are online communities of people or organizations that share interests and/or activities and use a wide variety of Internet technology to make the interaction a rich and robust

experience. Employees that choose to participate in social networks as a City employee should adhere to the following guidelines:

- ✓ City policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting City business. Use of your City e-mail address and communicating in your official capacity will constitute conducting City business.
- ✓ City employees shall notify their Supervisor and the IT department if they intend to create a social networking site or service to conduct City business.
- ✓ Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social networking activities in their departments.
- ✓ Protect your privacy, the privacy of citizens, and the information the City holds. Follow all privacy protection laws, i.e., HIPAA, and protect sensitive and confidential City information.
- ✓ Follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any others laws that might apply to the City or your functional area.
- ✓ Do not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval.
- ✓ Make it clear that you are speaking for yourself and not on behalf of the City of Marianna. If you publish content on any website outside of the City of Marianna and it has something to do with the work you do or subjects associated with the City, use a disclaimer such as this: “The postings on this site are my own and don’t necessarily represent the City’s positions or opinions.”
- ✓ Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City’s workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
- ✓ If you identify yourself as a City employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens and other stakeholders.
- ✓ Correct your mistakes, and don’t alter previous posts without indicating that you have done so. Frame any comments or opposing views in a positive manner.
- ✓ Add value to the City of Marianna through your interaction. Provide worthwhile information and perspective.

3.35 Camera Use Policy

- The use of personal cameras, whether cell phone cameras, standalone cameras, or contained on any other such personal devices, whether digital or conventional film cameras, while on duty or when performing any function for or on behalf of the City of Marianna or any division thereof is strictly prohibited.
- Personnel are only permitted to use cameras or other picture taking or image generating devices authorized and/or issued by the City of Marianna while on duty or in a duty status. The department issued devices are intended to be used for official purposes only such as to document the position of vehicles and patients at the scene of an accident or to

document mechanism of injury for use by the receiving medical facility to assist in guiding treatment. No other picture taking devices including personal cell phones, personal electronic devices, other personal computer device (not issued by City of Marianna for official purposes) shall be used by personnel while on duty or in a duty status.

- Any photographs containing individually identifiable information are covered by the HIPAA privacy rule and must be protected in the same manner as patient care reports and other such documentation.
- Any photographs taken by, or in the possession of an employee in the course and scope of their employment are solely the property of City of Marianna and not the property of the individual that took the pictures.
- No medical image taken by an employee in the course and within the scope of their employment may be used, sold, printed, copied, scanned, e-mailed, posted, shared or distributed in any other manner without the expressed written consent of the City Manager, IT Tech, and the Department Head. Examples: This Prohibition includes, but is not limited to the posting photos on personal websites such as Twitter, MySpace, YouTube, and any other public website or any other public safety website, Emailing images to friends, colleagues, relatives or others in the fire service.

3.36 Electronic Communications Retention Policy

Electronic communications generated by City of Marianna employees is intended to facilitate City business objectives for employees and other business associates for communications, collaboration, research, and/or work related tasks.

Electronic Communications include e-mail, instant messaging, text messaging (such as SMS, iMessage, Blackberry PIN, etc.), multimedia messaging (such as MMS), chat messaging, social networking (such as Facebook, Twitter, etc.), or any other current or future electronic messaging technology or device.

Electronic communications created or received in connection with the transaction of official business are public records subject to inspection and copying in accordance with chapter 119, Florida Statutes, and subject to applicable state retention laws and regulations defined and outlined in the Florida Department of State, State Library and Archives, Records Management, unless expressly exempted by law. Employees should have no expectation of any privacy whatsoever regarding electronic communications that are sent or received using the City network or devices owned by the City.

Electronic communications created or received for personal use are not generally considered public record and do not fall within the definition of public records simply by virtue of their placement on a government owned computer system.

All City of Marianna E-mail data, including materials created, received or transmitted within the system are the property of City of Marianna.

3.37 Taping of Conversations in the Workplace

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

Statutory Provisions

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

**SECTION 4
BENEFITS AND LEAVE**

4.1 HOLIDAYS

The following and any other days which the City Commission may declare are City holidays. They shall be granted with pay to all eligible employees scheduled to work on such days.

- | | |
|--|-------------------------------------|
| 1. New Years Day | January 1 |
| 2. Martin Luther King, Jr's Birthday | January (3 rd Monday) |
| 3. Good Friday | Friday before Easter |
| 4. Memorial Day | Last Monday in May |
| 5. Independence Day | July 4 |
| 6. Labor Day | September (1 st Monday) |
| 7. Veteran's Day | November 11 |
| 8. Thanksgiving Day | November (4 th Thursday) |
| 9. Friday following Thanksgiving | |
| 10. Christmas Day | December 25 |
| 11. Such other holidays as maybe determined by the City Commission | |

Applicable rules for holiday leave are as follows:

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

Employees in departments working on a shift basis will receive credit for the holiday on the actual date of the holiday.

The City Manager will determine when any department or operation will be closed in observance of a holiday.

Holidays will not be counted as time worked for overtime computations and will not be used to put employee over hours of established work week. Employee will only be paid for physical hours worked during established work week.

All full time regular employees will receive one (1) day off with pay for each of the holidays earned. The holiday pay will be as follows:

For general and employees (includes employees at the police and fire department who fall under this category), he/she will receive 8 hours, police will receive 8.4 hours, and fire will receive 12 hours.

An employee must work his or her regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday or be on approved advanced leave in order to qualify for the holiday time.

Employees who work on the observed holiday will be paid straight time pay at their regular rate of pay in addition to the regular pay granted for the holiday, or will be given compensatory time off, at the discretion of the Department Head. Exempt employees do not receive extra holiday pay above their regular scheduled hours.

An employee who is scheduled to work on the day observed as a holiday and calls out sick will be charged with sick leave.

Holidays which occur during annual leave shall be charged to holiday leave and not to annual leave.

An employee who uses any approved leave during an established work week that a holiday falls in will not put employee hours over the established work week or twenty-eight day cycle.

When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.

When a holiday falls within a period of approved Family Medical Leave Act (FMLA) that is not running concurrent with Workers Compensation leave, the employee shall be paid for the holiday and not be charged annual or sick leave for that day. **An employee is not entitled to holiday pay if receiving workers compensation pay due to being out on a work related injury.**

If a holiday falls on the employee's normal day off, the employee will receive regular pay for the holiday.

Holiday pay will not be offered to part-time, temporary, contract or auxiliary employees.

4.2 ANNUAL LEAVE (VACATION)

Each full time paid employee shall accrue annual leave with full pay. Full time paid employees leave will be computed on the basis of continuous service. Employees who convert to full time from a part time, temporary or auxiliary position shall use the date of becoming full time paid status to calculate full time benefits. Accrual begins after one (1) month of employment.

The three divisions of annual leave are as follows: General (which includes MHRC employees), Fire and Police. Annual leave for full time employees will accrue as follows:

City of Marianna and MHRC general employees working 2,080 hours per year will accrue the following:

1 month to 60 months service -

8 hours per month

60 months and one day to 120 months of service -	9 hours per month
120 months and one day to 180 months of service -	10 hours per month
180 months and one day to 240 months of service -	11 hours per month
240 months and one day or more months of service -	12 hours per month

Police personnel working 2,184 hours per year will accrue the following:

1 month to 60 months of service -	8.4 hours per month
60 months and one day to 120 months of service -	9.4 hours per month
120 months and one day to 180 months of service -	10.4 hours per month
180 months and one day to 240 months of service -	11.4 hours per month
240 months and one day or more months of service -	12.4 hours per month

Fire personnel working 2,756 hours per year will accrue the following:

1 month to 60 months of service -	12 hours per month
60 months and one day to 120 months of service -	13 hours per month
120 months and one day to 180 months of service -	14 hours per month
180 months and one day to 240 months of service -	15 hours per month
240 months and one day or more months of service -	16 hours per month

Annual leave may be taken at times approved by the City Manager or designee, but an employee may not take annual leave during the first six (6) months of employment except under extraordinary circumstances specifically approved by the City Manager or the Administrator for the MHRC.

Annual leave shall not be authorized if employee is receiving workers compensation benefits.

Leave time accrued to the benefit of an employee shall be subject to the following regulations:

- A. At the beginning of each fiscal year, an employee, upon his/her request, shall be compensated, at the existing wage rate for unused annual leave, not to exceed three (3) days. The calculations for the accrued balance for annual leave compensation shall be calculated through the fiscal budget year ending September 30th of each year. Three (3) days is based on the approved following: General, MHRC, fire admin personnel and police admin/dispatch personnel, one (1) day equals 8 hours; fire personnel non administrative, one (1) day equals 12 hours; police non administrative personnel, one (1) day equals 8.4 hours.
- B. There is no cap on how much earned leave an employee may take off each year.
- C. Annual leave may be taken only after approval by the City Manager or the Department Head. Department Heads must submit leave request directly to the City Manager.

- D. Supervisors will arrange vacation schedules and re-allocate duties on such a basis as to cause minimum interference with normal functions and operations of the department. The Department Head or Supervisor has the right to deny leave.
- E. Not more than twenty (20) days annual leave shall accumulate for the benefit of an employee. Any annual leave in excess of twenty (20) days accruing to the benefit of an employee which is neither taken nor compensated for in accordance with this section shall lapse the beginning of each fiscal year (October 1st). Twenty (20) days is based on the approved following: General, MHRC, fire admin personnel and police admin/dispatch personnel, one (1) day equals 8 hours; fire personnel non administrative, one (1) day equals 12 hours; police non administrative personnel, one (1) day equals 8.4 hours.
- F. Annual leave will not be granted in advance of accrual.
- G. Annual Leave can be charged in increments of no less than thirty (30) minutes.
- H. Holidays which occur during the period selected by the employee for annual leave shall be charged against holiday leave and not to annual leave.
- I. Annual leave hours shall not be counted as time worked for overtime computation.
- J. Annual leave shall not be used to advance pay out of accrued leave and will not be used to put employee over hours of an established work week or for sworn officers of the fire and police over the established hours in a 28 day cycle.
- K. Request for annual leave must be submitted in a timely manner and may be denied if granting leave would unduly disrupt or hinder the normal operation of the department.
- L. Employees are responsible for monitoring his/her accrued leave.

Annual Leave may be granted for the following purposes:

- A. Vacation.
- B. Absences for transacting personal business which cannot be conducted during off-duty hours.
- C. Religious holidays other than those designated by the City as official holidays.
- D. For uncovered portions of absences due to medical reasons once sick leave has been exhausted.
- E. Any scheduled absence from work not covered by other types of leave provisions established by these policies.

The City of Marianna general employees (includes employees at the police and fire department who fall under this category) and MHRC employees who have satisfactorily completed their six (6) month initial probationary period and fire (public safety) and police (public safety) employees who have satisfactorily completed the first six (6) months of their one (1) year probationary period whom are separated from the service of the City (resignation, retirement, DROP, health,

death or reduction of force) shall be paid for their accumulated annual leave not to exceed the maximum allowed days per section 4.2 (e) Annual Leave, under leave time accrued to the benefit of an employee. The compensatory amount is based on the approved day for the following: General, MHRC, fire admin personnel and police admin/dispatch personnel, one day equals 8 hours; fire personnel non administrative, 1 day equals 12 hours; police non administrative personnel, one day equals 8.4 hours. In no case shall accumulated annual leave (1) be paid in excess of the cumulative hour maximum according to length of service; (2) be paid to any employee who has any disciplinary action(s) pending against him or her; (3) be paid if the employee has a deficit balance in his/her annual leave account; (4) be used to extend an employee's employment time; (5) be paid if an employee is terminated from his/her employment.

Annual leave will not be offered to part-time, temporary, auxiliary or contract employees.

4.3 SICK LEAVE

The City of Marianna realizes that inability to work because of illness or injury may cause a serious economic hardship. The City provides a plan of sick leave to ensure a continuation of pay for employees who are temporarily unable to perform their duties because of illness or injury.

Each regular full-time general (includes fire admin and police admin/dispatch who fall under this category) and MHRC employees working 2,080 hours per year will earn 8 hours sick leave with pay, each month. Each regular full-time fire personnel working 2,756 hours per year will earn 12 hours of sick leave with pay each month. Each Police personnel working 2,184 hours per year will earn 8.4 hours of sick leave with pay each month.

Leave time accrued to the benefit of an employee shall be subject to the following regulations:

- A. At the beginning of each fiscal year if an employee has a minimum of thirty (30) days sick leave, he or she may request to be paid at his or her existing wage rate up to three (3) days sick leave. The calculations for the accrued balance for sick leave compensation shall be calculated through the fiscal budget year ending September 30th of each year.

The allowable amounts to be used in calculating the thirty (30) days in hours to request buy back up to three (3) days in hours are: General, MHRC, fire admin personnel and police admin/dispatch personnel, one (1) day equals 8 hours which totals 240 hours; fire personnel non administrative, one (1) day equals 12 hours which totals 360 hours; police non administrative personnel, one (1) day equals 8.4 hours which totals 252 hours.

- B. At the end of the fiscal year, an employee shall not be allowed to carry over accrued sick leave in excess of seventy-five (75) days. Any unused leave shall lapse the beginning of each fiscal year (October 1st). The allowable amounts to be used in calculating days in hours are: General, MHRC, fire admin personnel and police admin/dispatch personnel, one (1) day equals 8 hours which totals 600 hours; fire personnel non administrative, one (1) day equals 12 hours which totals 900 hours; police non administrative personnel, one (1) day equals 8.4 hours which totals 630 hours.

- C. If an employee has no sick leave available then he/she will be required to use annual leave prior to leave without pay. If the employee doesn't have annual leave then the employee will be required to take leave without pay. An employee will not be allowed to take leave without pay if he/she has sick or annual leave available.
- D. Days which an employee is absent from work as a result of any illness, disease or injury covered by the State Worker's Compensation law or as a result of any provision of such law as applied to such illness, disease or injury shall be charged against sick leave until such time as the worker's compensation begins payment of a salary. If employee has exasperated all earned sick leave then he/she will be permitted to use earned annual leave.
- E. Sick leave may be authorized during the employee's probationary period. However, in the event the employee resigns or is otherwise terminated before the end of a six (6) month period, any sick leave taken will be reimbursed to the City by deduction from the employee's eligible annual leave payout.
- F. Sick leave will not be granted in advance of accrual.
- G. Sick leave hours shall not be counted as time worked for overtime computation.
- H. Sick leave shall not be used to advance pay out of accrued leave and will not be used to put employee over hours of an established work week or for sworn officers of the fire and police over the established hours in a 28 day cycle.
- I. Sick leave can be charged in increments of no less than thirty (30) minutes.
- J. Should a holiday occur during approved Family Medical Leave Act (FMLA) or approved sick leave, the holiday shall be charged to holiday leave instead of sick leave.
- K. An employee who is scheduled to work on the day observed as a holiday and calls out sick will be charged with sick leave.

To receive compensation while absent on sick leave, the employee shall notify his/her immediate Supervisor or Department Head in accordance with department regulations. An employee in a unit operating on a 24 hour basis must notify the department within the time limit established by the department. This provision may be waived by the Department Head if the employee submits evidence that it was impossible to give such notification.

The City Manager, Department Head or immediate Supervisor may request a physician's certificate to verify the illness of any employee on sick leave if there is reasonable cause to believe that the employee is abusing the intent of sick leave.

Sick leave shall not be authorized if employee is receiving workers compensation benefits.

Sick leave may be granted for the following purposes:

- A. Personal injury, pregnancy or illness of the employee.
- B. Medical, dental, optical or chiropractic examination or treatment when it is not possible to arrange the appointment for off-duty hours.
- C. Exposure to contagious disease which would endanger others as determined by a physician.
- D. Illness of a member of the employee's immediate family which requires the personal care and attention of the employee. (see definition of immediate family in Section 2).

Employees shall receive compensation for unused sick leave upon separation from City employment in accordance with the following guidelines:

- A. In no case shall accumulated sick leave (1) be paid in excess of the cumulative hour maximum according to length of service; (2) be paid to any employee who has any disciplinary action(s) pending against him or her; (3) be paid if the employee has a deficit balance in his/her sick leave account; (4) be used to extend an employee's employment time; (5) be paid if an employee is terminated from his/her employment.
- B. Employees who were employed on July 6, 2009 or before will receive the following payment for unused sick leave:
 - a) Up to ten years and under he/she will receive twenty-five (25) percent of unused sick leave not to exceed 600 hours.
 - b) Ten years and one day to eleven years he/she will receive thirty (30) percent of unused sick leave not to exceed 600 hours.
 - c) Eleven years and one day to twelve years he/she will receive thirty-five (35) percent of unused sick leave not to exceed 600 hours.
 - d) Twelve years and one day to thirteen years he/she will receive forty (40) percent of unused sick leave not to exceed 600 hours.
 - e) Thirteen years and one day to fourteen years he/she will receive forty-five (45) percent of unused sick leave not to exceed 600 hours.
 - f) Fourteen years and one day to fifteen years he/she will receive fifty (50) percent of unused sick leave not to exceed 600 hours.
 - g) Fifteen years and one day to sixteen years he/she will receive fifty-five (55) percent of unused sick leave not to exceed 600 hours.
 - h) Sixteen years and one day to seventeen years he/she will receive sixty (60) percent of unused sick leave not to exceed 600 hours.
 - i) Seventeen years to one day to eighteen years he/she will receive sixty-five (65) percent of unused sick leave not to exceed 600 hours.
 - j) Eighteen years and one day to nineteen years he/she will receive seventy (70) percent of unused sick leave not to exceed 600 hours.
 - k) Nineteen years and one day to twenty years he/she will receive seventy-five (75) percent of unused sick leave not to exceed 600 hours.
 - l) Twenty years and one day or more he/she will received eighty (80) percent of unused sick leave not to exceed 600 hours.

C. Employees who were employed on July 7, 2009 or after will receive the following payment for unused sick leave:

- a) Employees shall not be paid for unused sick leave, except for those who have 10 years of continuous service with the City or MHRC. If an employee leaves employment from the City or MHRC and has less than 10 years of continuous service, he/she will receive no payment of sick leave. If an employee has been employed 10 years or more of continuous service with the City or MHRC, upon leaving his/her employment except termination, he/she shall be paid 25 percent of their unused sick leave not to exceed 600 hours.

Sick leave will not be offered to part time, temporary, auxiliary or contract employees.

4.4 SICK LEAVE DONATION

From time to time employees are faced with a serious personal or family health condition. A serious health condition may require an employee to request Family and Medical Leave whereas the guidelines and procedures are outlined in the City Personnel Policy Manual. Family Medical Leave Act (FMLA) is federally mandated leave without pay. Employees are authorized to use accrued sick leave during their absence and at which time all sick leave is exhausted may use accrued annual leave to continue receiving pay. However, when all sick and annual leave time is exhausted employee will no longer be receiving pay for being absent from work. The City believes this creates substantial hardship on employees; therefore, the City desires to establish a Sick Leave Donation policy to allow employees to donate sick leave to their co-employees during hardships.

The City of Marianna authorizes an employee at their own freewill to donate up to twenty-four hours of sick leave to an eligible co-employee. Donations are not limited to one employee but amount approved will not exceed twenty-four hours for any one employee per year.

The guidelines of eligibility to receive sick leave donations are as follows: (1) employee must qualify for FMLA; (2) donations are only permitted to be given to regular full time employees; (3) employee in need of leave time has exhausted all accrued sick and annual leave due to a serious personal or family health condition; and (4) employee has exhausted FMLA and has been placed on leave without pay status.

The eligibility examples are not meant to be limiting, other situations may warrant receiving sick leave donations.

Part-time, temporary, auxiliary or employees employed less than six (6) months are not eligible for sick leave donation.

Employees who are interested in making a donation of sick leave to a co-employee must meet the following criteria: (1) employee must be a regular full time non-probationary employee; and (2) employee must have a sick leave accrual balance of no less than one hundred and sixty hours.

If an employee desires to make a donation to a co-employee, they will need to request an authorized form from the Human Resource's Office for the City and from the Business Office for the Marianna Health and Rehab Center. The form will need to be completed then returned to applicable aforementioned location for approval. After the form has been received it will be reviewed for verification that the above criteria for eligibility to receive and eligibility to donate has been met. Employee receiving and employee donating will be informed of decision of approval or disapproval of the request. No donations are allowed unless approved by the City Manager for the City or the Administrator for the Marianna Health and Rehab Center.

Donation request will have to be submitted the Friday prior to the end of the pay period employee is wishing to donate hours. Any request received after that day will not be approved for the applicable pay period.

4.5 BEREAVEMENT LEAVE

All full time regular employees who have completed six months of career service employment shall be granted a maximum of three consecutive days funeral leave unless otherwise approved by City Manager per incident upon notification of the Department Head in the event of death of an immediate family. (See definition of immediate family, Section 2). Leave will need to be used within ten days from date of death unless special approval is received from the City Manager for special circumstances.

The employee may be required to provide the Department Head or Supervisor with proof of death in the immediate family before compensation is approved.

If additional time off is necessary to attend the funeral of a member of the immediate family, annual leave may be used.

If the employee wishes to attend the funeral of someone outside his/her immediate family, annual leave or leave without pay may be granted.

Bereavement leave is not considered physical hours worked and shall not be used towards overtime computation. Bereavement leave is not offered to permanent part-time, temporary, auxiliary, contract or probationary employees.

4.6 COURT LEAVE / JURY DUTY

An employee attending court as a witness on behalf of a governmental agency or for jury duty during their normal working hours shall receive pay at their regular rate for the hours they attend court. This time shall be charged as leave with pay.

All regular full time employees subpoenaed to attend court during his or her normal established work schedule on behalf of the City are eligible for leave with pay.

Those employees who become plaintiffs or defendants in personal litigation are not eligible for leave with pay. In such cases, annual leave or leave without pay may be granted.

Employees who attend court for only a portion of a regularly scheduled work day are expected to report to their Supervisor when excused or released by the court.

Employees required to attend court on behalf of a governmental agency, who are on scheduled vacation may be allowed to take additional leave with pay for that court time.

All court attendance must be verified before an employee is compensated. Monies received from court appearances will be turned over to the City, except for travel pay.

Court leave/jury duty is not offered to part-time, temporary, auxiliary or contract employees.

4.7 CONFERENCE LEAVE

An employee may be granted leave with pay to attend professional and technical institutes, conferences, or other meetings which contribute to the effectiveness of the employee's service. All such leave and travel expenses will be subject to the approval of the City Manager and for the MHRC the Administrator.

Conference leave is not offered to permanent part-time, temporary or auxiliary employees.

4.8 MILITARY LEAVE

An employee who is a commissioned reserve officer or reserve enlisted personnel in the United States Military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which employee is engaged in training ordered under the provision of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

Leave of absence granted may not exceed 240 hours in any one annual period. If employee is granted administrative leave of absence for additional or longer periods of time for assignment to duty functions of military character shall be without pay and shall be granted by the City and when so granted so be without loss of time or efficiency rating.

It is the City's intent to grant leave of absence for active or inactive training to all employees who are members of the United States Reserve Forces or the National Guard, to ensure the state and national security at all times through a strong armed force of qualified and mobilization ready personnel.

Employee shall provide a copy of the official orders or appropriate military certification to be filed in the employee's personnel file.

The City shall continue to provide all health insurance and other existing benefits to such employees as required by the Uniformed Services Employment and Reemployment Rights Act, Chapter 43 of Title 38 U.S.C.

An employee who enters active military service shall be governed by the provisions of Florida Statutes, Title X, Chapter 115, Chapter 121, and Title XVII, Chapter 250 applicable to military leave.

4.9 LONGEVITY INCENTIVE PAY

The City and MHRC offers to all full time career service paid employees a longevity incentive pay of \$500 for every continuous five years of service. To be qualified the employee must be employed full time and have held employment for a continuous five years. If an employee is separated from his position and later rehired the time begins at the rehire date. If an employee is out due to FMLA, he/she will not be disqualified during their leave of absence. However, if an employee does not return within allowed leave set forth by the FMLA guidelines and is separated from employment he/she will be disqualified to receive the longevity incentive pay. If the employee is rehired at a later date he/she will become qualified at the rehire date. If a part time employee is promoted to a full time position the date he/she becomes full time begins his/her date of eligibility. Employee is required to attend the regular scheduled commission meeting in order to receive longevity incentive pay which will be disbursed the following month. The City Commission approved the foregoing at the regular Commission meeting held September 2006.

4.10 EXAMINATIONS

An employee may be granted leave with pay for the purpose of taking examinations that will upgrade the qualifications of the employee.

4.11 EDUCATION INCENTIVE REIMBURSEMENT PROGRAM

Depending on budgetary constraints, operational necessity and the degree of expertise needed, the City of Marianna and MHRC have an Education Incentive Reimbursement Program which allows full time career service employees who have been employed twelve (12) months to take approved college courses, vocational-technical training courses, or in-service training in a related field at the City or MHRC expense to further their education. Approved reimbursement will be paid out of the respective department's budget; therefore, prior to approval by Department Head he or she is responsible for ensuring funds are available to cover reimbursement. Approval by Department Head for employee to attend classes is not a guarantee of approval for reimbursement by the City Manager. Department Head is responsible for submitting all required documentation to the City Manager's office for verification, review and final approval.

Prior to registering for any classes that the employee believes will be beneficial to the City or the MHRC, the employee will need to inform his/her Supervisor or Department Head their desire to attend classes and request approval to do so if during set work schedule. In the event the course is approved by the City Manager or MHRC Administrator, the employee will be required to

modify his work schedule to attend the classes. If he/she is not able to modify his/her work schedule then the employee will have to take annual leave to attend classes if during his/her set work schedule. The employee is encouraged to schedule classes around set work schedule if at all possible. Employees may be approved to register for classes that are not to the benefit of the City or MHRC during the scheduled work hours. These classes will not be considered an approved reimbursable class. In this case, he/she will have to take annual leave to attend these classes or make other arrangements to modify their set work schedule. However, no employee should register for classes that attendance would require them to be absent from their assigned position during their set work schedule without discussion and prior approval from their Department Head and Supervisor without final approval from the City Manager or the MHRC Administrator.

An employee who is interested in enrolling in a course(s) that would benefit their position here at the City or MHRC must be granted approval by the City Manager or Administrator for MHRC prior to enrollment of any courses. If an employee enrolls for classes without prior approval for reimbursement then the employee will not be eligible for reimbursement. Reimbursement of educational expenses shall be approved for the City by the City Manager or for the MHRC by the Administrator, and will be paid only if the employee completes the course with a passing grade which is outlined by the educational institute or meets the term of applicable contracts.

Employees will be required to complete an Education Expense Reimbursement Agreement. If an employee ceases to be employed, for whatever reasons, their employment with the City or MHRC prior to one (1) full year from date of completion of any course in consideration for the City or MHRC expenses on the employee's behalf, the employee will be required to reimburse the City or MHRC at a prorated amount for the educational expenses that the City or MHRC incurred during employment. This is to be withheld from the employee's last paycheck(s). The City or MHRC may institute a civil action to collect such costs, if not reimbursed, and shall be entitled to recover all costs of collection, including reasonable attorney fees.

Employees will be responsible for paying all fees upfront. The City or MHRC will only reimburse fees after successful completion of requirements.

Program eligibility is for career service full time employees who have been employed by the City or MHRC twelve months unless otherwise required by departmental policy.

The following are the guidelines set up for this program:

1. Employee shall discuss his or her intent to request reimbursement with their Department Head to ensure funds are available prior to submitting an Education Reimbursement Request to the City Manager.
2. Employee shall complete the City of Marianna Education Expense Reimbursement Agreement prior to registering for any course during a semester requesting reimbursement. Employee must attach to form a print out from school which shows course information, dates, and cost. The form does not carry over from semester to semester.

3. No part time, temporary, seasonal, or auxiliary employees are eligible for the education incentive reimbursement program.
4. Employee must be employed full time twelve (12) months as a career service employee and courses must be specifically related to the field of work.
5. Employee may be reimbursed no more than one thousand dollars (\$1000.00) in a fiscal year.
6. Education reimbursement shall not include any type travel expense such as fuel, meals or overnight accommodations.
7. After course completion and prior to reimbursement, employee must provide documentation from vocational-technical school, college or university if any financial aid such as scholarships or grants were received during semester requesting reimbursement. Scholarships or grants do not automatically disqualify employee from reimbursement. Employee is only eligible for monies he or she paid for tuition or books (excludes tax and shipping).
8. Institution must be an accredited vocational-technical school, state college or state university and courses of study must be transferrable credit hours.
9. Employee is responsible for submitting to employer from the education institution a certified true and correct print out showing tuition amount for courses requesting reimbursement which shows how tuition was paid. For book reimbursement, employee shall submit invoice showing amount of book requesting reimbursement and receipt of payment. Book reimbursement excludes tax and shipping cost.
10. Education reimbursement will be paid out of the respective department's budget; therefore it is the responsibility of the Department Head to ensure funds are available to cover reimbursement amount.

Any agreement between an employee and the City for education reimbursement of any kind preceding the date of personnel policy being approved shall not be binding upon either party and the new policy shall be in effect. Please note: Employee is responsible for submitting all of the required paperwork before reimbursement request shall be processed. No employee will be reimbursed for educational fees if prior approval was not received for reimbursement.

Enrollment in short courses, seminars, conferences or less than full time at a college, university or training academy which is required as part of an employee's job shall not be considered educational leave, but shall be considered a part of the employee's work assignment.

4.12 FAMILY AND MEDICAL LEAVE ACT POLICY (FMLA)

The City of Marianna will comply with the Family Medical Leave Act of 1993 as required by law and any amendments made to this law. The City of Marianna and MHRC posts the mandatory FMLA Notice in specified designated areas and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act.

Employees who wish to take Family and Medical leave should contact the office of human resources to determine if they are eligible for Family and Medical Leave and if so, to obtain

necessary documentation and make arrangements for their leave.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Employee may visit the Department of Labor official website for a complete outline of FMLA requirements.

If an employee is absent more than three consecutive work days for general (including fire and police admin/communication personnel), MHRC or police sworn officers, the days absent may be counted towards FMLA. For fire sworn officers, if an employee missing two shifts in a one week pay period, the days absent may be counted towards FMLA.

If you have any questions, concerns or disputes with this policy, you must contact the office of human resources in writing.

Human Resources shall be notified if an employee is out more than three (3) days due to any type leave covered in section C and for a serious health condition described in section D.

The following applies to FMLA:

A. General Provisions - Under this policy, the City of Marianna and MHRC will grant up to twelve (12) weeks (or twenty-six (26) weeks of military caregiver leave to care for a covered service member with a serious injury or illness) of unpaid leave, job protected leave during a twelve (12) month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. Any paid leave will run concurrently with FMLA approved leave.

B. Eligibility and Reasons - To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the City of Marianna or MHRC for twelve (12) months or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. Separate periods of employment will be counted if the break in service exceeds seven (7) years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the twelve (12) month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the

number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

- 3) The employee must work in a worksite where fifty (50) or more employees are employed by the City of Marianna or MHRC within seventy-five (75) miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

C. Type of Leave Covered

- 1) The birth of a son or daughter of an employee and to care for and bond with the newborn child;
- 2) The placement with an employee of a child for adoption or foster care and to care for the newly placed child (entitlement to leave for birth, placement for adoption or foster care of a son or daughter expires twelve (12) months from the date of the birth or placement of the child);
- 3) In order to care for the employee's spouse, son, daughter or parent (but not a parent "in-law") who has a serious health condition; see definition for "children, parent & spouse"
- 4) A serious health condition (described below under "d") which renders the employee unable to perform one or more of the essential functions of the employee's position;
- 5) Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation. An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to twelve (12) weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's twelve (12) week maximum of FMLA leave in a twelve (12) month period.
- 6) Military Caregiver leave (also known as covered service member leave). To care for a spouse, son, daughter, (son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor) parent or next of kin who is a member of the United States Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The

term "serious injury or illness", in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. (Eligible employees in this circumstance may be eligible to take up to twenty-six (26) weeks of leave during a single twelve (12) month period). See definition of "covered active duty"

Son or daughter excluding from definition of number five (5) and six (6) means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in place of a parent, who is (a) under eighteen (18) years of age; or (b) eighteen (18) years of age or older and incapable of self care because of a mental or physical disability. "Next of kin" means the closest blood relative to the eligible employee.

D. Serious Health Condition - For purposes of FMLA, "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves either: (1) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom), or (2) any subsequent treatment in connection with such inpatient care; or (3) continuing treatment by a health care provider as defined under applicable U.S. Department of Labor Rules (DOL Rules).

E. Amount of Leave - An eligible employee can take up to twelve (12) weeks for the FMLA circumstances (1) through (5) above under this policy during any twelve (12) month period. The City will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last twelve (12) months and subtract it from the twelve (12) weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

In other words, if the employee has taken twelve weeks of leave in the preceding twelve months, the employee may not take FMLA leave that day. This leave is taken in a consecutive twelve (12) month period in a certain family and medical situations. For example, an employee taking six (6) weeks FMLA leave in January 5, 2008, and an additional six (6) weeks FMLA leave on March 1st, is not entitled to additional FMLA until January 5, 2009.

An eligible employee can take up to twenty - six (26) weeks for the FMLA circumstance six (6) above (military caregiver leave) during a single twelve (12) month period. For this military caregiver leave, the City will measure the twelve (12) month period as a rolling twelve (12) month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of twenty-six (26) weeks available. For example, an employee taking thirteen (13) weeks FMLA leave in February 1, 2008, and an additional thirteen (13) weeks FMLA leave on July 1st, is not entitled to additional FMLA until February 1, 2009.

If a husband and wife both work for the City or both work for MHRC and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of twelve (12) weeks of leave. For better clarification, search Code of Federal Regulations, 825.120(3).

If a husband and wife both work for the City or both work for MHRC and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of twenty-six (26) weeks of leave.

A combination of leave under the section above and any other FMLA qualifying leave. However, any leave taken for reasons other than those listed in section is limited to twelve (12) weeks, regardless of whether it is combined with any amount of leave to care for a spouse, son, daughter, parent or next of kin who is a member of the United States Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

F. Intermittent Leave or a Reduced Work Schedule - The employee may take FMLA leave in twelve (12) consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) workweeks (or twenty-six (26) workweeks to care for an injured or ill service member over a twelve (12) month period).

The employees at the City of Marianna or the employees at the MHRC may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the employee at the City of Marianna or the employee at the MHRC and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City of Marianna or MHRC before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

The employee who takes intermittent FMLA leave has a statutory obligation to make a "reasonable effort" to schedule such leave so as not to disrupt unduly the employer's operation.

G. Verification - The City of Marianna and MHRC will require that an employee's leave to care for the employee's seriously ill spouse, son, daughter, parent, or next of kin in the event of leave to care for a seriously ill or injured member of the Armed Forces, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of employee's position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

In accordance with DOL rules, the City of Marianna or MHRC may request, at the City of Marianna's or MHRC expense, a second or third health care provider's opinion for leave taken because of a serious health condition.

The City of Marianna or MHRC may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City of Marianna or MHRC will not use the employee's direct Supervisor for this contact. Before the City of Marianna or MHRC makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City of Marianna or MHRC will obtain the employee's permission for clarification of individually identifiable health information.

H. Recertification - The City of Marianna or MHRC may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every thirty (30) days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his/her leave. Otherwise, the City of Marianna or MHRC may request recertification for the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence. The City of Marianna or MHRC may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

I. Procedure for Requesting FMLA Leave - City of Marianna employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the office of human resources at City Hall and MHRC employees must provide request for FMLA to the administration office at MHRC. Within five (5) business days after the employee has provided this notice, the human resource director or MHRC administrator will complete and provide the employee with the DOL Notice of Eligibility and Rights which can be found on the Department of Labor Website at (<http://www.dol.gov>).

When the need for the leave is foreseeable, the employee must provide the employer with at least thirty (30) days' notice. When an employee becomes aware of a need for FMLA leave less than thirty (30) days in advance, the employee must provide notice of the need for the leave either the

same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

J. Designation of FMLA Leave - Within five (5) business days after the employee has submitted the appropriate certification form, the human resource director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/esa/whd/forms/WH-382.pdf>).

K. Employee Status and Health Insurance Premiums and other payments during Leave - During family leaves of absence, the City of Marianna or MHRC will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period, provided the employee continues to pay his/her share of the premiums. The portion of the health care premiums while on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Payroll Department by the 25th of each month.

If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide fifteen (15) days notification prior to the employee's loss of coverage. The employee will be given an opportunity to pay his/her share of the premium before the cancellation.

Employees will be advised well in advance of any changes in premiums so they will have ample opportunity to make arrangements to continue to pay their share of the premiums during the Family Medical Leave.

If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City of Marianna or MHRC for its portion of health insurance premiums during the family leave as permitted by law, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee. To avoid required reimbursement, appropriate certification from a health care provider may required if the employee does not return to work because of a serious health condition.

If the employee contributes to a life insurance, disability plan or any other personal deductions for the benefit of the employee (ie: deferred comp), the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his/her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

L. Accrual - During leave, the FMLA does not require accrual of employment benefits, such as vacation pay, sick days, seniority, etc. Accordingly, during FMLA leave, accrual of benefits

and seniority shall be on the same basis as for any other unpaid leave of absence. Pension benefits will be determined in accordance with DOL rules. Employment benefits to which an employee may be entitled on the day on which the FMLA leave begins will not be lost because of such leave, except for those paid leave days substituted for leave taken under this policy as described below. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period.

Employees will not be disqualified from bonuses based upon attendance or safety for which they qualified prior to taking of FMLA leave.

Employees who use sick leave or annual leave while out on approved FMLA, receive the same benefits as an active pay status employee. (ie: accrual of annual and sick leave & holiday pay).

M. Use of Paid and Unpaid Leave - An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, annual, personal comp, or sick leave prior to being eligible for unpaid leave. Under paragraph (a) above, paid leave and FMLA leave will run concurrently. However, to the extent the City of Marianna or MHRC does not provide paid sick/medical or family leave for a condition covered by the FMLA, neither this policy nor the FMLA entitles the employee to paid leave.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six (6) weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted towards the employee's twelve (12) week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the twelve (12) week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the company's sick leave policy) prior to being eligible for unpaid leave.

N. Relationship to paid leave – Leave covered by worker's compensation will run concurrently with the FMLA leave when the reason for leave is covered by the FMLA. However, the City will not allow the use of paid comp, annual or sick leave at the same time as worker's compensation paid leave.

O. Return from FMLA Leave - With the exception of certain key employees, those who return to work from family medical leave of absence on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits,

pay, and other terms and conditions of employment. Designation of key employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee requests leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determinations cannot be made at that time.

P. Counting FMLA Leave - To the extent allowed by law, in the event an absence is for a reason covered by the FMLA, the City of Marianna or MHRC reserves the right to count it as family medical leave, whether the employee has applied for it or not. When this occurs, the employee will promptly be notified as required by Law.

Q. Coordination - Absences due to sickness or injury that are also covered by the FMLA, whether paid or unpaid, including absences for work-related sickness or injury, will be considered as FMLA leave.

R. Employee Obligations - During FMLA leave, employees must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements. When the employee give unequivocal notice of his/her intent not to return to work, the employment relationship will be terminated, and the employee's entitlement to continued leave, maintenance of health benefits, (subject to COBRA requirements), and reemployment will cease.

S. Medical Evidence Upon Return to Work - Except during the course of approved intermittent leave, all employees of the City of Marianna or MHRC whose FMLA leave was taken due to the employee's own serious health condition must obtain and present certification from the employee's health care provider that the employee is able to resume work before the employee will be allowed to return to work. The City of Marianna or MHRC will consider any reasonable accommodations to an ongoing condition as required by Law.

The City of Marianna or MHRC may require a fitness-for-duty certification to address an employee's ability to perform the essential job functions. The employer will provide to the employee a list of essential job functions no later than the "designation notice" and specify in the designation notice that the fitness-for-duty certification must address the employee's ability to perform those essential job functions.

T. Failure to Cooperate - If an employee fails to provide required information to the City of Marianna or MHRC, the employee may have his/her leave delayed and be subject to discipline, up to and including discharge, as permitted by Law.

4.13 LEAVE WITHOUT PAY (LEAVE OF ABSENCE) FOR REASONS NOT COVERED UNDER FMLA

The decision to grant a leave without pay (leave of absence) that does not fall under the Family and Medical Leave Act for up to sixty (60) days will be at the discretion of the City Manager.

The following provisions apply to leave without pay:

- A. An employee granted a leave of absence must keep the Department Head informed of his/her current activity and current address.
- B. An employee who obtains either part time or full time employment elsewhere while on an authorized leave of absence is required to notify the department in writing within 3 days of accepting such employment.
- C. Failure to comply with all of the policy requirements will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be discharged.
- D. Any employee granted a leave of absence shall contact the Department Head at least 2 weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
- E. Failure to return to work at the expiration of leave shall be considered as a resignation.
- F. Sick leave, annual leave or holiday leave will not be earned by an employee for the time that the employee is on leave without pay.

An authorized leave without pay shall not constitute a break in service, but the time will not be credited towards retirement. Employees wishing to continue their insurance coverage must pay both individual and family coverage while on leave without pay. When the employee returns from the leave of absence, the City will return the employee to their former position or similar position.

4.14 MATERNITY LEAVE

Federal guidelines on discrimination because of sex provide that absence due to maternity related reasons be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery there from is, for all job-related purposes, temporary disability. The sick leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.

Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to sick leave or to any combination of sick leave, annual leave and leave of absence without pay under the Family and Medical Leave Act.

The time when a pregnant woman should return to work will be determined on an individual basis and will generally depend on the physical nature of the work, the needs of the City and the results of professional medical guidance. If a non probationary employee does not qualify for FMLA, the maternity leave period would be a maximum of 6 weeks. Probationary employees do not qualify for maternity leave or FMLA. If an employee meets all the requirements for FMLA then the employee will be placed on FMLA leave. If both parents are employed with the City and meet the requirements of FMLA, the leave will be a combined total of twelve (12) weeks.

An employee will be allowed to continue working so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by the City with physician and employee input, and on the needs of the City.

The employee returning from maternity leave will be treated as other employees returning from leave without pay under the FMLA. The employee will have to submit upon returning to work a full release from her physician that she is able to return to work without any restrictions.

An employee out on maternity leave with pay or without pay will be treated like all other employees. The employee will be responsible for paying any portions of premiums for insurance or other personal deductions he/she is responsible. If out on FMLA, all provisions of leave apply as well.

4.15 DOMESTIC VIOLENCE LEAVE (F.S. 741.313)

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

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

"Family or household member" means spouse, former spouse, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Except in cases of imminent danger to the health or safety of the employee or his/her family or household member, the employee must provide Human Resources with three (3) days advance notice of the need for this leave along with sufficient documentation of the act of domestic violence. This documentation may include copies of restraining orders, police reports, orders to appear in court, etc.

In cases of imminent danger, such documentation may be submitted after the leave is taken, but shall be submitted within three (3) working days from the employee's return to the workplace unless an extension is granted by the City Manager. Failure to submit requested documentation will result in the denial of the leave and may result in discipline for unauthorized absence without leave.

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

4.16 INSURANCE BENEFITS

Health, dental and life insurance are available for all eligible employees. Summary of benefits are distributed during new hire process and are available upon request from the Human Resource Office and the MHRC Administration office. Eligibility and coverage effective date are based on applicable federal law guidelines.

An employee who voluntarily resigns from his/her position prior to the 15th of the month will be responsible for reimbursing the city the insurance premiums already paid or owed to carriers on behalf of the employee and if applicable the employee's dependents. The reimbursement shall be accomplished by a deduction from the employee's eligible annual or sick leave pay out.

4.17 RETIREMENT PLAN

As of November 1, 2008, the City provides retirement with the State of Florida Retirement System (FRS) for all qualified general and Marianna Health and Rehabilitation Center employees and is governed by its regulations. Details of the plan are maintained by the City Clerk's Office and MHRC Administration office. Police and Fire employees are covered in plans as outlined in State Statutes (Fire – F.S. 175, Police F.S. 185).

4.18 DEFERRED RETIREMENT OPTION PROGRAM (DROP)

The Deferred Retirement Option Program ("DROP") as defined in chapter 121, Florida Statutes, is an elective method deferred payment of retirement benefits for up to 60 months or 96 months after an eligible member of the Florida Retirement System (FRS) reaches his/her normal retirement date but wishes to continue employment with a Florida Retirement System employer.

In order to participate, the employee must submit a binding letter of resignation establishing a deferred termination date. DROP will allow the participant to defer all retirement benefits payable during the DROP period. Upon termination of DROP, the participant will receive the DROP benefits and their regular retirement benefits under Chapter 121, Florida Statutes.

All members of the FRS are eligible for DROP. Members electing to participate in DROP must meet the eligibility and timeline requirements outlined in Florida Statutes. As an eligible DROP

participant you may elect to receive a lump-sum payment for annual leave not to exceed the allowable maximum hours. (see guidelines of pay out, Section 4.2 (E)) The annual leave payment made upon entry into DROP shall be included in the calculation of your Average Final Compensation (AFC).

If employee elects to receive a lump sum payout of all eligible annual leave based on the current personnel policy at the time of entry into DROP, employee's accrual balance will be reduced to zero. If an employee elects to receive less than the eligible annual leave payout, the difference not to exceed the allowable maximum amount outlined in the current personnel policy will remain in the employee's accrual balance. While in DROP, employees will be eligible to continue to accrue annual leave.

Employees receiving the maximum annual leave payout upon entry into DROP cannot receive a second annual leave lump sum payout upon termination of City service. Employees receiving a partial payment upon DROP enrollment may receive a second payout not to exceed the difference between the allowable maximum amount and the amount originally paid at the time of entry.

Employees shall be required to complete a City of Marianna Leave Election for DROP Request (LED) form that outlines selection options. The LED and a copy of the current personnel policy benefits section which outlines the maximum allowable annual leave payout will be placed in employee's personnel file.

4.19 UNEMPLOYMENT COMPENSATION/REEMPLOYMENT ASSISTANCE

The City is registered with the Florida Department of Economic Opportunity (DEO) for reemployment assistance. Terminated employees who file a claim and are determined qualified under the guidelines outlined by the DEO may be eligible to receive unemployment compensation benefits. Further information may be obtained in the human resource department.

4.20 WORKERS COMPENSATION

All employees injured in the line of duty are eligible for Worker's Compensation Benefits, in accordance with Chapter 440, Florida Statutes. No employee will be subject to retaliation for reporting a valid worker's compensation claim. Should an employee believe that he/she is being retaliated against in any manner, the employee must comply with the reporting procedure contained in Section 5.4.

Leave covered by worker's compensation will run concurrently with the FMLA leave when the reason for leave is covered by the FMLA. However, the City will not allow the use of comp, annual or sick leave at the same time as worker's compensation paid leave.

The intent of the City is to promote a drug-free workplace for employees to be afforded the opportunity to maximize their levels of safety and productivity. An employee on active duty status who sustains a work related injury must submit to a test for the presence of drugs or alcohol and if a drug or alcohol is found to be present in the employee's system at a level

prescribed by rule adopted pursuant to the City's Drug Free Workplace Policy, the employee may be terminated and forfeits his or her eligibility for medical and indemnity benefits. Employee is required to submit to testing even if he or she does not request medical attention.

Report of Injury Forms shall be completed by the Supervisor and employee in each case of a service related injury regardless of severity of the injury or whether medical attention is required. The Supervisor must turn this form into the Department Head for further processing the date of the accident. After the form is completed, the Department Head will turn the form into the human resource department within twenty-four hours of the accident. If medical attention is requested at a later date then the Department Head, Supervisor or employee shall notify the human resource director in order to complete the required process for the employee to receive medical treatment. It shall be part of the Supervisor's and Department Head's administrative duties and there should be no excuse for not submitting these forms. The Department Head must keep the human resource department advised of any information he/she receives regarding the employee's condition and return to work status. The employee is responsible for updating the human resource department on his/her status of their medical condition.

4.21 DEDUCTIONS

Federal withholding and Social Security are deducted from pay checks in accordance with law. Any other deductions, including group insurance, United Way and recognized charities are made only by written request of the employee and approved by the City Manager.

SECTION 5 STANDARDS OF CONDUCT

5.1 GENERAL POLICY

The City of Marianna has established a system of personnel management to assist in providing superior service to the community.

The City advocates the concept that the quality of public service can reach maximum efficiency through a system based on merit principles.

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

It is the policy of the City to expect compliance from employees with all Personnel Policies, state statutes and federal regulations in the performance of duties. An employee who violates any of the Personnel Policies shall be subject to disciplinary action.

Employees shall have the right to form, join and participate in or to refrain from forming, joining or participating in any employee organization of their own choosing in accordance with State law.

5.2 CODE OF ETHICS

Employees who may be in a position to influence actions and decisions regarding the City's administration shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers.

An outside personal economic relationship which affords present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties may be a conflict of interest requiring evaluation by the City Manager. (Florida Statutes CH 112.3113 Section 3)

An employee having an outside personal economic relationship under the conditions specified above shall file a sworn statement to this effect with the City. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification from the City Manager. The City Manager shall determine whether a relationship could cause a potential conflict of interest.

Employee acceptance of loans, advances, gifts, gratuities, favors or entertainment from a supplier, bidder or other party doing business with the City is improper. (Florida Statutes CH 112.313 Section 2).

The City of Marianna and MHRC employees shall not engage in personal loans to co-workers/subordinates. This will be deemed inappropriate and will be subject to disciplinary action up to termination.

It is improper for any employee to use his/her position with the City to obtain or attempt to obtain any special preferences, privileges or exemptions for himself/herself or for others.

No employee shall disclose confidential information gained by reason of his/her official position, nor shall the employee use such information for personal gain or benefit.

5.3 DRESS AND APPEARANCE

No attempt is made by the City to set specific dress standards. The important factor is the overall public impression created. Employees that are assigned duties dealing with the public should be properly groomed and dressed in a business like manner.

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

City employees represent the City in all dealings with the public. Appearance, attitude and behavior all announce to the taxpayers what may be expected from the City government. Keeping the work area in a neat and orderly fashion is also important. It indicates a safe, efficient operation. For these reasons, the City stresses the importance of neat dress, good grooming, and courteous behavior as minimum standards for City employees. All employees who have been issued City uniforms shall wear the complete uniform at all times when they are performing work for the City. City uniforms shall not be worn at time other than work hours except for the normal time of travel to and from work. Upon resignation, retirement, or dismissal, uniforms must be returned clean before final paycheck is issued.

5.4 PROHIBITING DISCRIMINATION, INCLUDING SEXUAL AND OTHER FORMS OF HARASSEMENT

The City shares a common belief that each employee should be able to work in an environment free of discrimination, sexual harassment or any other form of harassment, based on race, color, religion, age, gender, pregnancy, national origin, disability or marital status. The City will not tolerate unlawful discrimination, sexual harassment or other forms of harassment of any person by a partner, Supervisor, co-worker, vendor, client, customer or anyone else. Workplace discrimination or harassment may violate one or more of the following: Title VII of the Civil Rights Act of 1964, Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title II of the Genetic Information Act of 2008, the Americans with Disability Act or the Florida Civil Rights Act.

To help assure that none of our employees feel that they are being subjected to discrimination or harassment and in order to create a comfortable work environment, the City prohibits any offensive physical, written or spoken conduct regarding any of these items, including conduct of a sexual nature.

A. Policy Against Discrimination

- 1) No person shall, on the basis of race, color, gender, age, pregnancy, ethnic or national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or subjected to discrimination under any employment conditions or practices by the City, except as provided by law.
- 2) The City shall comply with all state and federal laws, which prohibit discrimination and are designed to protect civil rights of applicants, employees or other persons protected by applicable law.
- 3) The City shall develop procedures to notify employees and applicants for employment regarding their rights under this policy.

B. Policy Against Sexual Harassment and Other Forms of Harassment Prohibited by Law

- 1) The City is committed to maintaining a work environment free of sexual harassment and other forms of harassment. The City will not tolerate harassment of any employee(s), by any director(s), Supervisor(s), co-worker(s), vendor(s), customer(s) or anyone else whether through verbal remarks, non-verbal conduct, or inappropriate email content.
- 2) The City's prohibition against discriminatory practices includes prohibitions against sexual harassment, or any other form of harassment based upon a person's membership in a protected class and specifically prohibited by state or federal law.

C. Definitions and examples of Unlawful Sexual Harassment

Unlawful sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to the conduct is an explicit or implicit term or condition of employment or continued employment; or
- 2) Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion, or evaluation; or
- 3) The conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include, but is not limited to:

- 1) Unwelcome flirtations, sexual propositions or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates;
- 2) Sexual innuendo;

- 3) Sexually suggestive remarks;
- 4) Vulgar or sexually explicit comments, degrading descriptions, gestures, leering, threats, abusive words, or conduct;
- 5) Sexually oriented kidding, teasing, notes, stories, drawings, pictures, or practical jokes;
- 6) Touching an individual's body or clothes (including one's own) in a sexual way, including but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing and fondling;
- 7) Spreading sexual rumors;
- 8) Cornering or blocking normal movement;
- 9) The publication, to anyone, of documents (including pictures and text) in the workplace that contain any material which is of sexual nature; and
- 10) Using the computer to access any web site, newsgroup, CD, floppy disk, or any other resource, that contains material that is of a sexual nature;
- 11) Displaying sexually suggestive drawings, pictures, written materials, and objects in the work environment.

Sexual harassment may occur even when the intended target of the conduct is not offended, but others reasonably find the conduct to be intimidating, hostile or abusive.

D. Definition of Other Forms of Prohibited Harassment

Illegal harassment on the basis of any other characteristics protected by state and federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversions toward an individual because of his/her race, color, religion, gender, national origin, age, disability, marital status, citizenship or any other characteristic protected by law and that:

- 1) Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- 2) Has the purpose or effect of unreasonably interfering with an individual's work performance; or creating an intimidating, hostile or offensive environment; and/or
- 3) Otherwise adversely affects an individual's employment opportunities.

Unlawful harassment includes, but is not limited to, the following:

- 1) Epithets, slurs, negative stereotyping, or any form of threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, marital status, disability;
- 2) Written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, religion, gender, national origin, age, marital status, or disability; (such material may be placed on walls, bulletin boards, or elsewhere on the city's premises, or circulated in the workplace through or the internet); acts that purport to, or are meant to be, "jokes" or "pranks," but that are hostile or demeaning, such as hate mail, threats, defaced photographs, or any other such conduct.

E. Prevention of Discrimination, Sexual Harassment and Other Forms of Harassment.

All personnel are responsible for maintaining a workplace that is free of unlawful discrimination, harassment and intimidation. If any person experiences or witnesses workplace discrimination or harassment, they have an affirmative obligation to report such conduct to his/her Supervisor or Department Head. If, after an investigation of the conduct, it is determined that unlawful discrimination, sexual harassment or other forms of harassment has occurred, and it is determined that any employees failed to fulfill their affirmative obligation to report such conduct, such a failure may be grounds for discipline.

F. Responsibility

The City will take the following steps to prevent Unlawful Discrimination, Sexual Harassment and Other forms of Harassment:

- 1) Assure that all employees and new hires have been explained the City's unlawful discrimination and harassment policy, and have signed an acknowledgement that they have received and been explained the policy.
- 2) Discuss the policy with employees and assure that all of them are aware that they are entitled to work in an environment free of unlawful discrimination, sexual harassment or other forms of harassment;
- 3) Assure employees that they should not tolerate, denigrating or hostile treatment that is of an unlawfully offensive nature;
- 4) Inform all employees of the unlawful discrimination, sexual harassment or other forms of harassment complaint process, including an employee's right to by-pass an offending staff member; and
- 5) Advise to immediately report any complaints, observations or concerns of unlawful discrimination, sexual harassment or other forms of harassment to your Supervisor or Department Head. When receiving a complaint of unlawful discrimination, sexual harassment or other forms of harassment, the Supervisor or Department Head should instruct the complaining employee that anything they say may be reported to the investigating officials. If employee refuses to discuss the discrimination or harassment unless it is held confidential, the Supervisor or Department Head should not guarantee such confidentiality. If employee still refuses to discuss the discrimination or harassment further, the Supervisor or Department Head must report it to Human Resources or the City Manager. Failure to follow or implement any of the foregoing may be grounds for discipline.

G. Complaint and Investigation Procedure for Unlawful Discrimination, Sexual Harassment and Other forms of Harassment.

A record of the complaint and the findings will become a part of the file and will be maintained separately from the employee's personnel file.

It is understood that any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and confidentially, and the registering of a complaint will in no way be used against the employee/witness, nor will it have an adverse impact on the individual's employment status.

Initial complaint - Any employee who believes he or she has been the subject of unlawful discrimination, sexual harassment or other forms of harassment should report the alleged act immediately to his/her Supervisor, Department Head or Human Resources. If a complaint involves a Supervisor or one of the designated individuals, the complaint should be filed for the City directly with the City Manager and for the MHRC directly to the Administrator. Employees are not expected to report alleged discrimination or harassment to a person they believe is discriminating against or harassing them. If the alleged unlawful discrimination, sexual harassment or other forms of harassment involves the City Manager or the Administrator, employees and/or witnesses may report the matter to the City Attorney or any member of the City Commission.

Confidentiality and Timeliness - All complaints will be handled in a timely and confidential manner. Anyone involved in a complaint will be instructed not to discuss the subject with anyone outside the investigation. Personnel violating confidentiality are subject to immediate discipline. Any communications will be made to others only on a "need to know" basis. The purpose of this provision is to protect the confidentiality of the employee who files the complaint, to encourage the reporting of any incidents of unlawful discrimination, sexual harassment or other forms of harassment, and to protect the reputation of any employee wrongfully charged with unlawful discrimination, sexual harassment or other forms of harassment. All investigations will be completed within thirty (30) days.

Nature of Investigation - Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. **All persons who participate in such an investigation shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or participating in an investigation.**

Conclusion of Investigation - If, after a thorough investigation, it is determined that unlawful discrimination, sexual harassment or other forms of harassment has occurred, immediate and appropriate disciplinary action up to and including discharge will be taken against the discriminator(s) or harasser(s). Additionally, follow-up steps will be taken to ensure that the discrimination or harassment has stopped or as otherwise appropriate.

H. Retaliation Prohibited

- 1) Any act of retaliation against an individual who reports a complaint alleging a violation of the City's anti-discrimination policy and/or sexual or other forms of harassment policy or who participates in the investigation of discrimination or harassment complaint is prohibited.

- 2) Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation of, or filing a complaint of, discrimination or harassment.
- 3) In the event that an individual reporting harassment or discrimination believes he/she is being retaliated against, they are to report it in the same manner as discrimination or harassment. If the alleged retaliation involves the City Manager, employees and/or witnesses may report the matter to the City Attorney or any member of the City Commission. If the alleged retaliation involves the Administrator for the MHRC, employees and/or witnesses may report the matter to the City Manager, City Attorney or the City Commission.

I. Allegations of harassment and/or discrimination involving the City Manager.

Allegations of harassment and/or discrimination involving the City Manager shall be submitted directly to the Mayor, who shall seek advice of the City Attorney on how to address such a complaint. The City attorney shall advise the remainder of the City Commission via email of the complaint, provided that other than providing evidence if needed, members of the City Commission shall not participate in the investigation¹. The City Attorney may elect to investigate the complaint or may retain outside counsel. The investigation shall, as all such investigations, remain confidential until its conclusion. The results of the investigation shall be revealed to the parties involved in the complaint and the City Commission upon conclusion.

Should there be an allegation² of harassment and/or discrimination against a City Council member, the complaint shall be made to the City Attorney who **shall** retain outside counsel to conduct the investigation. The results of the investigation shall be revealed to all parties involved in the complaint and the remainder of the City Commission upon conclusion.

5.5 POLITICAL ACTIVITY

City employees shall not use their official authority or influence for the purpose of interfering with an election or nomination for office, for influencing another person's vote, or affecting the result thereof.

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

Nothing herein contained shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as they choose, to express opinions on all

¹ Employees should not involve Commissioners in the process. The City Charter prohibits City Commissioners from interfering in the day to day operation of the City. Should a City Commissioner become unnecessarily involved in an investigation, he/she may become disqualified from further action on the matter.

² This section refers to an internal complaint as opposed to a formal statutory complaint filed with the Florida Commission on Human Relations and/or the E.E.O.C. Formal statutory complaints should be provided to the Human Resource Director and/or City attorney for appropriate referral to the City's insurance carrier for assistance and coverage.

political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.

Any employee who wishes to seek election or accept appointment to the City Commission must resign from City employment immediately upon indicating such intention by formal declaration or other evidence of candidacy subject to State Statutes dealing with elections.

Employees may run for elected office or be appointed to non-elected office other than those involving the City so long as the position in no way interferes with their work as a City employee.

5.6 OUTSIDE EMPLOYMENT

Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment and no employees may engage in outside employment which would interfere with the interest of the City or duties which the employee is responsible as a City employee.

Any full-time employee desiring to pursue outside employment shall notify the Department Head subject to review by the City Manager.

The City Manager may reject the request if it is deemed to affect City employment. Any notice to engage in outside employment previously granted under these Policies may be canceled or terminated at any time if in the opinion of the Department Head the other employment is having an adverse affect on his or her responsibilities as an employee of the City. The employee will receive sufficient written notice outside employment approval is being terminated.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the City Worker's Compensation as a result of disability resulting from outside employment.

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

5.7 RELEASE OF INFORMATION

Information concerning subjects under discussion or consideration, particularly legal matters, often change in content and meaning before becoming an accomplished fact. Release of such information before final decisions or legal disposition of the matter often causes misunderstanding and confusion.

Unless release of information is a normal part of their duties, employees will direct such inquires to the City Manager or City Attorney, keeping in mind it is not the intent of the City to be secretive, or to withhold valid information, but that all information released is true and accurate.

From time to time City employees, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding City business. Should an employee receive either a request or subpoena, the matter will be discussed first with the Department Head, who in turn will notify the City Manager, who will in turn notify the City Attorney.

Employee shall at all times be courteous, friendly and helpful to those members of the public who seek information.

5.8 SOLICITATION AND DISTRIBUTION

Employee contributions to charitable organizations are voluntary. Coercion of an employee to make contributions will not be permitted.

Employees are prohibited from conducting or promoting private business for gain during duty hours or within any City building.

Employees are prohibited from soliciting any other City employee on behalf of any organization, including labor unions, labor organization or employee organizations during the working hours of any employee who is involved in the solicitation. (See Section 447.509, Florida Statutes)

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

5.9 USE OF CITY PROPERTY

Employees shall not use City property, equipment or vehicles except in the performance of official duty; nor shall they permit its use by an unauthorized person, either on or off duty, except as authorized by the City in writing. Approved City of Marianna public safety personnel will be permitted to use City vehicles for off duty detail as long as it is in the scope of the responsibilities of sworn officers.

5.10 PERSONAL BUSINESS

Conducting personal business while on official duty is discouraged. If it is necessary for the employee to make telephone calls or meet with persons not employed by the City the discussions should be held during breaks or meal period. Exceptions will be allowed only in case of emergency.

5.11 TELEPHONE COURTESY

Good telephone habits are very important. The telephone should be answered promptly and the employee should identify himself/herself by name, title or location, speak in a pleasant voice, give accurate and careful answers to questions, transfer tactfully, and replace receiver gently.

5.12 STRIKES AND LOCKOUTS

Employees shall have no right to instigate, promote, sponsor, engage in, or condone any work stoppage, boycott, slow-down, strike, intentional disruption of City operations, or to withhold services for any reason. Each employee also occupies a position of special trust and responsibility in maintaining and bringing about compliance with this Article, the strike prohibition of Section 447.505, State Statutes, and the Constitution of the State of Florida, Article I, Section 6. The Employees agree that it is their continuing obligation and responsibility to promote compliance with this Article and the law, including their responsibility to abide by the provisions of this Article and the law by remaining at work during any interruption which may be initiated by other City employees; and including their responsibility, in the event of breach of this Article or the law, by other City employees; and upon the request of the City, to encourage and direct employees violating this Article or the law to return to work, and to disavow the strike publicly.

In addition to the penalties set forth in Section 447.505, Florida Statutes, any and all employees who violate any provision of the law prohibiting strikes or this Article may be disciplined, up to and including discharge, by the City. Any such action by the City pursuant to this Section shall not be grievable or arbitrable under the provisions of the grievance and arbitration procedure, except to determine if violations, in fact occurred.

The Circuit Courts of this State shall have jurisdiction to enforce the provisions of this Section by ex parte injunction and contempt proceedings, if necessary.

For the purpose of this Article, it is agreed that employees shall be responsible and liable for any act committed which constitutes a violation of State law, City ordinance, or policy, or the provisions herein. In addition to all other rights and remedies available to the City under State law, in the event of a breach of the provisions herein, the City shall have the right without further notice to suspend the collective bargaining agreements.

The City agrees that there will be no lockouts.

5.13 PURCHASING / SALES AND COLLECTORS

Purchasing procedures are contained in a separate manual adopted by the City Commission. Employees are not to make purchases unless authorized.

Any salesmen should be directed to the appropriate Supervisor. Supervisors, or designated persons, should be the only ones ordering supplies and/or equipment.

**SECTION 6
SEPARATIONS / TERMINATION**

6.1 TYPES OF SEPARATIONS

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

- A. Resignation
- B. Retirement
- C. Health
- D. Death
- E. Reduction in force (lay-off)
- F. Dismissal or discharge
- G. End of temporary assignment

6.2 RESIGNATION

- A. An employee wishing to resign in good standing shall file with the City a written resignation, stating the date and reason for leaving. The notice must be given 2 weeks prior to the date of separation. Failure to comply with this provision may be cause of denying the employee re-employment.
- B. Compulsory resignation. An employee who fails to report to work for three (3) consecutive days without authorization, shall be considered absent without leave and separated from the City service. Such employees shall not be eligible for re-employment.

When an employee resigns from the City, he/she will receive payment of unused leave which is outlined in section 3, subsection 3.19 and section 4, subsections 4.2 and 4.3.

6.3 RETIREMENT

A procedure whereby an employee is separated from the City's service. Retirement regulations and benefits will conform to the provisions of the retirement plan in effect.

When an employee retires from the City, he/she will receive payment of unused leave which is outlined in section 3, subsection 3.19 and section 4, subsections 4.2 and 4.3.

6.4 HEALTH

The City may request that an employee be examined by the City's designated physician. If disability of any kind is discovered which impairs the effectiveness of an employee in performing the essential functions of his or her position or makes continuance on the job a danger to the employee or others, the following action shall be taken:

- A. If the disability is correctable, the employee will be allowed a specific time to take steps to have the disability corrected. If the employee fails to take steps to have the disability corrected within the specified time, the employee shall be subject to dismissal.
- B. If, in the opinion of the examining physician, the disability cannot be corrected, the City Manager will attempt to place the employee in another position which he/she can perform satisfactorily. If that step cannot be accomplished successfully, the employee shall be separated either through retirement or dismissal.

When an employee falls under subsection 6.4, and is separated from the City, he/she will receive payment of unused leave outlined in section 3, subsection 3.19, and section 4, subsections 4.2 and 4.3.

6.5 DEATH

For record keeping purposes separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or the estate of the employee as determined by law.

When an employee passes away, their beneficiary will receive payment of unused leave which is outlined in section 3, subsection 3.19, and section 4, subsections 4.2 and 4.3.

6.6 REDUCTION IN FORCE (LAY-OFF)

In the event of a reduction in force, normal attrition shall be used and the following procedure shall be followed:

- A. The City Manager shall determine the areas and the positions within the departments in which reductions will be made and the number of positions affected.
- B. Seniority and the ability to perform within departments shall be the sole factor utilized in the following layoff and recall procedures. Seniority shall be defined as all continuous service in the City.
- C. The order of layoff of employee shall be based upon seniority and ability, with the employee having the longest seniority, with required ability, being the last to be laid off. When seniority is the same, the employee with the highest rank shall be retained. When seniority and rank are the same, a random selection list containing the names of employees shall be prepared to determine the order of layoff. In the event of a job displacement by a senior employee, the employee must accept a salary reduction to that appropriate to the new position.
- D. Any employee who would have qualified for retirement or would have been vested within six (6) month from the date of layoff shall be permitted to work that period of time necessary to acquire needed service for retirement.
- E. Employees to be laid off shall be notified in writing as soon as possible after the decision for layoff has been made. The City Manager shall give the laid off employees fourteen (14) calendar days notice of such layoff and shall provide references, etc., to assist the affected employees in obtaining employment elsewhere.

No regular employee shall be laid-off while another person in the affected class is employed on a provisional, part-time, temporary or seasonal basis.

A laid-off employee shall be paid for all annual and sick leave credits for which he/she is eligible that is outlined in section 3, subsection 3.19 and section 4, subsections 4.2 and 4.3.

In the event of a recall of employees occurs, the following procedures shall be followed:

- A. The City Manager shall determine the areas and positions within departments in which recalls will be made and the number of positions affected.
- B. Employees shall be recalled in inverse order of reduction of force (layoff). The employee having the longest seniority and required ability will be recalled first. When seniority is the same, the employee with the highest rank shall be recalled first. When seniority and rank are the same, a random selection list containing the names of employees shall be prepared to determine the order of recall.
- C. Employees shall be notified of their recall to work by registered letter mailed to their address of record and shall be given fourteen (14) days to return to work. A recalled employee shall notify the City Manager, in writing, within five (5) working days upon receipt of the recall letter of the employee's intent to return to work. Seniority recall privileges for laid off personnel shall be effective for a period of six (6) months from the date of the reduction in force.

6.7 DISMISSAL OR DISCHARGE

A discharge is the involuntary separation of an employee from employment. Employees discharged for disciplinary reasons will not be eligible for rehire and shall lose all seniority and reinstatement privileges. Employee who are discharged or dismissed are not eligible to receive any unused annual or sick leave which is outlined in section 4, subsections 4.2 and 4.3. Employee is entitled to receive unused compensatory time which is outlined in section 3, subsection 3.19.

A summary of reasons for dismissal or discharge may include, but shall not be limited to, the following:

- A. Failure to meet established standards of work, morality or ethics to an extent that the employee is unsuitable for employment with the City in the position in which the employee was serving.
- B. Theft, destruction, or gross neglect in the use of City property.
- C. Incompetency, inefficiency, or negligence in the performance of duty.
- D. Insubordination.
- E. Conviction of a felony criminal offense.
- F. Being under the influence of intoxicating liquor, drugs or barbiturates (not prescribed by a doctor) while on duty.
- G. Personal conduct that would reflect unfavorably on the City as an employer.
- H. Unauthorized absence, abuse of leave privileges or habitual tardiness.

- I. Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of duties.
- J. Falsification of records or use of official position for personal advantage, including application, time sheets, purchase orders, etc.
- K. Commission of any offense described in these Personnel Policies or departmental rules and regulations relating to disciplinary measures for which discharge is the penalty.
- L. Violation of Florida Statute 447.018 prohibiting public employee organizations from participating in a strike against a public employer.

Refer to section 7, Types of group I, II, & III offenses.

Charges which form the basis for a dismissal of an employee shall be specific, and shall be documented by the Supervisor or Department Head, to include dates and places of incidents.

The procedure for dismissal shall be as follows:

- A. During the probationary period following original appointment, a finding by the City Manager that a dismissal is for the good of the City shall be final.
- B. Employees other than probationary employees who are to be dismissed shall be notified in writing of the specific causes for dismissal and intended date prior to dismissal.

The City Manager or designee may suspend without pay or dismiss an employee for disciplinary reasons or pending court proceedings concerning actions that may result in dismissal.

- A. An employee may be suspended with or without pay or dismissed for acts involving unsatisfactory performance or conduct prejudicial to the public interest.
- B. An employee may be suspended without pay or dismissed if the employee has been indicted for a felony or for a misdemeanor involving moral turpitude.
- C. The employee shall receive written notice, stating the nature and reason for the action and the duration.

6.8 EXIT INTERVIEW

It is the desire of the City to determine why employees leave the City employment. An exit interview program may be established and administered to determine the causes of and possible solutions for turnover within the work force.

SECTION 7 DISCIPLINARY ACTION

7.1 INTENT

It is the intent of the City that through effective supervision and good relations that most matters which necessitate disciplinary action will be avoided.

Each instance differs in many respects and the City retains the right to treat each occurrence on an individual basis. The City Manager retains the right to suspend any disciplinary action which may be taken, as a result of good behavior for a specified term.

The following guidelines are not to be construed as limitations upon the retained rights of the City. The policies provide recommended penalties to apply for specific offenses.

Disciplinary action is intended to correct improper conduct or deficiencies. Disciplinary action shall, therefore, only be severe enough to constitute an attempt to bring about correction. Discharge shall be resorted to only when efforts to bring about correction have failed, or when the severity of the offense warrants such measures.

Depending upon the circumstances, acceptable disciplinary actions may include:

- A. Verbal warning/counseling
- B. Written reprimand
- C. Suspension
- D. Demotion
- E. Discharge

Offenses requiring disciplinary action are divided into 3 types to reflect degrees of severity. In each group and for each guideline, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of the employee's service, and the abilities of the employee. In each case where the penalty is modified from the recommended guideline, the reason for such modification will be noted in writing.

In all cases, the Department Head shall notify the employee of the action taken, and a copy of such notice will be included in the employee's personnel file.

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

7.2 PROGRESSIVE DISCIPLINE

Whenever employee performance, attitude, work habits, or conduct at any time fall below a desirable level; Supervisors shall inform employees promptly and specifically of such lapses and

give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary measures.

Progressive Discipline is a process for dealing with job-related behavior that does not meet expected and communicated performance standards which are outlined in the City of Marianna Personnel Policy Manual. This process will enable the City to fairly and equitably discipline an employee who is exhibiting signs of poor performance or conduct. It is a method for rehabilitation. The employee receives warnings which outline the need for improvement for poor performance and misconduct. If an employee does not correct performance or misconduct he/she may be terminated.

The primary purpose is to assist the employee to understand there is a problem and give them an opportunity for improvement. The process features increasing formal efforts to provide feedback to the employee so he/she can correct the problem. The goal is to improve employee performance and conduct and not intended as a punishment for an employee. It is to assist an employee to become an effectively performing member of the City workforce.

Progressive Discipline is to give the employee ample time to improve poor performance and/or misconduct. If he or she does not correct the behavior after receiving, generally three (3) warnings, then he or she will be recommended for termination. Progressive Discipline may not be applicable for all violations which may result in termination based on severity of a first time violation.

The steps to progressive discipline are typically as follows:

- 1) Verbal warning – Counsel the employee about poor performance or misconduct and ascertain his or her understanding of requirements and allow an opportunity for improvement. Ascertain whether there are any issues contributing to the poor performance or misconduct that are not immediately obvious to the Supervisor or Department Head. Solve these issues, if possible. Explain to employee that a second violation of City policies shall result in a written reprimand. Document the counseling session for employee personnel file.
- 2) First Written Warning – If employee continues to display poor performance or misconduct he or she shall receive a written reprimand. He or she will again be explained the expectations of performance and conduct to allow an opportunity for improvement. Explain to employee if he or she violates City policies again that he or she shall receive up to five (5) days suspension without pay. Document the first written warning for employee personnel file.
- 3) Final Written Warning – Address employee continued display of poor performance and misconduct. He or she will again be explained the expectations of performance and conduct to allow an opportunity for improvement. Employee shall receive up to five (5) days suspension without pay and will be explained that further violations of City policies will result in his or her recommendation for termination. Document the final written warning for employee personnel file.

- 4) Termination - Final violation(s) of City Policy. A written reprimand shall be completed outlining the details of the final violation(s) of City policy along with the Department Head's letter of recommendation for termination should be submitted to the City Manager. After final review and concurrence by the City Manager, the employee will receive a letter from his Department Head with the decision and informing him/her of the opportunity to request a meeting with the City Manager within three (3) days of notification. All paperwork shall be placed in employee's personnel file.

Please note that progressive discipline may not be suitable for all Group II and Group III offenses which are outlined in the approved and adopted City of Marianna Personnel Policy Manual. Violations of those personnel policies will be addressed on an individual case by case basis.

The employee's immediate Supervisor usually initiates progressive discipline of employee.

7.3 DISMISSAL / SUSPENSION / DEMOTION

Removals, suspensions and demotions for cause are effected by the Department Head with the approval of the City Manager.

Whenever the Department Head determines that there are reasons for the dismissal, suspension or demotion of a regular employee under their supervision, the Department Head shall notify the City Manager.

In the event employees are relieved of their duties with pay pending suspension, reduction or dismissal, immediate notification shall be given to the City Manager. Under no circumstances shall an employee be relieved of their duties without pay prior to approval of the City Manager.

After written notification of any suspension, demotion or dismissal, an employee shall be given an opportunity to request a meeting to grant them due process. This meeting shall take place within three working days after receipt of the Department Head's intent to suspend, demote or dismiss an employee. All suspension, demotion and dismissal meetings shall be heard by the City Manager and the affected Department Head or designee. They shall render a decision within one (1) working day.

Written notice of suspension, demotion or dismissal, stating the reasons, and the date from which such action is effective, shall be given to the employee or mailed to their usual place of residence within not more than five (5) days after a decision is rendered at the meeting. A copy of such notice shall be maintained in the employee's personnel file. In the event that good and sufficient reasons exist making it impractical or impossible to give or mail such written notice to the employee within the five (5) day period, the City Manager's office, showing good cause, may extend the period for giving notice for an additional period not to exceed five (5) days.

7.4 TYPES OF OFFENSES

The 3 groups of offenses and guides for recommended penalties are as follows:

GROUP I OFFENSES

FIRST OFFENSE: VERBAL WARNING (Supervisor should make a written report to the file when giving the employee a verbal warning.)

SECOND OFFENSE: WRITTEN REPRIMAND AND/OR UP TO 5 DAYS SUSPENSION

THIRD OFFENSE: UP TO DISCHARGE

1. Operating, using, possessing tools, equipment or machines which the employee has not been assigned or performing other than assigned work.
2. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
3. Washing up or changing clothes during working hours without specific permission.
4. Taking more than the specified time for meals or break period.
5. Failure to meet established standards of work by demonstrating productivity or work quality which is not up to required standards of performance.
6. Disregarding job duties by loafing or neglecting work during working hours.
7. Reporting to work or working while unfit for duty, either medically, mentally or physically, unless the condition is a legally recognized disability, in which case the matter will be dealt with in accordance with applicable law.
8. Posting or removing any material on official bulletin boards or City property without authorization.
9. Distributing written or printed material of any description on City premises unless authorized.
10. Unprofessional, rude, discourteous, insulting, abusive, aggressive or inflammatory language or conduct towards co-workers, general public, vendors while in the performance of duties.
11. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, cat-calls, demonstrations on the job or similar types of conduct.
12. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.

13. Failing to keep the department and the human resource department notified of proper address and telephone number.
14. Receiving or making an excessive amount of personal phone calls, text or other forms of receiving personal information or messages while on working time.
15. Failure to obtain annual physical and submit appropriate forms to administration, if applicable.
16. Failure to comply with Safety Policy and Procedure Manual by violating rules or practices.
17. Failure to possess or maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the City as an essential part of employee's job.
18. Abuse of annual and sick leave privileges.

GROUP II OFFENSES

FIRST OFFENSE: WRITTEN REPRIMAND AND/OR UP TO 5 DAYS SUSPENSION

SECOND OFFENSE: UP TO DISCHARGE

1. Threatening, intimidating, coercing or interfering with fellow employees or Supervisors at any time, including using abusive language.
2. Failing to work overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.
3. Leaving assigned post at the end of the scheduled shift without being relieved by the Supervisor or the relieving employee on the incoming shift, for those units operating on a 24-hour basis.
4. Neglecting to comply with or violating requirements set forth in departmental policies, rules, City standards of conduct, orders, operating procedures or regulations.
5. Engaging in gambling, lottery or any other game of chance during City work stations at any time.
6. Making or publishing false, vicious or malicious statements concerning any employee, Supervisor, the City or its operations.
7. Being absent without permission or leave.
8. Provoking or instigating a fight or fighting on City property.

9. Violating safety rules or practices which involve fleet, equipment, tools or property.
10. Violating city vehicle use policy.
11. Failing to report a request for information or receipt of a subpoena from an attorney for a matter relating to City business.
12. Vending, soliciting or collecting contributions for any purpose whatsoever at any time on City premises, unless authorized.
13. Knowingly harboring a serious communicable disease which may endanger other employees.
14. Violating personnel policies that are outlined in the City personnel policy manual.
15. Habitually failing to punch one's own timecard, where applicable. "Habitually" is considered occurring 3 times in any 90 day period.
16. Excessive tardiness and/or absenteeism regardless of the reason.
17. Failure to report an accident or personal injury in which the employee was involved while on the job.
18. Failure to report the loss of a City piece of equipment or other City property entrusted in the employee's care and custody.
19. Taping of phone or verbal conversations without permission

GROUP III OFFENSES

FIRST OFFENSE: UP TO DISCHARGE

1. Wanton or willful neglect in performing assigned duties.
2. Deliberately or negligently misusing, destroying or damaging any City property or property of a City employee without proper authorization.
3. Receiving from any person, or participating in any fee, gift or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
4. Knowingly punching the timecard of another employee, having one's own punched by another employee, or unauthorized altering of a time card or timesheet, where applicable.

5. Falsifying or altering personnel, Department records or City records, including employment applications, accident reports, work records, purchase orders, time sheets or any other report, record or application.
6. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, worker's compensation or any other benefit.
7. Insubordination by refusing to perform work assigned, or to comply with written or verbal instructions of a Supervisor as long as the written or verbal instruction is not in violation of any Federal, State or local law.
8. Unauthorized use, possession or display of firearms, explosives or weapons on City property, unless specifically authorized.
9. Theft or removal from City locations without proper authorization of any City property or property of any employee.
10. Sleeping during duty hours, unless authorized.
11. Being absent from duty without proper authorization.
12. Failing to return from an authorized leave of absence.
13. Permitting another person to use an employee's identification card, using another person's card, or altering an identification card.
14. Incompetence or inefficiency in the performance of assigned duties.
15. Being under the influence, possession, use, sale, attempt to sell, or procure an illegal controlled substance at any time while on City property whether on or off duty; and being under the influence, possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operation or riding in or on City equipment.
16. Being found guilty or pleading guilty or no lo contendere (even where adjudication is withheld) to a felony or misdemeanor involving moral turpitude. A "crime of moral turpitude" includes a criminal conviction or plea of no lo contendere, where the criminal act or conduct is contrary to justice, honesty, modesty, community morality, or good morals, generally. A crime of moral turpitude thus includes, but is not limited to, any crime, the commission of which, reflects adversely on a person's reputation, integrity or reliability to which otherwise brings, tends to bring, or reasonably be expected to bring, discredit or disrepute upon that person or that person's employer.
17. Failure to notify the City that charges have been filed against the employee by a prosecuting official, except for minor traffic infractions.

18. On or off the job conduct which adversely affects the ability of the employee to perform his or her duties and/or adversely affects the efficient operation of the City or any department, division of the City.
19. Using or attempting to use political influence or bribery to secure an advantage of any manner which includes accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.
20. Concerted curtailment, restriction of production or interference with work in or about the City's work stations including but not limited to, instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slow-down or refusal to return to work at the scheduled time for the scheduled shift.
21. Beginning or maintaining an outside personal or business economic relationship which affords present or future financial benefits to the employee and may be considered a conflict of interest securing advantage of goods, services or influence due to the position of the employee with the City.
22. Communicating or imparting confidential information either in writing or orally to any unauthorized person.
23. Abuse or neglect of Marianna Health and Rehabilitation Center residents.
24. Violating City Drug-Free Workplace Policy
25. Being found guilty of violating the City's policy prohibiting Discrimination, including improper racial or sexual comments, harassment or acts directed to any city employee, general public, or vendors.
26. Use of official position for personal advantage.
27. Engaging in personal loans to co-workers/subordinates.
28. Unauthorized personal use of the City tax exempt number for any reason.

SECTION 8 EMPLOYEE GRIEVANCE PROCEDURES

8.1 PURPOSE

The purpose of this grievance procedure is to establish a fair and/or resolving differences between Supervisors and employees of the City of Marianna and MHRC.

8.2 POLICY

It is the policy of the City of Marianna and MHRC:

- A. To maintain free and healthy communication among Supervisors and employees, thereby minimizing job-related complaints.
- B. To act promptly toward resolution of complaints when they occur.
- C. To assure that each employee is fully informed of the grievance procedure.
- D. To administer the requirements of the grievance procedure regardless of race, sex, length of employment or employing department.

8.3 DEFINITIONS

- A. Grievance: For the purpose of this document, a grievance is an allegation that the City or MHRC has violated a policy of the City of Marianna.
- B. Employee: As used here, the "employee" refers to a single worker and also to a group of workers having the same grievance(s). In the case of a class grievance, one (1) employee shall be designated by the group to act as its spokesperson and be responsible for processing the grievance.
- C. Days: The term, "days" refers to calendar days, excluding paid holidays.

8.4 REPRESENTATION

An employee may be represented by legal counsel or any other individual in the grievance procedure beginning at Step 2.

8.5 INFORMAL DISCUSSION

An employee having a grievance should first discuss it on an informal basis with his/her immediate Supervisor. If the matter is not resolved by such informal discussion, then the employee has recourse to the formal grievance procedure, as set forth below.

8.6 PROCEDURES

Grievances for general, MHRC, fire and police employees shall be presented and adjusted in the following manner with a written copy of grievance provided the aggrieved party:

A. Step 1 - Department Level

An employee having a grievance may, within seven (7) days following the first occurrence giving rise to the grievance, submit to the Department Head a grievance form, setting forth specifically the complete facts in which the grievance is based and the relief requested. The Department Head or his/her designee shall have a meeting with the employee, to discuss the grievance. The Department Head, or designee, shall communicate a decision in writing to the employee, within seven (7) days following receipt of the grievance form.

B. Step 2 - City Level

If the employee is dissatisfied with the decision of the Department Head, the employee may, within seven (7) days after receipt of the response of his/her Department Head, present his/her grievance in writing to the City Manager or the City Manager's designee. The City Manager or designee shall discuss the matter with the employee within five (5) days following receipt of the grievance or at another mutually agreeable time. A written decision shall be made by the City Manager or designee within five (5) days following the conclusion of the meeting unless the time is extended by mutual consent of the parties.

The decision of the City Manager shall be final.

8.7 TIME LIMITS

Failure to initiate a grievance within the time limit in Step 1, above, shall be deemed a waiver of the grievance. Failure at any step of this procedure to submit a grievance to the next step within the specified time limit shall be deemed to be acceptance of the decision at that step. However, an employee's annual/sick time shall not be counted in determining time limits which apply to him or her.

Failure at any step of this procedure to communicate the decision on a grievance within the specified time limit shall permit the employee to proceed to the next step.

The number of days indicated at each step should be considered as a maximum, and every effort should be made to expedite the process. However, the time limits specified in any step of this procedure may be extended, in any specific instance, by mutual agreement.

8.8 GENERAL PROVISIONS

If a grievance arises from a Department Head, the grievance may be initiated at Step 2 by submitting a grievance form as set forth in Step 1 within the time limit set forth.

If a grievance meeting is held during the working hours of any required participant, such participant shall be excused without loss of pay for that purpose. Attendance at grievance meeting outside of regular working hours shall not be deemed time worked.

The filing or pending of any grievance under the provisions stated here shall in no way operate to impede, delay or interfere with the right of the City to take the action complained of; subject, however, to the final disposition of the grievance.

There shall be no reprisals against any of the participants in the procedures contained herein by reason of such participation.

An employee who resigns from City employment shall be deemed to have waived the right to initiate or to process a grievance under these provisions of this Chapter.

Nothing in these provisions shall be construed to prevent or discourage informal discussion between an employee and the Supervisor.

Nothing in these provisions shall be construed to permit an employee to process a grievance with respect to any matter which is the subject of another grievance procedure or is an appeal, complaint or administrative action before a governmental board or agency or is at issue in a court proceeding brought by the same employee. An employee who seeks resolution before any such other forum shall be deemed to have waived his/her right to process the matter under his grievance procedure.

The grievance procedure does not apply to elected officials.

SECTION 9 SAFETY

9.1 ACCIDENT PREVENTION

Department Heads, Supervisors and employees are responsible for a successful safety program and will participate in the development, implementation and improvement of this program. Inadequate safety training, improper equipment handling and neglect can increase costs, cause accidents and reduce productivity. Adherence to safety rules and wearing and use of safety equipment will be required by all employees. Failure to comply will be subject to disciplinary action.

9.2 OPERATION OF CITY OWNED VEHICLES

It is important that all employees operate City vehicles in a safe and courteous manner. The public gives close scrutiny to the manner in which employees drive the City vehicles.

Employees are required to wear safety restraint belts while driving all city vehicles. Employees who violate this safety rule will be subject to disciplinary action under Section 7, Disciplinary Action, 7.4 Types of Offenses, Group I, Number 16.

A valid Florida Drivers License is required to operate a City owned vehicle and equipment. Some job positions require the operation of City vehicles and equipment. No employee will be allowed to operate a vehicle or equipment without a valid license. If an employee's license is revoked, suspended, or if an employee fails to renew his/her license; he/she is to report this to his/her Department Head immediately and is not to operate city vehicles. An employee who can not perform the functions of his/her job may be subject to demotion/suspension/termination. Failure to report revoked or suspended license could result in disciplinary action up to dismissal.

9.3 ACCIDENT REPORTING

Employees will be advised by their Supervisor of their responsibility to immediately report to their Supervisor all accidents and injuries that occur on the job. Delay in reporting injury can cause complication of the injury and delayed recovery.

Accident or injury reports must be submitted by the employee's Supervisor within 24 hours after the date of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted on the day the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving City vehicles. A vehicular accident report will be submitted. If an employee is injured, a report of injury to employee will also be required.

In the case of vehicular accidents, the appropriate law enforcement agency shall be notified immediately.

If an employee, while operating a City-owned vehicle, is cited for an accident or a moving violation, the employee may be required to complete a driver's education course sponsored by the State of Florida or another program which is acceptable to the City. The course shall be completed during the employee's normal working hours and costs incurred shall be the responsibility of the employee.

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

9.4 EMPLOYEE SAFETY MANUAL

The Marianna City Commission has adopted a Safety Manual for the City of Marianna. Refer to the City Safety Manual on file in each department. All employees are expected to adhere to these adopted policies. The Marianna Health and Rehabilitation Center has a Safety Manual separate from the City Safety Manual that all MHRC employees must abide by.

MARIANNA HEALTH AND REHABILITATION CENTER

POLICY # 001

The Marianna Health and Rehabilitation Center is owned by the City of Marianna. It is governed by a Board of Trustees and supervised by an Administrator who is under the direction of the City Manager.

It is the aim of Marianna Health and Rehabilitation Center to provide quality care in a home-like atmosphere to our residents and to make their stay in our facility comfortable and pleasant.

Marianna Health and Rehabilitation Center is a medical facility therefore certain rules will apply to Center employees that do not apply to general, fire and police personnel.

Application Procedures:

Applications shall be given out and received by the Administration office on an on-going basis during regular business hours. Upon receipt applications are directed to the appropriate Supervisor, who maintains them on file.

Applications for employment will remain on file for six (6) months. As such jobs become available during this period, these applicants will be considered for the position they applied for or may be qualified for.

Applications may be rejected based on failure of the applicant to meet job requirements, prior unsatisfactory employment, giving false information, conviction record (subject to certain criteria) or for any other appropriate reason.

When possible, vacancies shall be filled by promotion, transfer, or voluntary demotion of qualified employees.

Confidential Information:

Information regarding a resident is strictly confidential. It should not be discussed with anyone other than those directly responsible for the resident's care and treatment. Any release of medical information must have proper authorization of the resident or legal guardian.

Any questions regarding available beds must be directed to Administration.

If you are not authorized to release information regarding residents, employees or this facility, direct questions to someone who is.

Orientation:

New employees are required to attend five (5) days of orientation. During the orientation period no new employee will work without direct supervision. Orientation checklists are due no later than the 10th day from the beginning of employment. These must be completed by the person who supervised the performance of the procedure listed.

In-service Education:

In-service Education is mandatory for all employees, or specified departments, as indicated on posted notices. In the event it is absolutely necessary for an employee to miss an in-service, it is the employee's responsibility to set a time with the In-service Coordinator to view the video recording within thirty (30) days.

Individual departments will hold in-services pertaining to that department at other scheduled times. Nurses will be offered additional in-services to obtain their C.E.U.

Body Mechanics:

Each new employee is required to attend a Body Mechanics class given by the in-service Coordinator to assure that the employee is aware of the proper way to lift and move residents safely. In the event of an on-the-job back injury which results in lost work time, the employee will be required to repeat the Body Mechanics class prior to returning to work. Also, an employee may be required at any time to repeat the class should the Supervisor feel that additional training in that area would be beneficial.

Annual / Initial Physical Examinations:

Physical examinations are required for all employees after an offer of employment and annually thereafter, no later than the anniversary of their employment. A physical form must be completed by the physician performing the exam and must be returned to the employee's department Supervisor upon completion.

Physical exams are provided in-house by our Medical Director, and are available to all employees (full-or part-time) at no cost to the employee. Employees may choose to obtain their physicals from their personal physician. Employees receiving the physical from their personal physician will not receive any reimbursement toward cost.

Call In Policy:

If it is necessary to be absent from work and prior approval has not been received from your Supervisor, you are required to call in at least four (4) hours prior to beginning your shift. Excessive absences or tardiness may result in termination.

Loitering:

Employees should not be on Marianna Health and Rehabilitation Center property after working hours. This interferes with the work of other employees and disrupts resident care. Anyone found loitering should be reported to your immediate Supervisor.

Terminated employees are not to return to the facility, unless prior approval has been received through the Administrative Office.

Meal Tickets:

Meals may be purchased through meal tickets only. The tickets can be purchased in \$5.00 plus tax and \$10.00 plus tax increments and are for sale in the Administration Office Monday through Friday from 8:00 a.m. to 4:00 p.m.

Tips:

Monetary gifts for services rendered are not to be accepted from residents, family members, or visitors. Employees may not purchase personal items from residents.

Packages:

Your Supervisor, Administrator, and/or Assistant to the Administrator reserve the right to inspect all packages and articles being taken from the facility. Any employee found removing Marianna Health and Rehabilitation Center property or resident property without prior approval shall be dismissed immediately and shall be subject to criminal charges following investigation.

Parking Areas:

Parking spaces are provided for employees and visitors in the rear, on the west end, and in front of the facility. You should not park in spaces designated for others.

Lost or Stolen Property:

Lockers are provided for all employees and Marianna Health and Rehabilitation Center will not be responsible for loss of any personal valuables. In the event property is lost or stolen, you should report it promptly to your Supervisor or to the Administration Office. Also, if you find articles, please take them to the Administration Office.

Personal Mail, Business, and Visitors:

Employees may not receive personal mail or visitors at the Facility. The Facility cannot be responsible for any personal mail, so please do not have personal mail addressed to the Facility. There will be no visitation to employees by non-employees at any time except in a bona fide

emergency situation where such visitation is approved by the Department Head, or Supervisor, and/or the Administrator, who will arrange for the employee to meet with the visitor.

Smoking:

Marianna Health and Rehabilitation Center is a smoke-free facility; therefore, no smoking is allowed in any area inside the Center. Staff, residents, or visitors may smoke on the patio outside the small dining room.

In an effort to keep these areas clean, cigarette butts and trash should be disposed of in the proper containers and not be thrown on facility grounds or patios.

Fire Drills:

Fire drills are conducted periodically; however, at any time the fire alarm sounds you should respond appropriately, in the event a true emergency exists, by following the procedures outlined in your Disaster Manual. Employees should be knowledgeable of the fire rules and procedures of the Center, the location of the fire extinguishers, and their duties in case of a fire.