

THE CITY OF WILTON MANORS, FLORIDA

PERSONNEL AND SAFETY RULES AND REGULATIONS AND CIVIL SERVICE RULES

*Approved by City Commission September 26, 2006
Revised November 28, 2007
Revised June 23, 2009, 4-day workweek
Revised October 13, 2009, cell phone policy
Revised October 2011
Revised June 2017
Revised March 2022*

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**THE CITY OF WILTON MANORS
PERSONNEL AND SAFETY RULES AND REGULATIONS
CIVIL SERVICE RULES
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SECTION 1: DEFINITIONS

PURPOSE

DEFINITIONS - to be used when interpreting and administering the City of Wilton Manors Personnel Rules and Regulations.

1. **Administration** - Denotes the management of the departments and their policies in the City government.
2. **Anniversary Date** - Date an employee begins employment and the same date in following years, also the date from which vacations and service awards are computed. (The Anniversary Date changes only if an employee is in a non-pay status for a period of thirty (30) calendar days or more, then the anniversary date is adjusted to the date the employee returns to work.)
3. **Benefit Programs** - Employee health and welfare programs such as vacation leave; sick leave; paid holidays; group medical and life insurance; service awards; the pension plan; deferred compensation plan; flexible benefit (125) plan; etc.
4. **Certified List** - The names of Police Department employees who have met all requirements for promotional examinations.
5. **City Commission**- The governing authority for the City of Wilton Manors, Florida.
6. **Civil Service Board** - A board established to represent the employees of the City in order to provide these employees with an appellate review procedure for employee matters as specified in the City's Civil Service Rules.
7. **Classification** - A means of designating positions in the same salary range.
8. **Classification Date** - Date an employee entered a position, was reclassified to a different position, or was promoted/demoted to his or her current position classification.
9. **Demotion** - A personnel action, either voluntary or involuntary, that changes the employee's classification to a classification that has a lower pay range.
10. **Department Directors** - Management exempt employees who have the responsibilities and duties of the operation of a jurisdiction within the City and report directly to the City Manager or Assistant City Manager. Department Directors do not have a right to grievance or appeal as described in the City's Civil Service Rules.
11. **Dismissal** - Non-voluntary separation from City employment.
12. **Employee Status** - The position of the employee with respect to standing in City service, i.e., full-time, part-time, on leave of absence, on probation, etc.
13. **Exempt Employees** - Salaried employees who are not required to be paid overtime, in accordance with applicable federal wage and hour laws, for work performed beyond forty hours in a workweek.
14. **Full-Time Employee** - Any person who is in a position that requires working a minimum of forty (40) hours per week.

15. **Full-Time Regular Employee** - A full-time employee who has completed the initial probationary period.
16. **Job Task Analysis** - A statistical and analytical study of the duties and responsibilities assigned to a position.
17. **Layoff** - A reduction by the City Manager of employees due to lack of work, funds, or any other cause, not pertaining to employee performance.
18. **Layoff List** - A listing of employees separated from City service due to a layoff.
19. **Leave** - A temporary absence from the job.
20. **Municipality** - Shall be construed to mean the City of Wilton Manors, Florida.
21. **New Position** - An entirely new group of essential functions and qualifications including experience, education and skill requirements that have not been previously classified together in a job position.
21. **Non-exempt Employees** - Hourly employees who are required to be paid overtime at the rate of time and one half their regular rate of pay for all hours beyond forty hours in a workweek, in accordance with applicable federal wage and hour laws.
23. **Overtime** - Time worked in excess of normally scheduled hours per week for non-exempt classified employees in compliance with the Fair Labor Standards Act.
24. **Part-Time Employee** - An employee hired into a position that requires the employee to work fewer hours than normally designated for others in the same classification, usually twenty-eight (28) hours or less per week.
25. **Part-time Regular Employee** - A part-time employee who has completed an initial six-month probationary period and works part-time on a year-round basis.
26. **Part-Time Temporary (Seasonal) Employee** - An employee hired into a position that requires the employee to work in a position for a seasonal period (example, school crossing guards, summer recreation positions, etc.). Part-Time Temporary (Seasonal) employees do not receive any benefits from the City.
27. **Pay Range** - The salary assigned to a particular job classification which indicates the minimum and maximum pay rates.
28. **PBA** - The Police Benevolent Association.
29. **Performance Evaluation** - A written report made by the immediate supervisor and discussed with the employee that rates job performance with an employee. Evaluation form must be signed by the department director, the Human Resources Director and initialed by the City Manager.
30. **Position Description** - A formal, written definition of the objective, essential functions, working conditions, education, experience, and skill requirements of a position.
31. **Position Survey** - A study of the work assignments, duties, responsibilities, technical requirements, and organizational aspects of a position.
32. **Position Title** - The title assigned to a job that requires the employment of an individual to perform the tasks set forth in a position description. This relates to the duties performed and not to the employee performing those duties.

33. **Probationary Employee** - An employee who has been employed for less than one year.
34. **Probationary Period** - The time frame provided to allow the department director or supervisor an opportunity to evaluate an employee's performance and ability, when the employee is either newly hired or promoted/demoted/reclassified to a different position. The probationary period is one year for all employees. The probationary period may be extended for an additional_six (6) months at the City Manager's discretion.
35. **Probationary Status** - When an employee has been hired for a position and is serving a probationary period.
36. **Promotion** - The upgrade of an employee from one position to another position which has a greater level of responsibility, a higher salary range, or a higher classification.
37. **Recall** - An action returning an individual to City employment from layoff status.
38. **Reclassification** - A change in the essential functions of a position that requires the position to be reclassified (adjusted) to either a higher or lower salary pay range/grade; also, a term used to designate an employee accepting a job position or "transfer" to a different job position within the same pay range.
39. **Reinstatement** - An action returning an employee to City employment without loss of length of service and other benefits.
40. **Resignation** - An act of voluntarily withdrawing from City employment.
41. **Retirement** - Whenever an employee separates from City employment under the City pension plan requirements or enters the Deferred Retirement Option Plan under the requirements of the pension plan.
42. **Seniority** - The length of service from date of hire or classification date.
43. **Standby Assignment** - An assignment made by a department director or his/her designee which requires an employee to be available for emergency work on his/her off-duty time which may include nights, weekends, or holidays.
44. **Suspension** - The temporary dismissal of an employee from work, either with or without pay.
45. **Temporary Employee** - An employee appointed for a special project or other work of a temporary or transitory nature. Temporary employees do not receive any benefits from the City. and may only be appointed and employed for no more than 6 (six) months.
46. **Termination** – Non-voluntary separation from City employment.
47. **Termination Date** - The last day an employee is on the payroll.
48. **Transfer** - An action in which the employee moves from one department to another with no resulting classification or title change (for example, an Administrative Coordinator_transfers from the Public Services_Department to be an Administrative Coordinator in the Police Department).
49. **Vacancy** - A position existing or newly created which is not occupied and for which funds are available.

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SECTION 2: GENERAL PROVISIONS

PURPOSE

The policies stated in these Rules and Regulations are intended as guidelines only and are subject to change at the sole discretion of City management. The language used in these Rules and Regulations should not be construed as creating a contract of employment, express or implied, between the City and any of its employees. The City Manager, Department Directors, and all other supervisory personnel reserve all the customary rights of management including the right to supervise and control all operations of the City; direct all work; interpret, change or cancel all personnel policies with or without notice, hire, schedule, terminate, lay-off, transfer, promote, reclassify, reward, discipline, or otherwise manage employees and select the manner, method and means of doing so. Again, this manual does not and will not create a contract between the City and any employee. **These Rules and Regulations do not and cannot cover every personnel issue that may arise and do not preclude the City Management from making any personnel decision based upon the facts or issues at the time.**

This manual contains no promises, guarantees, representations, agreements, or warranties upon which any prospective, current or prior employee can reasonably maintain or create any expectations of such. Employment with the City of Wilton Manors is for no definite period and may be terminated at any time without previous notice during the initial hire probation period, in compliance with the State of Florida's "Employment at Will." Also, the employment relationship between the City and its employees is at-will; i.e., the employee may resign and the City may terminate the employee at any time, for any reason.

These Personnel Rules and Regulations establish a comprehensive Human Resources Management System, setting forth the general personnel policy, providing for the establishment of administrative rules and regulations for the Personnel System, prohibiting certain activities by personnel, establishing certain acts as unlawful, defining the status of employees, and describing other information relevant to the administration of the program. All employees are responsible for being familiar with the City's rules and regulations and/or the union contract which covers their positions with the City. Copies of these Rules and Regulations are maintained on file for review by the general public, as provided in Section 2-3 (2) below. Employees shall receive a copy of these Rules and Regulations in the Employee Handbook distributed at the New Hire Orientation and sign an acknowledgment receipt which becomes a part of their personnel record.

As the policies and procedures stated in these Rules and Regulations are subject to change at the sole discretion of the City, employees may receive updated information concerning the policy modifications. Should employees have questions at any time regarding any of the policies and procedures contained in these Rules and Regulations, they should ask for clarification from their supervisor or from the Human Resources Department. In the absence of the Human Resources Director, the designated employer representative will be the Human Resources Manager.

2-1 POSITIONS COVERED

1. These Rules and Regulations apply City-wide as a working guide in the day-to-day administration of the City's personnel program.
2. These Rules and Regulations do not apply to elected officials. Union employees are governed by the provisions of their current union contracts and the Personnel Rules and Regulations apply when not in conflict with the collective bargaining contracts.
3. Applicability of these Rules and Regulations may be superseded by State and/or Federal law, or by appropriate action of the City Commission of the City of Wilton Manors, and such action shall repeal all Rules and Regulations and/or laws in conflict therein.

2-2 ADMINISTRATION

The Human Resources Director shall be responsible for the administration and technical direction of the City Personnel Rules and Regulations.

2-3 AMENDMENTS, CHANGES, OR REVISIONS

1. The Human Resources Director with the assistance of the Department Directors shall prepare and recommend to the City Manager such rules or amendments to these Rules and Regulations as may be necessary or advisable for the effective administration of the personnel program as defined in this manual.
2. Amendments, changes and revisions of these Rules and Regulations shall be approved by the City Manager and presented to the City Commission to receive and file. Upon such enactment, said Rules and Regulations shall be filed with the City Clerk's Office and the Human Resources Department, then distributed to all City departments and shall be open for public inspection during normal business hours.
3. Revisions and supplements to updated and revised Personnel Rules and Regulations shall be provided to all employees to update their copy.

Old policy statements and procedures shall be replaced when instructed to do so in a memorandum from the Human Resources Department. The changes shall become effective on the date approved by the City Manager notwithstanding the foregoing notice provisions.

Questions concerning revisions should be directed to the Human Resources Department.

SECTION 3: EMPLOYMENT PROCEDURES

PURPOSE

It is the policy of the City of Wilton Manors to offer equal employment opportunity and provision of services to all persons without regard to race, creed, color, sex, age, national origin, religion, sexual orientation, physical or mental disability, gender identity or expression, veteran status, marital status, or familial status. No applicant is to be discriminated against or given preference, unless such preference is required by law, because of these factors, or, in the case of a mental or physical disability, discriminated against because a reasonable accommodation is required to perform the essential functions of the job, or because of the individual's inability to perform any non-essential functions of the job. This policy is intended to apply to recruiting, hiring, promotions, reclassifications, layoffs, compensation, benefits, training, termination, and all other privileges, terms, and conditions of employment and to the provision of services by the City of Wilton Manors, Florida.

3-1 VACANCIES

Notification of a vacancy shall be made by a Notice posted on City bulletin boards for three (3) consecutive working days. City employees who wish to be considered for an in-house vacancy must notify in writing the Human Resources Department prior to the deadline date given on the vacancy announcement. A *Vacancy Approval Form* must be signed by the City Manager as authorization for posting a notice of vacancy.

In announcing vacancies, the Human Resources Department shall specify the position title, the essential functions, the salary range, the minimum qualifications, the procedure for submitting applications, and any other pertinent information. Employees may apply for a position provided they meet the minimum requirements established in the vacancy announcement. Outside applicants may also be considered.

3-2 EXAMINATIONS

Examinations may be used to determine the job-related qualifications of applicants for particular positions. After appropriate consultation with the City Manager and Department Directors, the Human Resources Department will determine which positions will require testing. When testing is required, Human Resources and the Department Director may prepare the examination or cause to be prepared. The Human Resources Department may administer written tests. These examinations will fairly and impartially test those skills, aptitudes, or other qualifications of the applicant that are job related for the position in question. These examinations will not screen out or tend to screen out individuals with disabilities unless it can be shown that the selection criteria is **job-related** and consistent with business necessity, nor will these examinations be administered in such a way that the results would reflect the impaired sensory, manual or speaking skills of the applicant. A passing score on all written examinations is 70%.

Testing may consist of any, all, or a combination of the following:

- a. Written examination
- b. Oral examination
- c. Performance examination
- d. Physical examination and/or inquiry (if job-related)
- e. Evaluation of training and experience
- f. Length of time in present classification
- g. Any other applicable criteria which will fairly measure the relative abilities of individuals competing for a position

A physical examination, drug screen and fingerprint background check will be required **after** a conditional offer of employment has been extended and before the applicant begins his or her employment duties. The results of such an examination may condition an offer of employment if **all** entering employees in the same job category are subject to such examination and/or inquiry, regardless of disability. Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms, in separate medical files, and treated as confidential medical records in accordance with Federal, State and Local laws.

3-3 APPEALS

Should any applicants feel adversely affected or discriminated against in the opportunity for employment, promotion, or if in their opinion, an injustice has occurred in the grading of their examination papers, or in any other aspect of the employment process, they may appeal to the Human Resources Director, and then to the City Manager, should the matter not be resolved to their satisfaction by the Human Resources Director. Any such appeal to the City Manager must be made in writing and shall specify the nature and cause of the complaint and must be received by the Human Resources Director within 15 days.

3-4 APPLICATION FOR EMPLOYMENT

Applications are accepted for current posted openings only with the exception of applications for sworn police officer positions. Outside applicants should personally complete the City's standard Application for Employment. Applications from outside applicants for City positions shall be considered active for a period of six (6) months from the date of application, unless the application becomes void by virtue of some other rule of the City. After six (6) months, the application will be considered inactive and will not be used by Human Resources to fill vacant positions. The application, together with all records and correspondence pertaining to it, may be destroyed or filed as applicable by State Law. All applications are subject to Public Record Law.

3-5 QUALIFICATIONS OF APPLICANTS

Every applicant must have the required experience, education, and skills to perform, with or without reasonable accommodation(s), the essential functions of the position for which employment is sought.

3-6 RESIDENCY PREFERENCE

When all applicants' qualifications and requirements for a position vacancy are equal and all legal requirements are satisfied, preference in hiring will be given to City of Wilton Manors' residents over applicants who do not live in Wilton Manors. In scored tests, an additional three (3) points will be added to the final score for residency.

3-7 EMPLOYMENT OF FAMILY MEMBERS

Except in special or extenuating circumstances approved by the City Manager, where not in conflict with Federal, State or Local law, family members will not be hired to work in the same department. The term "family member" shall include, but shall not be limited to, the employee's parent/step-parent, brother/step-brother, sister/step-sister, child (adopted, foster, step, or natural), grandparent/step-grandparent, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepson, stepdaughter, half-brother, or half-sister, and any person who is engaged to be married to an employee or who otherwise holds himself or herself out as, or is generally known as, the person who the employee intends to marry or with whom the employee intends to form a household; or any other person having the same legal residence as the employee. Also, family members are not permitted to work in the same department or in any other positions in which the City believes an inherent conflict of interest may exist.

3-8 FRAUDULENT CONDUCT OR FALSE STATEMENTS BY APPLICANT

Falsification of application information, or false information provided by others with the applicant's knowledge, in any application or examination, may be deemed cause for the exclusion of such applicant from consideration, or for dismissal from City employment after being employed. Employees who have resigned while not in good standing with the department, or have been dismissal while not in good standing with their department may be disqualified from future considerations for employment with the City. An employee who fails to give a two week notice of resignation may be disqualified from future consideration for employment with the City.

3-9 POLICE APPLICANTS

Applicants for Police Department Police Officer positions must meet all requirements as set forth in the rules of the Florida State Police Standards Commission.

3-10 APPLICANT PROCESSING

When it has been determined that an applicant has the necessary qualifications for an open position, he or she may be chosen for an examination and/or Oral Interview Board. An eligibility list will be created and given to the appropriate Department Director for scheduling of personal interviews. Prior to the final job offer, employment references may be checked by Human Resources and/or the Department Director. After the Department Director selects the best qualified applicant for a position, a *Personnel Action Form* recommending the applicant will be given to the City Manager for signature and then to the Human Resources Department for processing. The Human Resources Department will prepare a Conditional Offer of Employment Letter for each approved new hire and the Letter must be signed by each new employee.

After a conditional offer of employment is extended to the applicant, he or she must pass a medical examination, drug screen testing, and a background check. In addition, the Human Resources Department will check to determine if there are any outstanding warrants against the applicant, check her/his driver's license record and may perform a credit check and any other check that management deems appropriate for the position within local, County, State, and Federal Law.

Applicants for Police Department positions must complete, in addition to the above-listed steps, the following:

- Psychological assessments
- Tests for drugs/alcohol including, but not limited to, urine, blood, and breath (police only as required by Police Standards)
- Police Department applicants may be required to pass a truth verification process as determined and required by the Department.

3-11 MEDICAL EXAMINATION

All City employees, including but not limited to those being re-employed, recalled, or reinstated, will receive a medical examination after a bona fide conditional job offer but prior to their reporting to work. The medical examination shall be performed by the City's designated physician under standards established by the City and shall include a drug screening. Upon the recommendation of an employee's Department Director and in conjunction with the Human Resources Director and his or her designee, the City may require an employee to have a medical/physical examination at any time during employment with the City to determine the employee's fitness to continue working.

1. The mandatory medical/physical examination shall be at the City's expense.
2. Refusal to take the examination shall be cause for rescinding the conditional job offer or, in the case of a current employee, disciplinary action which may include dismissal, demotion, suspension, transfer, or reclassification. See Section 13-1, The Americans with Disabilities Policy.

SECTION 4: PROBATIONARY PERIODS AND TYPES OF APPOINTMENTS

PURPOSE

The probationary period shall be utilized to observe closely the employees' work, to secure the most effective adjustment of new or promoted employees to their positions, and to reject any employees whose performance does not meet required work standards. The probationary period affords employees an opportunity to decide if City employment is satisfying and if they wish to make a career of municipal employment. All appointments, whether newly hired or promotional, shall be in a probationary status.

4-1 DURATION

The probationary period for all employees shall be one (1) year for new hires and six (6) months for promotional appointments, and demotions. Police Officer employees serve a twelve-month probationary period. At management's discretion, the probationary period may be extended up to an additional six (6) months to allow for further observation of a marginal employee who may otherwise not pass the one-year probationary period. Excused absences for a duration of thirty (30) consecutive days or more will be added to the probationary period. Departments are responsible for computing and adjusting probationary periods. The performance evaluation indicating whether a probationary employee is to be taken off probation or terminated should be initiated at the completion of the probationary period. Newly hired full-time employees who are retained beyond their probationary period shall receive all benefits and rights as provided by the Personnel Rules and Regulations. All newly hired probationary employees who have their probationary periods extended do not have the right to appeal disciplinary action, dismissal, or other employment-related matters, until after they have completed the extended probationary period.

4-2 DISMISSAL OR DEMOTION OF PROBATIONARY EMPLOYEES

1. If newly employed probationary employees have been found to be unqualified to perform, or will not properly perform the duties of a position, they may be dismissed without cause, after written recommendation by the Department Director to the City Manager at any time during their initial hire probationary period. Such termination may be with or without cause, or when the City determines that continued employment is not in the best interest of the City, the Citizens, or the employee. The Department Director or a designee must coordinate this action with the Human Resources Department and, if dismissal is for cause, furnish written notice stating the reasons that the employee is unsatisfactory. The Human Resources Department will prepare the letter of dismissal and such dismissal will be performed by the Human Resources Department.
2. If employees serving a probationary period incurred as a result of a **promotion** are found to be unqualified to perform the duties of the higher position, they shall be returned to the position and status immediately held prior to promotion if that position is vacant. If that position has been filled, the employee may be transferred to a vacant position with the same job classification (for example, Administrative Coordinator position in one department to an Administrative

Coordinator position in another department) subject to approval of the Department Directors.

If such a vacancy does not exist, the employee may be reclassified to a vacant position of the same salary range or lower, if said employee is qualified to perform such a position and a vacancy exists, upon approval of the Department Directors. If there are no vacancies, the employee may be dismissed. The Department Director concerned or a designee must provide written notice specifying the reasons for failure to meet probationary standards to the City Manager and coordinate this action with the Human Resources Department. Employees may not appeal a failure to meet probationary standards decision. If employees in a probationary promotional position are dismissed as a result of misconduct, as defined in Section 15 of this document, they have the right of appeal.

4-3 PROBATIONARY PERIOD PERFORMANCE EVALUATIONS

For newly hired employees (both full-time and part-time), promoted employees, and demoted employees, the applicable department may complete a performance evaluation form after six (6) months, and will complete a performance evaluation after one year in the probationary period with the exception of Police Officers whose status is also dependent upon their Field Training Officer Reports. Failure to pass the FTO can result in termination within the first twelve (12) months of employment. The City Manager may elect to extend by six (6) months the probationary period of an employee, after which an additional evaluation will be conducted. These forms will be forwarded to the Human Resources Department.

4-4 FULL-TIME REGULAR EMPLOYEES

Regular full-time status denotes successful completion of the initial probationary period. Once employees attain regular full-time status they will remain regular full-time employees as long as they fill a position, even though their status may change to probationary status upon promotion or demotion.

4-5 TEMPORARY AND SEASONAL EMPLOYEES

The City Manager may authorize the filling of a vacancy by a temporary or interim appointment. Any such candidate must meet the job qualifications applicable for that position. Such appointments shall not exceed twelve (12) months unless so authorized by the City Manager. To formally appraise the individual serving in the temporary or interim appointment of his or her performance, a six-month Performance Evaluation will be required and completed by the appropriate supervisory personnel. Seasonal employees will receive a Performance Evaluation to determine eligibility for re-employment.

4-6 PART-TIME EMPLOYEES

An employee who works less than the normal scheduled work week assigned by the pay plan shall be appointed on a part-time basis. Part-time employees who are appointed to a full-time position in the same classification or in a different classification will be considered as new hires.

4-7 PART-TIME REGULAR EMPLOYEES

Part-time employees who are scheduled work hours not exceeding an average of 28 hours per week on a year-round basis will be considered Regular Part-Time Employees and will be eligible for modified benefits.

4-8 EMERGENCY DUTY ASSIGNMENTS

If Civil Emergency conditions are declared by the City Manager, employees may be assigned to any duties to fulfill the mission of the City. Conditions constituting Civil Emergency include, but are not limited to, riots, civil disorders, hurricane conditions or any similar catastrophes. No employee may be assigned to duties of a different classification for a period in excess of thirty (30) calendar days without the approval of the City Manager. Approval shall be granted only in exceptional cases.

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SECTION 5: EMPLOYEE PERFORMANCE EVALUATIONS

PURPOSE

The Human Resources Director shall establish and administer a program for rating the work performance of employees in City service. The Employee Performance Evaluation shall be designed to permit the evaluation of the employee's job-related performance and attitude as accurately and as objectively as possible. The ratings shall be set forth on the performance evaluation forms provided by the Human Resources Department. Each employee shall have the opportunity to discuss the evaluation with his or her supervisor.

5-1 INTENT OF PERFORMANCE EVALUATION

The Performance Evaluation will indicate to the employee how his or her performance has been evaluated by the immediate supervisor, and will serve as the basis for discussion regarding the employee's performance during the **entire** rating period as well as providing input for performance development and/or improvement. Other items to be addressed during the performance evaluation include training, career development, acceptance of and/or interest in increased responsibilities, and overall advancement potential. The performance appraisal form will also document any disciplinary and/or performance problems and outline a plan for improvement. Employees must receive an evaluation rating of at least **"Meets Standards"** in each element of the performance evaluation in order to earn a merit-based pay increase. Additionally, if an employee fails to achieve a **"Meets Standards"** score on any element of the performance evaluation, the employee will be placed on a written performance improvement plan (PIP) of no longer than six (6) months that addresses the specific element(s) to be improved. In conjunction with the Human Resources Department, the department director and the direct supervisor will oversee and administer the PIP. At the end of the PIP period, a special performance evaluation will be completed and the employee must receive a **"Meets Standards"** or better rating in each element of the evaluation for retention of his or her position. Any merit-based pay increase will become effective on the date of successful completion of the PIP. Successful completion of a PIP does not change an employee's evaluation date in subsequent years. Failure to successfully complete a PIP may result in termination of employment. A performance-based termination is not a disciplinary action and is neither grievable nor subject to appeal.

5-2 FREQUENCY OF PERFORMANCE EVALUATIONS

A six (6) month probationary performance evaluation may be conducted on newly hired employees and employees that have been either promoted or demoted. As defined in Section 4-2, a *demotion* is not considered discipline and is not grievable or appealable. Employees' annual performance evaluations are based on their classification date which may be their date of hire, reclassification, promotion or demotion. Employees in a bargaining unit are governed by the applicable labor agreement. Unless otherwise provided by a labor agreement, the Department Director may institute an extension of up to six months of the probationary period for marginal employees who would not otherwise pass the standard probationary period. If, at the discretion of management, the probationary period is extended, the employee will receive another performance evaluation at the end of the extended probationary period. Employees shall only receive one (1) extended probationary period; there shall be no further extensions if an employee does not receive a satisfactory evaluation during an extended probationary period.

5-3 RATING PROCEDURE

The immediate supervisor most directly familiar with the employee's performance during the evaluation period shall be responsible for completing the Performance Evaluation unless otherwise assigned by the Department Director. If the employee has had more than one supervisor during the rating period, all concerned supervisors should contribute to the Performance Evaluation. Before rating the employee, the supervisor should review the duties and responsibilities required of the position to assure full understanding of what is expected of the employee. The appropriate supervisor shall complete the evaluation in sufficient time to discuss the results with the employee, obtain the necessary departmental signature, and forward the rating forms to the Human Resources Department on or before the first day of the month following the employee's position anniversary date.

5-4 COMPLETION OF THE PERFORMANCE EVALUATION

The supervisor conducting the evaluation must become familiar with the appropriate Performance Evaluation format. Upon completion of a preliminary review of the duties and responsibilities of the position, and familiarization with the evaluation criteria and format, the supervisor should be prepared to document his or her evaluation of the employee's performance during the entire rating period. The supervisor should consider each factor independently and objectively evaluate the employee's performance over the entire rating period under consideration rather than base the evaluation on an isolated incident or the most recent performance.

5-5 PERFORMANCE EVALUATION COMMENTS AND DISCUSSION

Upon completion of the Performance Evaluation, the rater may write any additional comments in the space provided on the Performance Evaluation form. When completely satisfied that the evaluation is equitable, the supervisor should sign and date the Performance Evaluation form. A private, uninterrupted performance review meeting should be scheduled with the employee that provides sufficient time to discuss the results of the evaluation. Performance deficiencies should be considered as problems to be resolved mutually through discussion of specific incidents. The supervisor and the employee being rated should establish realistic goals to be achieved, as well as means of improving overall performance during the next rating period. The meeting should provide an opportunity for meaningful communication between the supervisor and the employee. The supervisor should attempt to determine how he or she can best assist the employee in meeting the assigned duties and responsibilities and in improving overall job performance. The Department Director must review and sign the Performance Evaluation and may make comments to the supervisor on the evaluation. When there is disagreement between the supervisor and the department director on the results of the evaluation, a compromise should be affected. If a compromise is not possible, the evaluation rating given by the supervisor shall prevail. A Department Director and/or the City Manager may not change the results of a performance evaluation but may add additional information to the evaluation and the personnel file. The results of a performance evaluation are not grievable.

Prior to the review meeting, the immediate supervisor should check the employee's salary progress and be prepared to realistically answer any questions regarding salary increases or promotional opportunities. The supervisor should avoid making commitments or promises regarding the employee's future advancements, but may offer encouragement and advise the employee of actual promotional opportunities and the requirements necessary to be qualified for such opportunities, including additional formal schooling, etc.

5-6 EMPLOYEE COMMENTS AND SIGNATURE

After reviewing and discussing the Performance Evaluation, the employee may write any appropriate comments in the space provided. The employee should sign and date the evaluation form. This indicates that the employee was given an opportunity to discuss the evaluation with his or her supervisor. The employee's signature does not mean that the employee agrees with the supervisor's evaluation. If the employee refuses to sign the Performance Evaluation form, it should be so indicated in the space provided for the signature, along with the date. A lack of employee signature on the evaluation form does not affect the validity of the document. No further comments or information shall be listed on the Performance Evaluation form after the employee has reviewed and signed the evaluation form.

5-7 PERFORMANCE EVALUATION DISTRIBUTION

The completed Performance Evaluation form must be returned to the Human Resources Department for processing and filing in the employee's Personnel file. A copy will be given to the employee upon request made by the employee.

5-8 SPECIAL AND DELAYED EVALUATIONS

A supervisor may request a special evaluation on an employee at any time during the year. Special evaluations are to be given when a supervisor feels that an employee's performance requires formal documentation before the normally scheduled evaluation. Circumstances that could require a special evaluation include:

- Improved performance following a poor review or disciplinary action
- Performance patterns which are significantly different from past actions
- Poor performance that requires formal documentation prior to further disciplinary action

An evaluation that is the result of an extension of a probationary period is not regarded as a special evaluation.

5-9 SEASONAL AND TEMPORARY EMPLOYEES

Temporary employees will receive performance evaluations for re--employment purposes only. Temporary and seasonal employees may only be employed for a term of 6 (six) months or less.

A copy of the current performance evaluation forms for employees and supervisors is available for review in the Human Resources Department.

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SECTION 6: CLASSIFICATION PLAN

PURPOSE

The Classification Plan provides a formal arrangement and inventory of positions grouped into classes indicative of the range of essential job functions, responsibilities, and level of work performed. The class titles standardize the meaning, allocation, and usage of the plan throughout, again based upon the similarity of work and essential functions performed.

6-1 USE OF THE PLAN

The Classification Plan shall be utilized to:

1. Determine qualifications, prepare examination announcements and examination content
2. Determine salaries to be paid for the various classes of work
3. Determine lines of promotion
4. Provide an understandable and uniform terminology of jobs
5. Ensure adherence to applicable Federal and State employment laws

6-2 CONTENT OF THE PLAN

The Classification Plan shall consist of:

1. A grouping of positions into classes on the basis of comparable difficulty and responsibility which require the same general qualifications and which can be equitably compensated with the same salary range.
2. A job title, indicative of the work of the class, which shall be used on all personnel, accounting, budget, and related official records. No person shall be appointed to a position in the City personnel structure under a title not contained in the classification plan unless approved by the City Manager.
3. Written position descriptions for each job title containing the nature of work and objective of the class, requirements setting forth the essential functions, experience, education, skills, and abilities required for adequate performance of the job.

6-3 ADMINISTRATION OF THE CLASSIFICATION PLAN

The addition, deletion, or reclassification of a position shall be accomplished by the Human Resources Department. Department Directors must make a written request to the Human Resources Department to have a position within their department considered for reclassification. See Section 6-5 below.

6-4 MAINTENANCE OF THE CLASSIFICATION PLAN

The Human Resources Department shall be charged with the responsibility of maintaining the classification plan and providing for the continued proper allocation of employees within the classification plan. The Human Resources Department shall:

1. On the basis of studies made by the Human Resources Department of new or proposed positions, place the position in the proper class reflecting the essential functions and responsibilities of the work.
2. On the basis of job analysis questionnaires, and/or audits made by the Human Resources Department of permanent changes in the essential job functions and responsibilities of the position, reclassify the position to the proper grade.

6-5 REQUEST FOR RECLASSIFICATION

If a Department Director has facts which indicate that a position or positions in his or her department or division are improperly allocated, he or she may request the Human Resources Department to review the position(s). Such requests must be in writing and approved by the City Manager. The Human Resources Department will then request that a comprehensive position questionnaire (CPQ) be completed by the employee(s) presently in the position and reviewed by the department supervisor. An audit of the position and a comparison of the current position description will then be conducted by the Human Resources Department. The Human Resources Department will make a recommendation to the City Manager regarding the need, or lack thereof, for the position(s) to be reclassified. Final approval of all reclassification requests will be made by the City Manager.

6-6 APPEALS ON POSITION RECLASSIFICATION

Whenever an employee affected by a City-initiated reclassification feels that the position has been reclassified incorrectly, the employee may appeal the reclassification to the Human Resources Director. Such appeal must be made in writing and must be submitted via the Department Director to the City Manager for approval.

6-7 RECLASSIFICATION AS A RESULT OF A NEW OR REVISED JOB SPECIFICATION

When an employee is reclassified by the City Manager as a result of the issuance of a new or revised job specification or as a result of the abolishment of a current job specification, the employee's classification date will be adjusted accordingly as a result of such action.

6-8 RECLASSIFICATION OF A POSITION TO A HIGHER PAY GRADE

Should the position be reclassified to a job classification with a higher pay grade than that of the original classification, the employee serving in the position will be advanced to a salary level in the new grade that represents a minimum of a 5% salary increase to the employee.

6-9 RECLASSIFICATION OF A POSITION TO THE SAME PAY GRADE

Should the position be reclassified to a job classification with the same pay grade as that of the original classification, the position, if vacant, shall be filled in the appropriate manner. If the position is filled, the incumbent employee shall receive a corresponding change in title without the benefit of examination, provided the reclassified position is in the same line and character of work and involves the same essential functions, responsibilities and skills. Also, if the position is filled, the incumbent employee reclassified shall maintain the same pay, grade, and date in class. This reclassification also applies to a job title change only.

6-10 RECLASSIFICATION OF A POSITION TO A LOWER PAY GRADE

Should the position be reclassified to a job classification with a lower pay grade than that of the original classification, the position, if vacant, shall be filled in the appropriate manner. If the position is filled, the incumbent employee shall be reclassified to the lower pay grade, but will not receive a corresponding decrease in pay. Should the employee's rate of pay at the time of reclassification exceed the maximum salary of the new grade, said employee's salary will not be reduced; however, that employee will not receive a salary increase until such time as the maximum rate of the new salary grade structure exceeds the employee's salary.

A copy of the current Classification Plan and Pay Ranges is available for review in the Human Resources Department.

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SECTION 7: PAY PLAN

PURPOSE

The Pay Plan shall be directly related to the Classification Plan and shall provide the basis of compensation for all non-bargaining unit exempt and non-exempt employees. The Pay Plan shall be constructed with regard to the following:

1. Relative difficulty and responsibility existing between the various classes of work
2. Prevailing rates of pay for similar types of work in public employment and where applicable, prevailing rates of pay for similar types of work performed in similarly sized establishments in the private sector
3. Availability of candidates for recruitment to the various classes of work
4. Economic conditions of the area
5. Financial policies of the City Commission
6. Ratified labor agreements

Any individual, including both full-time and part-time employees, employed by the City is subject to the Fair Labor Standards Act, with the exception of elected officials. The City will comply with all the FLSA provisions. The provisions of the Act include minimum wage, overtime and reporting requirements.

7-1 COMPOSITION OF THE PAY PLAN

The Pay Plan shall include:

1. Ranges of basic pay rates
2. Schedules of salary grades for each title in the classification plan consisting of the minimum, midpoint, and the maximum hourly rate, and annual rate for non-exempt and exempt positions

7-2 ADOPTION OF THE PAY PLAN

After necessary study, inquiry, and consultation, the Human Resources Department shall prepare the Pay Plan for the various classes of work in the classified service and present the Pay Plan to the City Manager for approval and adoption by the City Commission.

7-3 REVISIONS TO THE PAY PLAN

Revisions to the Pay Plan shall be considered by the Human Resources Department when changes of responsibilities of work or classes, living costs, availability of labor supply, prevailing rates of pay, the City's financial condition and policies, or other pertinent economic considerations warrant such action. The Human Resources Director, after consultation with directors and other concerned parties, may recommend a revision to the Pay Plan to the City Manager. All revisions and changes must have the approval of the City Manager before they are implemented.

7-4 COMPENSATION POLICY

Adjustments to pay ranges will be made every year for positions not covered under a collective bargaining agreement. The adjustment to the pay ranges will be the two-year average of the Consumer Price Index (CPI) published by the Bureau of Labor Statistics for the prior year, all urban consumers, all items, U.S. city average, 1982-84=100 or successor. If the average of the CPI percentages is negative for the period, no changes to the pay ranges will be made.

As budgeted and approved by the City Commission, annual cost of living adjustments (COLA) will be determined by the aforementioned CPI, with the percentage change published for the year prior to the beginning of the fiscal year under consideration being the amount of increase for employees not covered under a collective bargaining agreement. The annual COLA will not be less than 1% nor more than 3% whenever the CPI percentage change is a positive number. However, if the CPI percentage change is negative for the period, no COLA will be given to employees not covered by a collective bargaining agreement. Periodically, staff will evaluate the need to conduct a comprehensive classification and compensation study. The study will be performed by a qualified service provider and pay ranges, position titles, and position classifications may be adjusted accordingly.

As budgeted and approved by the City Commission, merit increases for employees not covered under a collective bargaining agreement will be 0% - 3%, according to the following achievement scale on an employee's annual performance evaluation: Meets Standard = 1%; Exceeds Standards = 2%; Outstanding = 3%.

7-5 PAY RATES FOR NEW EMPLOYEES

Entrance appointments will be made up to the midpoint of the pay range of the assigned pay grade for the position. Exceptions to this policy may be permitted with the prior approval of the City Manager. A written request must be made to the City Manager and the Human Resources Director by the Department Director whenever an applicant is being considered for hire at any rate that exceeds the midpoint of the pay range for the position. Upon the approval by the City Manager of such action, the Human Resources Department will then make an offer of employment to the applicant at the approved rate of pay.

7-6 EFFECTS OF PROMOTION

Employees who have questionable attendance records or who have received written disciplinary reprimands within the past six (6) months from time of applying for an in-house vacancy may not be eligible for promotional consideration. A verbal counseling may be a factor in promotional considerations, but should not carry the same weight as a written disciplinary reprimand. An employee may be promoted to a job classification with a higher range of pay after successfully meeting the requirements for that position. Upon promotion, the employee shall have the pay grade, hourly pay rate, classification date, and probationary period adjusted as follows:

1. Pay Grade and Pay Rate

The employee shall be placed in the pay grade established for the position into which he or she is promoted. The employee shall be advanced to the new pay grade at the pay rate which represents a salary increase to the employee of 5%

or to the minimum of the pay grade of the new position, whichever is greater. However, the Department Director, upon proper justification, may request a greater percentage promotional increase, subject to the review of the Human Resources Department and approval of the City Manager. The effective date of salary change must coincide with the effective date of promotion.

2. Classification Date and Probationary Period

Promotions shall establish a new classification date and mark the initiation of a probationary period. The effective date of promotions shall coincide with the first day of the pay period whenever possible.

7-7 EFFECTS OF DEMOTION

An employee may be demoted to a position of lower grade, if qualified, for reasons including, but not limited to, the following: When an employee would otherwise be laid off because the position is being abolished; the position is being reclassified to a higher grade and the employee is not qualified to continue in the position at a higher grade; lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave; when an employee does not perform satisfactorily in the position currently held; as a possible accommodation should an employee become physically or mentally disabled and no longer capable of performing in his or her current position; when removed during probation; or when an employee voluntarily requests such demotion. An employee accepting a demotion must be qualified, through specified education and experience requirements, to perform the essential job functions of the lower position.

1. Effect of Demotion on Pay

The pay rate of an employee demoted to a classification having a lower pay grade than his or her present classification shall not be changed unless the rate exceeds the maximum hourly pay rate of the pay grade designated for the lower position.

2. Effect of Demotion on Employee Status

When an employee is demoted to the classification previously held, the employee will be returned to the employee status which was held prior to the promotion.

3. Effect of Demotion on Classification Date

All demotions will establish a new classification date. This will establish a new evaluation date for the employee's next salary increase.

4. Demotion Approvals and Appeal

All demotions must receive the approval of the Department Director and the Human Resources Director. Full-time employees who are demoted against their will may appeal through the appropriate appeal procedure.

7-8 TRANSFERS AND RECLASSIFICATIONS

An employee may, with the approval of the Department Director, be transferred or reclassified in accordance with the following provisions:

1. Department or Division Transfer - Same Classification
An employee may be laterally transferred to another department with the same job classification (for example, an Administrative Coordinator transferring from the Police Department to the Finance Department) and such transfer will not change the employee's pay grade, hourly pay rate, anniversary date or classification date.
2. Change in Classification (Reclassification) - Same Pay Grade
When an employee is reclassified to a different classification having the same pay grade as his or her present classification (for example, a Utilities Technician III is reclassified as a Crew Leader, both positions being in the same grade with the same salary range), a new classification date signifying entrance to that position will be noted in the personnel file but the reclassification will not change the anniversary date.
3. Transfer or Reclassification of an Employee with a Disability
Should an employee become either physically or mentally disabled and incapable of performing the essential functions of his or her job, even with a reasonable accommodation, the City will attempt to reassign such employee to a position for which he or she is qualified within an equal or lower pay grade. Should said employee be reassigned to a lower paying job or provided a part-time job as an accommodation and his or her salary is greater than the salary range of the new position, the employee's salary will be reduced to the maximum rate of the new position in conjunction with the City's regular compensation practices.

7-9 WORK PERIOD AND CALCULATION OF OVERTIME

1. The work period shall be seven (7) days in length, commencing every Friday at 12:01 AM for all employees except as noted herein. For non-exempt Police Officers, Police Sergeants and non-exempt civilian Police department employees, the work period shall be fourteen (14) days in length, commencing every other Friday at 7:00 A.M.
2. All employees, except as noted in items 3 and 4 below, will be scheduled for forty (40) regular hours of paid work during the work period. FLSA specifies that a maximum of 40 hours actually worked in a seven-day work period may be compensated at the regular rate of pay. Therefore, each work period of seven days is to be examined to ascertain whether actual hours worked at the straight rate exceed 40 hours. All hours actually worked in excess of 40 hours in a work period will be adjusted to a time and one-half rate and will be added to the employee's pay for the corresponding pay period. No employee shall work overtime unless scheduled by management.
3. Within the Police Department for non-exempt Police Officers, Police Sergeants and non-exempt civilian police department employees, employees will be scheduled for 80 regular hours of work during the work period. Each work period of fourteen days is examined to ascertain whether actual hours worked at the straight rate exceeds 80 hours. All hours worked in excess of 80 hours in a work period will be adjusted to a time and one-half rate and will be added to the employee's pay for the corresponding pay period. NOTE: A police officer

participating in mandated training may be paid at a straight time rate instead of at time and one-half for a period of up to a maximum of 86 hours in a fourteen-day work period per the FLSA. No employee will work unless scheduled by management.

4. Hours not actually worked on the job will not count toward the computation of actual hours worked in the work period. This includes, but is not limited to, sick leave, funeral leave, and workers' compensation leave. Holiday and vacation time will be counted toward the computation of actual hours worked.
5. There will be no allowance for compensatory time (commonly referred to as "comp time").
6. Employees must "clock in and out" as established by the department. Employees are not to "clock in" until time to begin work. Any employee at the regular work station will be considered to be on duty. Lunch periods provided must be clearly defined, recorded by the employee as part of the timekeeping record, and must be taken at a location away from the regular work station.

7-10 COMPENSATORY TIME POLICY

1. In lieu of overtime pay, an employee may elect, with the approval of the City, to receive compensatory time at the rate of one-and-one-half (1½) times the hours worked in excess of forty (40) hours during the City's designated "work week". The City always has the prerogative to pay an employee for overtime in lieu of compensatory time. PBA employees may not at any one time accrue more than one hundred twenty (120) hours of compensatory time. A General Employee may not at any one time accrue more than eighty (80) hours of compensatory time.
2. Compensatory time shall be utilized at the written request of the employee subject to the approval of the Department Director or his/her designee whose approval shall be final.

7-11 DUTY PAY

Duty pay refers only to Utilities Department employees. Any individual employee of this department designated by his/her Department Director as being required to be available for calls during the week beyond the normally scheduled work hours, and weekends, shall be paid Duty Pay. The amount of the Duty Pay may be adjusted periodically and will be on file in the Human Resources Department.

1. The Duty Person shall be considered a stand-by, 24 hours-a-day, 7 days-a-week, call-out emergency service. One person will be assigned to the duty on a 7-day, rotating basis.
2. Overtime at the rate of one and one-half times the regular rate of pay will be paid for all call-out time in addition to the Duty Pay for being on call. If the Duty Person is called out on Thanksgiving, Christmas Eve, Christmas Day, and New Years Day, he/she will be paid at the rate of double time.

3. The minimum rate per call-out will be two (2) hours. If the Duty Person is called out two or more times during an initial call-out, there shall be no further compensation received until the initial two (2) hours expires. If the Duty Person is working on a project at the time of the normal end of the day, or before the employee has left the work place, the time needed to complete the project is regular overtime and does not qualify for a two-hour call-out.

7-12 CALL-OUT PAY

Any non-exempt employee designated by his/her department Director as being available for calls during the week beyond the normally scheduled work hours and weekends, shall be paid Call-Out Pay if requested to respond to a particular incident; i.e., broken window, secure a building, fire or burglar alarm, etc.

1. Call-out personnel will be designated in appropriate departments by the Department Director.
2. Overtime at the rate of one and one-half times the regular rate of pay will be paid for all call-out time. Employees "called out" on Thanksgiving, Christmas Eve, Christmas Day, and New Years Day will be paid at the rate of double time.
3. The minimum rate per call-out will be two (2) hours. If the Call-Out person is called out two or more times during an initial call-out, there shall be no further compensation received until the initial two (2) hours expires. If the Call-Out person is working on a project at the time of the normal end of the working day, or before the employee has left the work place, the time needed to complete the project is regular overtime and does not qualify for a two-hour call-out.

7-13 EMERGENCY COMPENSATION POLICY

All provisions of this Emergency Compensation Policy are applicable during emergency conditions. All employees whose work schedules require them to be at work shall be required to work when work operations are not closed during a declared Emergency Period. Department Directors may, based on a valid emergency request from an employee, approve personal leave, vacation leave, or leave without pay for time away from work for employees who are unable to report to work. The Department Director must validate such approval in writing to the City Manager and/or the Emergency Management Coordinator. In lieu of being charged leave, the City Manager and/or Emergency Management Coordinator may authorize the employee to make up the time within the same workweek. Employees shall be compensated in accordance with all applicable federal and state laws and the City of Wilton Manors' normal compensation policies.

A. Closure of City Operations

The City Manager or his/her designee reserves the right to close or restrict work operations when conditions warrant such closure.

1. If there is a need to restrict or close operations on a facility-by-facility basis, employees would be compensated as follows:
 - a. Employees who are needed will be expected to work. They will be compensated pursuant to the normal compensation policy.

- b. Employees who are not needed in their regular work may be directed not to report to work and given administrative leave with pay or they may be re-assigned to best meet the needs of the organization. Employees so assigned will be compensated pursuant to the normal compensation policy.
2. When non-critical work operations are closed on an organization-wide basis, employees will be paid as follows:

- a. Compensation for non-critical service employees (employees who are directed not to report to work when City operations are closed):

Non -critical services employees shall be released from duty and paid as follows:

- i. Where the closure of normal City business work operations occurs during a regular full time employee's work shift or a regular part time employee's work shift and that employee is released from work, he/she will be paid for hours worked and granted administrative leave with pay at straight time such that pay for hours worked and pay for administrative leave compensates the employee for the normal work shift he/she was scheduled to work on the day of the closure. The administrative leave hours shall not count toward the workweek for the purpose of computing overtime.
- ii. Where the closure of City work operations occurs prior to the beginning of the regular full-time employee's work shift or the regular part time employee's work shift and that employee is released from work, he/she will be granted paid administrative leave at straight time equivalent to the number of hours for the normal daily work shift that the employee was scheduled to work on the day of the closure of City work operations. The paid administrative leave hours shall not count toward the workweek for the purpose of overtime.
- iii. For the purposes of this policy, the day shall be 12:01 a.m. to 12:00 midnight.

- b. Compensation for critical service employees (employees who are required to work to provide services when City operations are closed):

- i. Non-exempt general employees, non-exempt supervisory employees and non-exempt police department employees. (Non-exempt employees are eligible to receive overtime under FLSA standards)

Non-exempt employees who work during a declared Emergency Period shall be paid for hours worked in accordance with their

overtime category and the City's normal compensation policy. Hours worked in excess of forty (40) in a workweek shall be paid as follows:

- Non-exempt general employees: time and a half base rate
- Non-exempt supervisory employees: time and a half base rate
- Non-exempt police dept employees: time and a half base rate

General employees who are deemed critical by the Emergency Management Director and/or the City Manager and who are required to provide services while City facilities are closed during a declared Emergency Period, shall receive compensatory leave for hours worked during their normally scheduled work day, at the rate of time and one half, for each 24-hour period beginning at 12:01 a.m. through 12:00 midnight.

Managerial employees (employees exempt from the overtime provisions of FLSA) who work to provide critical services in support of a declared emergency shall be paid pursuant to provisions in the normal compensation policy. When the Emergency Management Coordinator and/or the City Manager require a managerial employee to work during a declared emergency period, the managerial employee shall receive compensatory leave for hours worked during their normally scheduled work day, and shall be compensated at the rate of time and one half for hours worked in excess of forty hours in a work week.

B. Notification to Employees

Each Department Director or his/her designee shall ensure that employees in his/her department and/or division are notified as to whether or not they are required to report to work during a declared emergency.

C. Compensation for Emergency Return to Duty

Employees who are called back with less than six hour's notice shall be paid in accordance with the provisions of the call back pay policy, and shall not receive administrative leave as previously described.

D. General Provisions

1. An employee who does not work during an Emergency Period who is on pre-approved personal, sick, catastrophic or any other pre-approved leave, shall be charged the leave for which he/she was approved and will not receive administrative leave with pay for the declared emergency period. Pre-approved leave is any leave approved prior to declaration of an Emergency Period.
2. An employee who is on a regularly scheduled day off shall not receive administrative leave with pay.

SECTION 8: ANNUAL LEAVE

PURPOSE

The purpose of vacation time is to enable employees to enjoy periodic rest from their regular job so that they may return to work mentally and physically refreshed. Vacation may also be used for family illness (in conjunction with the Family and Medical Leave Act) and personal time as needed.

8-1 VACATION - REGULAR FULL-TIME EMPLOYEES

1. Qualifications: Vacation with pay shall be granted to all personnel who have completed their original hire or rehire probationary period.

Paid vacation may be accrued but not taken during the first six months of employment or re-employment. Paid vacation time may be taken when credited to the employee and approved by the Department Director. Paid vacation leave cannot be taken before it is earned and added to the employee's paid vacation leave balance.
2. Termination from the City Service:
 - a. If a new employee leaves the service of the City before completing six months of employment or re-employment, the employee shall not receive any vacation pay.
 - b. Any employee who has completed six months of employment or re-employment, shall be paid for any unused vacation due when leaving the City's service at the employee's current rate of pay.
3. Amount of Vacation Leave to be Earned: Employees shall be entitled to annual vacation leave in accordance with the following schedule: (Note: Twelve months represents original hire or rehire probationary period for all employees.)

First 5 Years	.0385 x regular hours per pay period
After 5 years	.0577 x regular hours per pay period
After 10 years	.0770 x regular hours per pay period
After 15 years	.0961 x regular hours per pay period
4. The minimum amount of paid vacation leave that may be taken at one time is one-half ($\frac{1}{2}$) of an hour.
5. No employee shall be permitted to work for the City during a paid vacation leave for additional pay unless such permission has been granted by the City Manager.
 - a. Any exception to the above provision shall be requested in writing justifying the need for working during paid vacation leave.
 - b. Said request must be approved by the Department Director and the City Manager.

6. An employee may take time off without pay if all accrued paid vacation time has been exhausted. Time off without pay for less than thirty (30) days must be approved by the Department Director and the Human Resources Department. Time off without pay for greater than thirty days must be approved by the City Manager or his/her designee.

8-2 VACATION - REGULAR PART-TIME EMPLOYEES

1. Regular part-time employees will accrue vacation hours based on hours worked at the same rate as regular full-time employees.
2. After a part-time employee has worked for the City for six months in a regular part-time position, paid vacation leave may be taken. The employee must schedule the paid vacation time pursuant to Section 8-4 herein. Part-time employees are only paid for the number of hours normally scheduled to work when on vacation status.

8-3 VACATION - MAXIMUM ACCRUAL

It is the policy of the City that all employees are encouraged to utilize accrued vacation leave on an annual basis. To this end, accrual of vacation leave in excess of one hundred seventy-five hours (175 hours) for General Employees and two hundred and seventy-five hours (275 hours) for Police Department Personnel is not permitted without approval of an employee's Department Director and the City Manager. Approval of any such request shall only be granted in the event that an employee has been denied the time off for vacation as a result of City work requirements. Unless approval has been granted in accordance with the foregoing, all vacation hours in excess of one hundred seventy-five (175) hours for General Employees and two hundred seventy-five (275) hours for Police Department Personnel shall be forfeited on December 31st of each year. Exempt employees may choose to carryover a total of two hundred seventy-five (275) hours. Employees may also sell up to a maximum of 30 hours of vacation time back to the City at the same time that an election to sell back sick hours is made. Payments will be made in December of each year, as approved by the City Commission.

8-4 VACATION SCHEDULING

1. All vacation requests must be submitted in written form in advance with the supervisor and approved by the Department Director. Vacation leave shall be assigned based on the Department's needs and an employee's seniority. In emergency cases, the Department Director may waive this requirement. The nature of an employee's job may require the Director to restrict the scheduling of vacation during certain periods of the year. When practical and in the best interests of the City, a Director may require the use of vacation time by employees who are approaching the maximum accrual within the department.
2. Employees may elect to use accrued paid vacation for any nationally recognized religious holiday which occurs on a scheduled workday associated with the religious faith of the employee.

3. Employees who become sick on paid vacation may use paid sick time for such period of illness. A doctor's certification may be requested as verification by the employee's Department Director.
4. In the event of an employee's death, all accumulated paid vacation credits will be paid to the employee's estate.

8-5 PERSONAL DAYS

Regular Full-Time Employees are entitled to two (2) Personal Days per calendar year. All personal days are subject to twenty four (24) hours advance approval by the Department Director. Personal Days are to be taken as a "day" in the context of the normal working day of the employee (i.e., 8-hour normal working day, 10-hour normal working day, and 12-hour normal working day) and may not be taken in hourly amounts. Personal days do not accumulate and are not carried forward from year to year.

8-6 EXECUTIVE LEAVE

Management employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and receive forty (40) hours of Executive Leave per calendar year. Executive Leave hours do not accumulate and are not carried forward from year to year.

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SECTION 9: HOLIDAYS

PURPOSE

The following paid holidays shall be observed by the City of Wilton Manors:

New Year's Day
Martin Luther King, Jr., Day
President's Day
Memorial Day
Independence Day
Labor Day
Indigenous Peoples Day
Veteran's Day
Thanksgiving
Friday after Thanksgiving
Christmas Day

Employees covered by a Collective Bargaining Agreement shall observe paid holidays as provided in the Agreement.

At the beginning of each calendar year, the Human Resources Department will send to each Department Director a copy of the annual list of holidays. At the beginning of each calendar year, the Human Resources Department will add the total amount of annual holiday hours (currently 110 hours) to the holiday bank of each regular full-time employee. Hours from the holiday bank are to be used to receive wages for an official City holiday. Holiday hours do not carry over from year to year.

9-1

REGULAR FULL-TIME EMPLOYEES

Paid holidays listed shall be appropriate unless otherwise designated by action of the City Commission. Any other day may be designated as a paid holiday throughout the year at Commission's discretion.

1. All full-time general employees will receive ten (10) hours off with pay at their straight-time hourly rate for each of the holidays earned. All holidays earned must be taken as time off.
2. In order to qualify for paid holiday time, an employee must be on **active** pay status or work his or her normal schedule of hours, either on the regularly scheduled working day immediately prior to a holiday or the regularly scheduled working day immediately following a holiday (thus, an employee who terminates the day before a holiday will not be paid for that upcoming holiday). Employees on Workers' Compensation will be eligible for holiday time if they are on active pay status during any of the pay periods in which the holiday is observed.
3. Employees assigned and scheduled to work on a holiday and who, in fact, do work, shall be compensated at the rate of one and one-half times their rate for that day. An employee who is scheduled to work on the day observed as a holiday and reports sick will be paid only holiday time for that day. (The holiday will count for any overtime compensation under the Fair Labor Standards Act provisions.)

4. Employees on vacation, jury duty, sick leave, funeral leave, or annual military leave must use the holiday on the same day that it is earned. The holiday will be charged as paid holiday time.
5. When a paid holiday falls on a Sunday, the following Monday shall be designated a substitute paid holiday and observed as the official paid holiday. When a paid holiday falls on a Saturday or a Friday in which the City is closed, holiday time will not be charged to the employee's holiday bank. The employee may use this time to take another day off. Holiday time is non-accumulative and must be used during the calendar year. Police Officers will be exempt from this policy and instead will observe the holiday on the actual calendar day the holiday falls upon beginning at 12:00:00 midnight and ending at 11:59:59 p.m. of the same calendar day unless the provisions of the current Collective Bargaining Agreement provide otherwise.
6. The City Manager will determine when any departments or operations will be closed in observance of the holiday and will issue appropriate announcement concerning holidays to all departments well in advance of the scheduled holiday observance.

9-2 REGULAR PART-TIME EMPLOYEES

Regular Part-Time employees will receive five (5) hours of holiday pay for the Friday after Thanksgiving.

SECTION 10: LEAVES OF ABSENCE

PURPOSE

This section outlines the various types of leaves of absence which are available to City employees. This includes leave with pay or without pay. Leave policies may vary in the union contracts.

10-1 SICK LEAVE FOR REGULAR FULL-TIME EMPLOYEES

Sick leave shall not be considered as a right which an employee may use at his/her discretion, but rather as a privilege which shall be allowed upon proper notification to the Department Director or City Manager. Sick leave is only to be used in cases of necessity and actual sickness or disability of the employee, or because of serious illness in his/her immediate family. Immediate family shall be defined as mother, father, sister, brother, spouse, registered domestic partner, children. Sick leave shall also be used to meet dental appointments, optical appointments, quarantine due to exposure to disease, physical examinations or other general health or health preventative measures and shall be charged in half-hour increments.

1. An employee is required to notify his/her immediate supervisor no later than the start of their shift of the reason for absence, or within lesser limits if required by the Department Director. This procedure shall be followed for each day the employee is unable to work unless prior approval is given by the Department Director or City Manager.
2. After three (3) consecutive working days of illness or disability, an employee may be required to submit medical proof to the Department Director or City Manager. If an illness or disability is of an indefinite duration, further medical information may be required. **All sick leave absences of three (3) consecutive days or more must be reported to the Human Resources Department for possible qualification as Family Medical Leave.** A doctor's certification may be required with all paid sick leave requests occurring after an employee has submitted his or her resignation notice. It will be the Department Director's responsibility to require that a doctor's certification be furnished before the sick leave compensation is granted if the actual reason for the illness is questionable. Copies of all medical certifications must be provided to the Human Resources Department.
3. Upon proper medical authorization, as approved by the Department Director, an employee may be returned to a light or limited duty assignment. This includes employees returning from a paid or unpaid sick leave of absence as well as employees on Workers' Compensation leave. The light or limited duty assignments will be scheduled and coordinated by the Department Director. Copies of all medical authorizations must be provided to the Human Resources Department.

4. Regular Full-Time employees accrue sick leave hours at the rate of one day (10 hours) per month. Regular full-time employees may accrue but not utilize sick leave hours during the first six months of employment. Only those months may be credited during which an employee has worked at least three-quarters of his regular working days (excluding vacation hours) computed on the average working days per month in a year.
5. Abuse of the paid sick leave privilege such as a noticeable pattern of sick day usage may constitute grounds for disciplinary action up to and including termination.
6. As approved by the City Commission, general employees with a minimum of 160 hours sick leave on October 1, may sell up to thirty (30) hours of sick leave each year. The Human Resources Department will notify general employees in November of each year and payment to the employee will be made in December.

10-2 SICK LEAVE FOR REGULAR PART-TIME EMPLOYEES

Regular Part-Time employees will accrue sick leave hours based on hours worked at the same rate as Regular Full-Time employees. Regular Part-Time employees may accrue but not utilize sick leave hours during the first six months of employment. Use of sick leave hours by Regular Part-Time employees must follow the rules in Section 10-1.

10-3 SICK LEAVE PAYOUT AT RETIREMENT, RESIGNATION, OR DEATH

A Regular Full-Time employee of the City who has been continuously employed with the City for more than ten (10) years shall be entitled upon resignation, retirement **or** permanent total disability to be paid for a percentage of the total number of accumulated sick leave hours up to a maximum of 480 hours. The rate of this payment shall equal twenty-five percent (25%) of total accumulated hours for regular employees with at least ten (10) years of service. Management Employees and PBA members with ten or more years of service with the City of Wilton Manors will be eligible to be paid for 50% of their accumulated sick leave hours up to a maximum of 480 hours upon resignation, retirement **or** permanent total disability. Management Employees and PBA Members with twenty or more years of service with the City of Wilton Manors will be eligible to be paid for 100% of their accumulated sick leave hours up to a maximum of 480 hours upon retirement, resignation **or** permanent total disability. If a Regular Full-Time employee dies while employed by the City, an amount equal to twenty five percent (25%) of the total number of accumulated sick leave hours up to a maximum of 480 hours shall be paid to the employee's estate. If a Management Employee or PBA Member dies while employed by the City, 100% of the accumulated sick leave hours shall be paid to the employee's estate.

10-4 SICK LEAVE BANK

The purpose of the Sick Leave Bank is to provide a uniform and equitable system, available to all eligible full-time employees, for obtaining additional sick leave in the event of serious illness.

Procedure

1. All employees, at their option, may contribute unused accumulated sick leave hours to the "Employee Sick Leave Bank". Hours contributed shall not be

returnable and the amount of each employee's contribution shall be maintained by the Human Resources Department.

2. In May of each year, the Human Resources Department shall provide each employee with a statement of the total hours available in the Sick Leave Bank and provide a form for their use if they wish to donate any sick leave hours. All forms shall be returned to Human Resources by each year's established deadline.
3. Employees having less than 120 hours of accumulated sick leave hours will not be eligible to contribute.

Eligibility for Benefit

Any regular full-time employee of the City shall be eligible to request sick leave hours from the "Employees Sick Leave Bank" during a period of sustained, serious illness provided the following criteria are met:

1. All sick leave, vacation leave, compensatory time, personal, or management days have been exhausted.
2. The illness is not covered by disability insurance; however, hours from the Sick Leave Bank may be used to cover the ninety (90) day waiting period before disability insurance begins.
3. The employee has demonstrated that he/she has not abused sick leave.
4. An employee, when and if eligible, has contributed a minimum of 8 hours to the Employee Sick Leave Bank.

Review Procedure

Each employee requesting sick leave from the Sick Leave Bank shall submit a request in writing to the Human Resources Department. The Human Resources Director shall verify that the criteria noted above has been met and then call a meeting of the Review Committee.

Employee Sick Leave Review Committee

The committee shall be composed of the Human Resources Director and the two elected employee Civil Service Representatives. The committee shall review each request and shall recommend to the City Manager whether or not to grant said request.

Regular Part Time Employees

Regular Part Time employees may receive hours from the Sick Leave Bank for extraordinary circumstances (such as death in immediate family or life-threatening personal illness or life threatening illness of a member of the immediate family) with the unanimous approval of the Review Committee and the City Manager. This benefit would be limited to a maximum of eighty (80) hours.

10-5 FUNERAL LEAVE

1. All regular full-time employees shall be allowed up to four (4) continuous work days with pay at their straight time rate in the event of a death in the immediate family. Immediate family for funeral leave is to be defined as follows: mother, father, sister, brother, spouse, registered domestic partners, children, aunt, uncle, current mother-in-law, current father-in-law, current son-in-law, current daughter-in-law, current sister-in-law, current brother-in-law, step-children, step-parents, step-brother, step-sister, half-siblings, legally appointed guardians, grandchildren, grandparents and persons living in the immediate household.
2. To receive compensation while absent on Funeral Leave, the employee shall notify his/her immediate supervisor, Department Director or City Manager, within four (4) hours after the time set for beginning his/her daily duties.
3. Funeral leave shall not be charged to vacation or sick leave.
4. Should an employee require additional time other than provided in paragraph 1 of this section, additional time may be requested from the Department Director. Upon approval by the Department Director, any additional paid time used may be charged to vacation hours or compensatory hours if the employee has hours accrued or can be charged to leave without pay if no vacation time is available.
5. The employee shall provide the Department Director with proof of death in the immediate family before compensation is approved, as well as reason for requesting additional time. Copies of these items must be forwarded to the Human Resources Department.

10-6 COURT LEAVE AND JURY DUTY

Employees attending court as a witness on behalf of a public jurisdiction or for jury duty during their normal working hours shall receive full pay equal to their normal work schedule for the hours they attend in court. This time shall be charged as leave with pay. The City shall not deny the right of jury duty to any employee to the extent provided by Federal and State Law.

1. All full-time employees subpoenaed to attend court or give depositions are eligible for leave with pay. Those employees who become plaintiffs or defendants are not eligible for leave with pay, unless job related.
2. Employees called for jury duty shall promptly notify their immediate supervisor so that arrangements can be made for their absence from work.
3. Employees who attend court or who are on jury duty for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released by the court.
4. Time spent in court is the actual time required to report, as scheduled in writing on the subpoena, until released by the judge or other officer of the court.

5. Employees on court or jury duty while on scheduled vacation may be allowed to reinstate vacation hours served in court providing satisfactory evidence of the time served on such duty is presented to the Department Director and the Human Resources Department.
6. In the event a holiday occurs during the period of the court or jury duty, the employee shall receive pay for such holiday as holiday pay.
7. The employee shall provide the Department Director with proof of court or jury duty service before compensation is approved. Copies of subpoenas or court order must be provided to the Human Resources Department.
8. An employee subpoenaed in the line of duty to represent the City as a witness or defendant will be granted leave to appear in court. His/Her appearance in such cases will be considered a part of the job assignment. The employee will be required to turn over to the City any fees or other witness compensation received as a result of complying with such subpoena.
9. Employees serving on jury duty will be granted leave with pay and will be required to turn over to the City any monies received from the court except per diem and travel expenses.

10-7 MILITARY LEAVE

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), the City is required to grant an unpaid military leave of absence to any employee who requests such leave in order to perform service in the uniformed services. It is the City's policy to comply with USERRA and all other state, federal, and local laws.

The uniformed services are the Army, Navy, Marine Corps, Air Force, Coast Guard, and the commission corps of the Public Health Service. This includes the Reserve components of these services and the Army National Guard and Air National Guard. Under another Federal law, enacted in 2002, Congress has extended reemployment rights under USERRS to persons who serve as Intermittent Disaster Response Appointees (IDRAs).

IDRAs are temporary, intermittent employees of the U.S. Department of Health and Human Services. They respond, often on very short notice, to emergencies involving infectious diseases or weapons of mass destruction, and they also engage in training for such dire contingencies. They are protected by USERRA both for actual emergencies and for training.

10-8 VOTING TIME

An employee who is required to work during the entire period the voting polls are open will be granted adequate time off, with pay, in which to exercise his or her right to vote.

10-9 THE FEDERAL FAMILY AND MEDICAL LEAVE ACT - FMLA POLICY

In accordance with the Family and Medical Leave Act, effective August 5, 1993, the City of Wilton Manors, Florida, will grant family and medical leave to eligible employees. City of Wilton Manors Ordinance 754 Domestic Partnerships provides additional employee benefits above those granted by the Federal Family and Medical Leave Act.

Qualification for Leave

Employee must have been employed with the City for at least 12 months and have worked at least 1,250 hours in the year preceding the date the employee seeks to start the leave.

Available Leave

Eligible employees are entitled to take up to 12 weeks of leave during any 12-month period. The rolling 12-month period is measured forward beginning on the date qualified leave is first taken. FMLA leave may be taken for the following reasons:

A. Child Care - Leave may be taken because of the birth, adoption or foster care placement of a child in order to care for the child. The definition of “son or daughter” under the FMLA includes not only a biological or adopted child, but also a “foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.”

1. Child care leave must be concluded within 12 months from the date of the birth, adoption or foster-care placement.
2. Child care leave may not be taken intermittently.
3. Parents who are both employees of the City and who are eligible to take leave are entitled to take a combined 12 weeks of leave for child care purposes.
4. Employees who anticipate taking leave for child care purposes are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30 day notice may be given.

B. Family Care - Leave may be taken to care for a son, daughter, spouse, registered domestic partner, or parent who has a serious health condition.

1. A serious health condition is one which means an illness, injury, impairment, or a physical or mental condition that involves:
 - a. Inpatient care in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
 - b. Absence from work, school or normal activities for more than three full consecutive calendar_days AND
 - (1) treatment two or more times_by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
 - (2) one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or

- c. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - d. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - f. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.
2. Employees requesting leave for family care must submit a completed Physician or Practitioner Certification form and return the form to the Human Resources Department. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.
 3. Employees requesting leave for family care may take the leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule when medically necessary. An employee may be temporarily reassigned to a position with equivalent pay and benefits and to a work schedule that better accommodates recurring periods of leave.
 4. Employees who anticipate taking leave for family care are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.
 5. Employees who work variable hours will have their FMLA entitlement calculated on a pro rata basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave should be used for calculating the employee's normal workweek.

C. Self Care - Leave may be taken when the employee is unable to perform the functions of his/her position due to a serious health condition.

1. Employees taking leave for self-care must have a serious health condition as defined by: Section B. Family care, subsections 1 (a) – (f)
2. Employees requesting leave for self-care must submit a completed Physician or Practitioner Certification form and return the form to the Human Resources Department. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.

3. Employees requesting leave for self-care may take the leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule when medically necessary. Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be temporarily reassigned to a position with equivalent pay and benefits and to a work schedule that better accommodates recurring periods of leave.
4. Employees requesting leave for self-care are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.
5. Employees who work variable hours will have their FMLA entitlement calculated on a pro rata basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave should be used for calculating the employee's normal work week.

D. Military Caregiver Leave – Leave may be taken for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, domestic partner, or parent is a covered military member on "covered active duty".

1. Twenty-six (26) workweeks of leave may be taken during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, domestic partner, son, daughter, parent, or next of kin to the employee.

Failure to Provide Required Certifications

Failure to provide the certifications required may result in denial of FMLA leave or the request for FMLA leave on an intermittent basis.

Use of Accrued Paid Leave

Eligible employees requesting FMLA leave will be required to use all available accrued vacation hours, personal hours, and sick leave hours prior to taking unpaid leave.

Effect on Benefits While on FMLA Leave

1. An employee granted a leave under this policy will continue to be covered under the City group health insurance plan, life insurance plan and long-term disability plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
2. Employee contributions will be required either through payroll deduction or by direct payment to the Finance Department. The employee will be advised by the Finance Department in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.
3. If an employee's contribution, payable to the Finance Department, is more than 30 days late, the City may terminate the employee's insurance coverage.

4. If the City pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
5. If the employee fails to return from FMLA leave for reasons other than the continuation of a serious health condition of the employee or a covered family member or for circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City may seek reimbursement from the employee for the portion of the premiums paid by the City on behalf of that employee (also known as the employer contribution) during the period of leave.
6. An employee is not entitled to benefit accrual during periods of unpaid leave but will not lose anything accrued prior to leave.

Return to Work

1. If the employee returns to work following FMLA leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.
2. An employee who has taken leave for self-care will be required to present a certification of Fitness for Duty from a health care provider prior to commencement of work. Failure to provide the certification may cause denial of reinstatement.
3. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
4. If the employee fails to return following the FMLA leave time period, the employee may be terminated.

FMLA Forms to Be Submitted by the Employee

1. Request for Family/Medical Leave
2. Physician or Practitioner Certification for:
 - a. Family Member Serious Health Condition
 - b. Employee Serious Health Condition
 - c. Certification of Qualifying Exigency for Military Family Leave (if applicable).
 - d. Certification for Serious Injury or Illness of Covered Service member – for Military Family Leave (if applicable).

3. Authorization for Payroll Deduction for Benefit Plan Coverage Continuation during a Family/Medical Leave of Absence
4. Fitness for Duty to return from leave

These forms are available in the Human Resources Department.

10-10 PAID PARENTAL LEAVE POLICY – LEAVE OF ABSENCE

POLICY PURPOSE/INTENT

It is the intent of the City of Wilton Manors to create and maintain a work culture that supports employees in their effort to balance their work responsibilities with the demands of personal and family life. This is a valuable benefit to our employees as well as their families. The Paid Parental Leave Policy supports these goals and values by allowing parents additional flexibility and paid time to bond with their new child, adjust to their new family situation, and balance their professional obligations.

The City of Wilton Manors will provide up to 12 weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care.

The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will be in effect for births, adoptions, or placements of foster children occurring on or after the effective date of this policy.

ROLES AND RESPONSIBILITIES

This policy will be updated by the Human Resources Department.

Designation Notice

Once it has been determined that paid parental leave will be granted, the Human Resources Department will notify the employee in writing within 7 business days, absent extenuating circumstance, as to whether or not the leave will be designated as paid parental leave, and provide the employee with a copy of their signed *Agreement to Complete 12-Week Work Obligation* notice detailing the specific expectations of the employer, which explain any consequences of a failure to meet these obligations.

Relation to Other Leave

An employee may take unpaid FMLA leave under City Policy 10-9 before the birth or placement to cover certain activities related to the birth or placement but cannot substitute paid parental leave for those pre-birth/placement FMLA unpaid leave periods. If an employee invokes FMLA to receive unpaid leave prior to the birth or placement of a child, this time also will count towards the 12 weeks allowable per 12-month period of paid parental leave. Example: If an employee uses 2 weeks of FMLA unpaid leave prior to the birth or placement of a child, they will then have a balance of 10 weeks of FMLA unpaid leave, or 10 weeks of paid parental leave, available for the 12-month period beginning at the invocation of the leave.

PROCEDURES

Paid Parental Leave

“Paid Parental Leave” is any leave taken by an eligible employee under this provision for the birth and care of the newborn child of an employee or placement of a child for adoption or foster care with an employee within 12 months following the birth or placement.

Available Paid Leave

Whenever an eligible employee takes paid parental leave, she/he is eligible to receive her/his regular base rate of pay for up to 12 weeks. Paid leave under this section must be taken and, if applicable, used concurrently with FMLA, not intermittently. This leave shall occur concurrently with, count against, and not be added to periods of unpaid or job protected leave for which the employee may also be eligible, including Family and Medical Leave Act (FMLA), and/or any other unpaid leave offered by the City due to childbirth, adoption, or foster care placement.

The number of Paid Parental Leave periods an employee may take is unlimited over the duration of his or her employment with the City, but employees are only eligible for one 12-week paid leave regardless of the number of children per birth, adoption, or foster care placement. Under no circumstances shall an employee receive more than 12 weeks of paid parental leave in a rolling 12-month period.

Paid parental leave must be taken within the 12-month period immediately following the birth, adoption, or foster placement. Any unused paid parental leave shall be forfeited at the end of the 12-month period.

Paid parental leave may not be taken intermittently and shall therefore be taken in one continuous period of leave (exception may be granted at the discretion of the City Manager).

Employees who separate from the City are not eligible for payment for any unused paid parental leave at the time of separation.

The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave of absence. The employee will be responsible for his/her individual contributions in order to maintain his/her benefits.

Employees on approved paid parental leave shall be eligible for holiday pay when the holiday occurs during the paid parental leave. The holiday pay shall not extend the total paid parental leave entitlement.

An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee was on FMLA-qualifying leave.

The City has the exclusive rights to interpret this policy.

Employees' Responsibilities

Employees must provide at least 30 days advance notice of the intent to take paid

parental leave when the need is foreseeable. When 30-days' notice is not foreseeable, the employee must provide notice as soon as practicable.

- A. An employee who wishes to invoke entitlement to paid parental leave by invoking FMLA (and therefore using paid parental leave instead of unpaid leave under FMLA), must:
 - 1) complete a *Paid Parental Leave Request Form*;
 - 2) sign the *Agreement to Complete 12-Week Work Obligation*;
 - 3) include any appropriate supporting documentation for the use of paid parental leave; and
 - 4) provide the documents to the HR department or HR's designee.
- B. Employees seeking paid parental leave shall complete the *Paid Parental Leave Request Form* and submit it to the Human Resources Director, stating the reason for the request, and the anticipated beginning and ending dates of the requested leave. The City will make a determination of the employee's eligibility and qualification and approve or deny the request for paid parental leave.
- C. When medical emergencies are involved, notice may be given in person or by telephone, and may be given by the employee's spouse or other family member if the employee is unable to do so due to a serious health condition. Written notice cannot be required in the case of a medical emergency. The *Paid Parental Leave Request Form* must be completed as soon as practicable.
- D. When requesting paid parental leave, employees may be required to furnish to the employer documentation sufficient to verify the basis of the leave covered event. This may include a birth certificate, a court order finalizing adoption or placement of a foster child, and/or FMLA paperwork. In all cases, an employee is required to submit FMLA paperwork to the Human Resources Department. In the event this documentation is not provided within 6 weeks of when it becomes available to the employee, the employee must reimburse the City for all paid parental leave compensation that he/she has received from the City pursuant to this Policy.
- E. Employees on paid parental leave are to comply with the City's employee leave policies, are precluded from outside employment while on the leave and may, if necessary, be required to submit additional documentation to further substantiate the leave.

DEFINITIONS

Eligible Employees

In order to be eligible for paid parental leave a City employee must be eligible for FMLA leave and must meet FMLA eligibility requirements, including:

- 1) Complete at least 12 months of service;
- 2) Have a part-time or full-time work schedule (i.e., individuals on a temporary/seasonal, relief or intermittent basis are ineligible).

Family and Medical Leave Act or FMLA

The Family and Medical Leave Act of 1993 (FMLA) is a labor law that entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons.

Parent

An eligible City of Wilton Manors employee who is a legal parent of a newborn, newly adopted child, or a newly placed foster child. A legal parent is one whose name appears on the child's birth certificate, a legal document establishing maternity or paternity, or a legal document establishing foster placement or adoption.

Paid Parental Leave

Twelve weeks of leave for the purpose of caring for the newborn, newly adopted, or newly placed foster child/children. This leave shall apply equally to parents regardless of gender, as well as same-sex couples, in the event of a natural birth by any method, adoption, surrogacy, stillbirths, or foster care placement in the Eligible Employee's home.

Primary Caregiver

A Primary Caregiver is defined as someone who has primary responsibility for the care of a child through birth, adoption, or foster-care placement.

Leave Usage

Paid parental leave may only be used no later than the end of the 12-month period beginning on the date of the birth or placement. At the end of the 12-month period, any unused balance of paid parental leave granted in connection with the given birth or placement expires and is not available for future use (i.e., there are no carryover provisions for unused paid parental leave). No payment may be made for unused paid parental leave or paid parental leave that has expired.

Conversion of Weeks to Hours

For employees who use leave on an hourly basis (including fractions of an hour), the 12-week paid parental leave entitlement will be converted to hours proportionately based on the employee's scheduled hours of duty. For a regular full-time employee, 80 hours per pay period, the entitlement will be 480 hours (12 weeks x 40 hours), and for a part-time employee working 40 hours per pay period, the entitlement will be 240 hours (12 weeks x 20 hours), etc.

Work Obligation

Under paid parental leave, an employee may not use any paid parental leave unless the employee agrees in writing, before commencement of the leave, to subsequently work for the City for at least 12 weeks. This 12-week work obligation begins on the employee's first scheduled workday after such paid parental leave concludes.

Therefore, prior to using paid parental leave, an employee is required to enter into a written service agreement to work for the City of Wilton Manors for 12 weeks after the day on which paid parental leave concludes, specifically:

- 1) The workday on which an employee finishes using the 12 work weeks of paid parental leave; or
- 2) If the employee uses less than 12 work weeks of paid parental leave during the 12-month period following the birth or placement, the last workday on which the employee used paid parental leave in connection with the given child.

The work obligation is statutorily fixed at 12 weeks, regardless of the amount of leave used by an employee.

Example: An employee might use only 6 weeks of paid parental leave during the 12-month period following birth or placement but would still be required to complete a 12-week work obligation.

Waiver of Work Obligation

The work obligation may be waived based on a serious health condition of the employee, or the newly born/placed child, but, in the case of the employee's serious health condition, only if the condition is related to the applicable birth or placement. It may also be waived for circumstance beyond the employee's control. The City Manager may waive the work obligation if an employee is unable to return to work because of the continuation, recurrence, or onset of a serious health condition (including mental health) of the employee or the newly born/placed child, but only if the condition is related to the applicable birth or placement. In order to waive the work obligation, the employee must provide supporting documentation.

Reimbursement of Agency Costs for Health Insurance

The service agreement will note the possible need to provide reimbursement to the City of Wilton Manors if an employee fails to meet the required work obligation; however, that reimbursement requirement cannot be applied in certain circumstances, and the City may choose to not apply it in other circumstances.

The reimbursement is equal to the total amount of any Employer contribution the City paid to maintain the employee's health insurance coverage under the City's Employees Health Benefits Program during the period that paid parental leave was used. If the City determines that reimbursement must be made, it must seek collection of the full amount. There is no authority for a partial waiver of the amount owed.

The City may not require the reimbursement (i.e., may issue a mandatory waiver of the reimbursement) if the City determines that the employee is unable to return to work for the required 12 weeks because of the continuation, recurrence, or onset of a serious health condition (including mental health) of the employee or the child whose birth or placement was the basis for the paid parental leave, but, in the case of the employee's serious health condition, only if the condition is related to the applicable birth or placement.

Before the City can make a determination on whether to impose (or to waive) the reimbursement, the employee must submit supporting certification by a healthcare provider if the employee claims that (1) a serious health condition (of the employee or the child whose birth or placement entitled the employee to paid parental leave) makes her or him unable to fulfill the necessary work requirement; or (2) another individual's health condition prevents the employee's fulfillment of the work requirement.

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SECTION 11: BENEFIT AND MISCELLANEOUS PROGRAMS

PURPOSE

The City provides the following miscellaneous programs for City employees. This section has been prepared to help provide a better understanding of these programs.

11-1 CITY BULLETIN BOARDS

Bulletin boards are provided by the City and shall be conveniently located in approved work areas for the purpose of posting announcements of interest to City employees. Department Directors are responsible for approving all posted announcements and for maintaining City bulletin boards so that they are orderly and contain current information. Employees must submit material for bulletin boards to their Department Director for approval.

11-2 BREAK PERIODS

Two break periods each of 15-minute duration are authorized as a privilege which must be arranged so as not to interfere with City business. It shall be the responsibility of supervisors to enforce this provision. The Department Directors are responsible for the administration of break periods within their respective areas.

11-3 COST SAVINGS SUGGESTION AWARDS PROGRAM

All City employees are eligible to participate in a suggestion award program by submitting ideas which will reduce the cost or improve the quality of City service. The City Manager will review approved suggestions to determine the type and amount of award granted.

All City employees are eligible to submit suggestions and receive awards, if such suggestions are not within the scope of their assigned duties and responsibilities. For suggestions that fall within an employee's normal duties and responsibilities, awards may be granted if such suggestions are significant and beyond normal performance expectations. Department Directors who have the authority to implement their own suggestions may receive awards only if the suggestions have application to other departments.

An employee's suggestion will be eligible for consideration if it identifies a specific problem or opportunity, and presents a specific solution or approach. The suggestion may be an entirely new idea or a new application of an old idea resulting in reduced cost, increased efficiency, or improved quality of city service.

The following types of suggestions will be ineligible for consideration by the City Manager:

1. Suggestions which correct designs or plans, errors on forms or drawings, etc., but do not offer improvements to original ideas.
2. Suggestions to change official procedures or policies when established practice has, in effect, already brought about the recommended change.
3. Suggestions for correction of unsatisfactory conditions which should be handled through normal supervisory channels.
4. Suggestions for correction of temporary situations.

5. Suggestions for which the cost of implementation exceeds the estimated savings, unless quality of service is affected sufficiently to offset the cost.
6. Suggestions submitted more than three months after implementation.
7. Suggestions which duplicate another idea already implemented, under consideration, or previously awarded.

Certain employee suggestions may not be adopted because legislation already in effect prevents implementation or because enabling legislation would be required to make implementation possible.

PROCEDURE

I. Evaluation of Suggestions

All suggestions must be signed by the employee and submitted to the City Manager on such forms as the City Manager may prescribe. Suggestions will be dated upon receipt by the City Manager, and a copy will be referred to the Human Resources Department for processing. In the case of duplicate suggestions, only the one bearing the earliest receipted date will be considered for an award. The Human Resources Department will forward the suggestion to the Award Review Committee to be evaluated. Anonymity of the employee will be maintained from the time the suggestion is submitted until the award has been determined by the City Manager. All suggestions are to be evaluated by the Award Review committee within thirty (30) calendar days and returned to the Human Resources Department, who shall be notified of the reason for any delays. Evaluations shall include detailed information regarding the following:

1. The value of the suggestion.
2. The feasibility of its implementation.
3. The extent of its application.
4. The originality of the idea.
5. The estimation of costs and savings of implementation.

If the suggestion is to be implemented, the Award Review Committee, consisting of the Finance Director and the Police Chief, will make a recommendation of award, and will indicate the implementation date. The Human Resources Department will review the Award Review Committees' evaluation and present its recommendations to the City Manager for final award determination.

II. Determination of Award

A. Amount of Award - The City Manager shall have the final determination of the type and amount of award to be granted for the implemented suggestion. The award may be time off with pay or a cash award. No cash award will exceed \$100.

1. A cash award for a suggestion resulting in benefits which can be measured in terms of cost and savings will normally be determined on the basis of the actual first-year savings minus the cost of implementation. If the original implementation costs are

- exceptionally high, but greater future benefit is projected, the entire cost of implementation need not be deducted.
2. A cash award for a suggestion resulting in benefits which cannot be measured in terms of costs and savings will be based on factors such as the frequency, extent, and seriousness of the problem, the effectiveness of the solution, and the originality and effort involved.
- B. Additional Criteria - In most situations, the criteria in paragraph (A) of this rule will be adequate to determine cash awards. Where appropriate, the following additional factors will also be considered:
1. When two or more employees jointly submit a suggestion, the cash award which is granted will be divided equally among such employees.
 2. When investigation of a suggestion leads to, or triggers, a solution to a problem, even though the suggestion itself is not adopted, an award may be authorized. In such a case, the award is determined on the basis of the amount the suggestion contributed to the solution, and on the extent of the problem.
 3. When an award is granted on the basis of the estimated benefits, and it is found that the benefits are substantially greater than expected, the employee may be granted an additional award.
 4. An employee who submits a suggestion, but terminates City employment before evaluation of the suggestion has been completed, will forfeit his or her entitlement to an award. In the case of death of any employee, the award will be paid to the employee's estate.
 5. Suggestions which are evaluated and not adopted are protected against duplicate submissions for a period of two years following the date of receipt by the City Manager. Any employee interested in continuing suggestion eligibility beyond that date must resubmit the suggestion.
 6. All suggestions become the property of the City of Wilton Manors when submitted, and their use by the City shall not form a basis of a claim against the City.

11-4 DEFERRED COMPENSATION (457) PLAN

The City has contracted with providers to administer a Deferred Compensation (457) Plan through the City payroll. Information about these plans and enrollment forms are available through the Human Resources Department.

11-5 DIRECT DEPOSIT AUTHORIZATION

All employees are encouraged to sign a Direct Deposit Authorization Form. The net amount of bi-weekly pay will be directly deposited into the bank or savings account of your choice. Forms for Direct Deposit are available in the Human Resources Department.

11-6 EDUCATIONAL TUITION REFUND

1. The Educational Tuition Refund Program will be offered annually on a first-come, first-serve basis until all budgeted fiscal year funds for the program have been exhausted. An employee's request for tuition refund is not considered to be complete until the Human Resources Department has received the tuition reimbursement request form, proof of payment of tuition from the employee's student account, proof of final course grade, and receipts for books (if applicable). The City will reimburse 100% of the approved tuition cost per course incurred by an employee taking a course(s) of instruction at an approved accredited educational institution and reimbursement up to \$50 per quarter or semester for required course books. An accredited educational institution is a college, university, or community college that is listed in the Counsel for Higher Education database; has been accredited by the Southern Association of Colleges and Schools; another regional accrediting agency; the Accrediting Council for Independent Colleges and Schools; or an accrediting agency or association that is recognized by the database created and maintained by the United States Department of Education.
2. The City will only pay tuition in an amount not to exceed the in-state student per credit cost at a State of Florida college or university as determined by the annual tuition rates published by Florida Atlantic University. The employee must present the City with receipts for any reimbursable expenses and proof of the final course grade. To receive a reimbursement, the employee must receive a final grade of "Satisfactory" or at least a grade of "C." The employee will be required to sign an agreement stating that repayment for the course shall be made as a payroll deduction from the employee's final paycheck, leave time pay, or other City disbursement to the employee should the employee voluntarily terminate from the City within twelve (12) months after completing the course.
3. Requirements for an employee to become eligible to receive reimbursement for education expenses are as follows:
 - A. Full-time regular employee.
 - B. Accredited educational training at the post-high school and adult education level.
 - C. One course per quarter or semester, unless one additional course is authorized and budgeted by the Department Director and approved by the City Commission with the adoption of the annual budget. All courses should comply with Section D below.
 - D. Tuition assistance may be restricted to or determined by the relationship of the course to the employee's job and/or its degree of value to the City as decided by the Department Director and Human Resources. Approval of tuition payment shall not exceed, under any circumstances, more than two (2) courses per quarter or semester and no more than six (6) courses in a calendar year.
 - E. Application must be filed prior to enrollment in the course to ensure participation by the City. After securing the approval of the employee's

direct supervisor and the Department Director, the original application should be forwarded to the Human Resources Department.

- F. Upon successful completion of the course with a grade of "Satisfactory" or at least a grade of "C," 100% of the tuition will be reimbursed to the employee when a copy of the final grade or certification is presented to the Human Resources Department.
 - G. There will be no duplicate payments for the same course. If the course is reimbursable under any non-city program, Veteran's Administration, etc., then the provisions of the City's education tuition refund plan do not apply.
 - H. Payments for tuition reimbursement may not be exceed the amount budgeted for the benefit in the fiscal year budget.
- 3. The employee will use off-duty time to attend any course of instruction unless such course is required by the City as part of an in-service training program
 - 4. The tuition benefit is available only as a reimbursement upon satisfactory completion of a course(s). The City will not issue prepayment to the individual nor educational institution.

11-7 TRAINING WITH PAY

- 1. This section only applies to employees who are carried on the payroll while attending school or other specialized training and not reporting to work as normally scheduled.
- 2. Prior to any employee participating in a specialized training program, the program must be recommended and endorsed by the Department Director who has the responsibility to secure the City Manager's approval. The recommendation must be submitted to the City Manager in writing at least two weeks before the training is scheduled to begin. This may apply, at the Department Director's discretion, to training which falls within the following criteria:
 - A. The specialized training program must result in the employee being:
 - 1. Promoted to a higher graded position; or
 - 2. Given additional responsibilities within current position; or
 - 3. Provided training which is necessary for future advancement when such positions become available.

An employee may also be sent to a specialized training program when the City deems it necessary for continued successful operation to upgrade said employee's skills and expertise.

- B. The training program must be at least two (2) weeks consecutive duration or,
- C. An aggregate of related sessions of one-week duration over a period of one year which, when combined, meet an established training objective or goal.

3. Any City employee who is carried on the payroll while attending school or a specialized course of study must sign a Promissory Note with the City to reimburse the City for the total cost (including salary, tuition, textbooks, per diem, etc.) of the training should he or she voluntarily terminate his or her employment with the City or be dismissed for cause within twelve (12) months after successfully completing the training. Promissory Notes for this purpose are on file in the Human Resources Department. The Promissory Note must be notarized and filed with the Human Resources Department before enrolling in the training. NOTE: An employee must be informed of this repayment obligation prior to his or her acceptance into the specialized training program.

11-8 GROUP INSURANCE PROGRAM - REGULAR FULL-TIME EMPLOYEES

The City participates with its employees in the payment of premiums for Health/Medical, Dental and basic Life Insurance. All regular full-time employees are eligible for these insurance coverages. Insurance becomes effective the first of the month after thirty days of employment. Information on the City's medical and dental insurance plans is available through the Human Resources Department and is part of the Orientation process. The City will continue to provide group health and dental insurance for regular full-time employees; however, the City will have the unilateral right to determine the carrier, deductible, and other terms and conditions of the health and dental insurance policy to be purchased for employees at the City's expense. It may be necessary, from time to time, for the City to alter the terms and conditions of such policies, including but not limited to the deductible, the carrier, and particular coverage. However, the City will, before any change is deemed appropriate, inform employees of its intention and solicit suggestions from the workforce. The City will at all times attempt to purchase the highest level of benefits available while at the same time minimize the cost to the City.

The City provides the following insurance coverage:

- Life insurance equal to 1x employee's annual salary 100% paid by the City
\$50,000 maximum for all employees except management who have \$100,000 maximum
- Major Medical Insurance for employee –HDHP rate 100% paid by the City
- Major Medical Insurance for dependents – HDHP rate 50% paid by the City
- Dental Insurance for employee 100% paid by the City
- Dental Insurance for dependents 50% paid by the City
- Long Term Disability (LTD) - voluntary 50% paid by the City

11-9 OPT OUT OF MEDICAL BENEFITS PROGRAM

City of Wilton Manors regular full-time employees have the option of declining Medical coverage and receiving an incentive payment to offset a portion of the cost of medical coverage by another insurer. This benefit option is contingent on **written verification** that the employee is covered by other group health insurance. *The Opt Out of Medical Benefit Form* is available in the Human Resources Department and employees will be given the opportunity to sign the forms during the annual Open Enrollment for medical coverage conducted in December of each year. This provision may be modified or eliminated in the sole discretion of the City. The Opt Out program is capped at thirteen (13) participants.

The “Opt Out” incentive payment will be \$100 per month paid on the first payroll of the month. The City of Wilton Manors contracts with a medical insurance provider on a calendar year basis.

- If the employee does not have coverage through the City of Wilton Manors in the current year, the employee must provide a **certificate of coverage** verifying the level of coverage carried as of December 31 of the current year through the other provider.
- If there is a qualified status change during the year (i.e. birth of child, marriage, etc.) an employee is eligible to decline coverage at that point. If there is a qualified status change during the year (i.e. birth of child, marriage, etc.) the employee can be readmitted to the City’s health insurance plan at the start of the next month from the date of notification as long as the employee meets the eligibility requirements and is approved by the City’s current insurance carrier.

The “Opt Out” incentive payments are subject to appropriate withholding and FICA taxes but are not to be considered salary and are not eligible for pension programs.

ELIGIBILITY SUMMARY

- Must be eligible for City of Wilton Manors’ health care benefits
- Must present written verification of group medical coverage (not eligibility) under another plan (i.e. spousal plan, prior employer, etc.)

PAYMENT SUMMARY

- Amount of incentive payment will be \$100 per month.
- Amount will be paid once a month through payroll.
- Payments will be subject to appropriate withholding and FICA taxes.
- Payments are not eligible for pension programs and are not to be considered salary.

11-10 GROUP INSURANCE PROGRAM - REGULAR PART-TIME EMPLOYEES

Regular part-time employees, who are regularly scheduled to work at least twenty five (25) hours per week, and who have worked for the City for one consecutive year in a regular part-time position, will be eligible to participate in the group medical and dental insurance program with payment of the full premiums through payroll deductions. The City will provide life insurance equal to the annual salary of the regular part time employees who have elected to purchase the City’s group health and dental insurance through payroll deductions.

11-11 PENSION AND RETIREMENT PLAN

The City has a Defined Benefit Pension Plan for regular, full time employees. The amount of the employee pension contribution is set by ordinance and is deducted from base pay earnings per pay period. The current contribution amounts are ten percent (10%) for sworn police officers and eleven percent (11%) for all general and non-sworn police employees. These contribution amounts are deducted on a pre-tax basis. A Pension Plan Summary is distributed on a bi-annual basis as required by Chapter 112, Florida Statutes. A General Employee Representative and a Sworn Police Employee Representative are elected to the Pension Board of Trustees every two years. Regular monthly meetings of the Pension Board of Trustees are held once per quarter on the first Tuesday of that month in the Commission Chambers at 5:30 P.M. A copy of the Pension Plan Summary is available for review in the Human Resources Department.

The City of Wilton Manors closed the Defined Benefit Pension Plan effective August 1, 2007, and newly hired regular full time employees, regular part time employees and elected officials are automatically enrolled in the Florida Retirement System (FRS) upon date of hire. The FRS employee contribution is three percent (3%) of compensation deducted from each employee's payroll on a pre tax basis. Information regarding the FRS is available in the Human Resources Department and at the FRS official web site www.myfrs.com.

11-12 TRAVEL AND PER DIEM

The City provides a travel and per diem allowance for employees as authorized by City Ordinance and Florida State Statutes. A Travel Authorization Form must be signed by the employee and his/her Department Director and submitted to the Finance Department for verification of accuracy and availability of funds. A copy of the program or agenda of the conference or seminar must be attached to the Travel Authorization Form. The Finance Department will forward the Travel Authorization Form to the City Manager. After the City Manager has approved and signed the Form, the Form will be submitted to the City Clerk for placement on the Commission Agenda, when and if required.

A Travel Voucher Reimbursement Form must be completed and signed by the traveler upon returning to work. This Voucher must be approved by the Department Director and the following items must be attached to the Voucher before being submitted to the Finance Department for payment:

1. All applicable travel related receipts
2. The approved Travel Authorization Request Form

The complete instructions for the Travel Policy are available in the Finance Department.

11-13 WELLNESS PROGRAM – FITNESS CENTER – TENNIS CENTER

The City of Wilton Manors recognizes the need for a citywide physical fitness program. An employee's well being is of prime importance to the employee, his/her family, colleagues, department and citizens of the community. It is the policy of the City to encourage fitness through the proper use of exercise. In an effort to attain this goal the City has established a Wellness Facility to provide employees with a means of developing and maintaining a high level of fitness. Attaining employees' full fitness potential can help to ensure their ability to accomplish assigned duties and provide satisfactory job performance without undue risk of injury and fatigue.

The purpose of this policy is to provide guidelines for City employees who wish to use the Wellness Facility. The Fitness Center and the City Tennis Program are available gratis to all active and retired City employees, City Commissioners, and spouses or partners. The following steps should be completed and forms returned to Leisure Services.

1. Release signed by the employee.
2. Employee must sign a receipt for the Fitness Center Rules

All required forms, receipts and releases are available in the Leisure Services Department.

11-14 SERVICE AWARDS

In appreciation for dedicated service, the City of Wilton Manors formally recognizes all regular full-time and part-time employees for specified lengths of continuous service. City employees shall become eligible for service awards after five (5), ten (10), fifteen (15), twenty (20), twenty-five (25) and thirty (30) years of continuous employment. Service awards may be presented at the Annual City Holiday Party. Employees who are eligible for the twenty-five (25) year award and/or the thirty (30) year award are presented with their award by the Mayor at a Regular City Commission Meeting.

11-15 TRAINING

Specialized training for employees within and relating to the effective operations of the departments is the responsibility of the respective Department Directors. The City Manager, through the Human Resources Department, will administer overall on-going, in-house training programs for employees on subjects that are applicable city-wide, such as supervisory/management training, computer (both hardware and software), customer service, team work, career development, etc. Copies of all training provided to employees must be submitted to the Human Resources Department for career tracking.

11-16 UNEMPLOYMENT COMPENSATION

The City of Wilton Manors is currently registered with the State of Florida Bureau of Unemployment Compensation. Information concerning employees' rights and responsibilities and the Florida Unemployment Compensation law are available through the Human Resources Department. Any correspondence received by departments regarding unemployment compensation must be forwarded to the Human Resources Department upon receipt for processing and central control.

11-17 LIBRARY CARDS AND DISCOUNTS FOR CITY EMPLOYEES

All active and retired City employees and City Commissioners, regardless of city/county of residence, will be issued, upon request, a City library card. This allows non-resident employees to use City library facilities in the same manner as resident employees without the customary non-residential fees. All active and retired City employees and City Commissioners are eligible for a fifty percent (50%) discount of the current resident rate for rental of City facilities, including athletic fields and rental halls, and all Youth Services programs (excluding registration fees and field trips). Active and retired City employees and City Commissioners are eligible for a free booth at all City sponsored Yard Sales.

11-18 EMERGENCY NOTIFICATION IN THE EVENT OF A MEDICAL EMERGENCY

The City is committed to providing a healthful and safe working environment. Although the City makes every effort to develop the best feasible operations, procedures, techniques, and programs, a medical emergency may still occur during an employee's course of duty. In the event of a medical emergency, such as sudden illness, attack, seizure, injury, or death, the City has implemented an Emergency Medical Notification procedure to ensure that family members are properly informed of these situations in a manner best designed to alleviate as much distress or concern as possible.

Immediately upon the occurrence of an accident or the onset of a sudden illness, the immediate supervisor of the injured/ill employee **MUST** be notified. It is the immediate supervisor's responsibility to visit the scene of the accident or illness and ensure that the employee receives prompt and proper medical care. The immediate supervisor should accompany the employee to the hospital/doctor and remain there until such time as such employee is either released from medical care or the immediate family members arrive. The Human Resources Director/Manager should be immediately contacted for emergency contact numbers and for further directions if the injury is work related.

Depending on the severity of the medical emergency, the employee's supervisor must also notify the appropriate Department Director and the City Manager. *NOTE: In the event of any serious accident, illness, or death, the City Manager must be notified immediately.* Depending again upon the severity of the medical emergency, it is the Department Director's responsibility to physically contact, whenever logistically possible, the emergency contact of the injured/ill employee.

Although some judgment is required, normally the emergency contact of any employee requiring hospitalization should receive a personal notification. The Department Director should thus plan on visiting the emergency contact at his/her home or, if applicable, place of work. If a physical visit is not possible, a personal telephone call should be made. Based upon the Department Director's relationship to or familiarity with the injured/ill employee and his or her family, the Department Director may request assistance during the notification process from Police Department personnel. After notification, the Department Director should assist the emergency contact to the hospital where the employee is receiving medical attention. For further information regarding the procedures described herein, please contact the Human Resources Department.

11-19 UNIFORMS

Employees required to wear uniforms are expected to wear them properly and in their entirety. Failure to wear uniforms on the job, without prior permission from the Department Director, may be subject to disciplinary action. City issued uniforms shall not be worn when not on official duty. All uniforms, special equipment or devices required by the City will be furnished by the City at no cost to the employee.

11-20 CONDITION OF UNIFORMS

Uniforms shall, at all times, be maintained in good repair and in presentable condition. Torn or ripped clothes or clothes worn out to such an extent as to appear unpresentable shall not be permitted.

1. If a supervisor determines that an employee's uniform, or a part thereof, is unfit for use, he/she will advise said employee of same, and direct that employee not to wear the uniform until it can be repaired, if possible.
 - a. If the employee continues to wear such uniform, or part thereof, in violation of the supervisor, he/she shall be subject to disciplinary action.
 - b. If the employee feels that the uniform is in proper condition, he/she may appeal the supervisor's decision to the Department Director.
2. If a uniform or part thereof, including shoes, is made to be unusable or is destroyed beyond repair, through no fault or negligence of an employee, such employee shall be provided with a replacement at the City's expense.
 - a. Uniforms, shoes, or part thereof, made unwearable through abnormal wear and/or negligence, shall not be replaced under this provision.
 - b. The employee's Department Director shall make the sole determination as to whether the City or the employee shall bear the cost of uniform replacement.

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SECTION 12: MISCELLANEOUS RULES

PURPOSE

The following miscellaneous rules apply to all City employees. Additional rules for daily operation and conduct may be found in Departmental Rules and Regulations, Union Contracts and Directives from the City Manager.

12-1 ACCEPTANCE OF GIFTS AND GRATUITIES

1. No employee of the City shall accept any free or special service, benefit, concession, fee, gift (including holiday gifts), or other item of value in the course of or in connection with his or her duties.
2. No gifts are to be accepted on behalf of City employees by close personal friends or relatives of employees.
3. Any gift, fee, or other item of value received by a City employee shall immediately be returned to the giver.
4. Any gifts received by any City employee, which are not able to be returned, shall become the property of the City. Employees shall immediately report such gifts to the Department Director or the City Manager.
5. Any City employee who violates this rule may be considered guilty of misconduct and may be subject to review and appropriate disciplinary action.

12-2 ARRESTS

Should an employee be **arrested** for a felony; for a misdemeanor involving dishonesty or moral turpitude; for a DUI; for substance abuse; he/she shall report such incident on his/her next regularly scheduled work day to his/her Department Director or immediate supervisor. Failure to do so may result in disciplinary action. If an employee is convicted under a criminal drug statute for violations which occur either on or off duty, employee must notify the City no later than five calendar days after such conviction. When required for grant compliance, the City will then notify Broward County of such conviction.

12-3 ATTENDANCE

All regular employees shall be in attendance at work by their established starting time in accordance with these rules and general departmental regulations. Employees shall notify their supervisor or other designated department representative and receive authorization for leave whenever they cannot report to work on time or fulfill their work assignment. Employees who fail to report their absence in accordance with departmental regulations shall be considered absent without authorized leave and subject to disciplinary action. Non-exempt employees are required to keep daily accurate records of hours worked in compliance with the Fair Labor Standards Act.

12-4 BORROWING CITY EQUIPMENT

The use of City equipment, such as borrowing computers, tape recorders, cameras, shovels, etc., for personal use shall be prohibited unless otherwise approved by the Department Director and/or his/her designee. No employee shall use consumable

products without replacing same. Each department is required to maintain a log of equipment borrowed by employees.

12-5 APPEARANCE AND PERSONAL HYGIENE

All City employees must be aware of the importance of appearance and good personal hygiene where the public and co-workers are concerned and are expected to dress in a manner consistent with the duties and responsibilities of their positions. Employees required to wear uniforms are expected to wear them properly and in their entirety. Determination of an employee's specific dress, appearance and personal hygiene is a proper supervisory function and will be treated as such.

12-6 HOURS OF WORK

1. The City Manager shall maintain the prerogative to establish hours of work for each occupational group to meet the needs of the City.
2. Full-time City employees shall be paid to work forty (40) hours per week except where other provision is specifically made.
3. The regular workweek for full-time employees is forty (40) hours per week, divided into four (4) days, Monday through Thursday, with employees regularly scheduled to work ten (10) hours per day with a thirty-minute unpaid meal period, except where other provision is specifically made. Employees are also provided the privilege of break periods as defined by departmental work rules and policy or applicable Federal, State, or local laws and regulations. Employees may combine the two fifteen (15) minute breaks with their unpaid thirty-minute meal break.
4. The normal work hours for full-time employees will depend upon the schedule in force at the location in which employed. (For example, City Hall will be open to the public from 7:00 a.m. to 6:00 p.m. Supervisors will be responsible for establishing which employees will work from 7:00 a.m. to 5:30 p.m. and which will work from 7:30 a.m. to 6:00 p.m.)
5. Work hours and schedules for part-time and temporary employees will be arranged by departmental supervision.
6. Full-time employees may be allowed to work a flextime work schedule, under which employee starting and quitting times may vary from facility to facility, department to department, or employee to employee.
 - a. Flextime scheduling must have the prior approval of the Department Director.
 - b. Employees on a flextime schedule are normally permitted to begin their ten-hour workdays anytime daily within two hours of their normally scheduled starting time, on the hour or half-hour, unless otherwise notified by supervision that certain designated hours are required for a given workday. Employees will normally receive a thirty-minute unpaid meal period.
 - c. Management will make every effort to accommodate flextime work schedules in so far as it is conducive to effective City operations.

However, management reserves the right to determine the applicability of flextime scheduling within their respective departments.

7. Part-time employees may be allowed to "share" a classification as follows: Two part-time employees perform the duties and essential functions normally associated with those performed by one full-time employee; i.e. job share. Job sharing may occur in those areas where management deems the best interests of both the City and the employees will be served.
8. Daily and weekly work schedules may be changed from time to time at the discretion of management to meet the varying conditions of conducting City business. Changes in work schedules will be announced as far in advance as practicable.

12-7 OUTSIDE EMPLOYMENT

1. Employees will not be prohibited from engaging in any outside employment (whether self-employed or as an employee of another entity) so long as such outside employment does not, in any way, interfere with their City employment. Employees who expect to engage in any outside employment either on a permanent or temporary basis shall notify their Department Director before commencing that employment. Employees who fail to notify their department when engaged in outside employment may be subject to disciplinary action as determined by the Department Director or City Manager. The Department Director will notify Human Resources of all outside employment of employees.
2. Any regular, full time employee accepting outside employment shall make arrangements with the outside employer to be relieved from the outside duties if and when the employee is called for emergency service by the City. Every regular, full time employee who engages in outside employment shall agree to respond immediately to any emergency call to duty by the City whenever the Director or the City Manager shall determine the employee's services are necessary.
3. Supervisors **shall** be notified of injuries sustained while engaged in outside employment. The employee must report such injuries or accidents to their supervisor prior to the next scheduled working day or be subject to appropriate disciplinary action. Any injuries sustained by employees while engaged in outside employment will be reported to the Human Resources Department.

12-8 ADDRESS AND TELEPHONE NUMBER

All City personnel shall provide the Department Director and the Human Resources Department with their current address and telephone number. Information should be forwarded to the Human Resources Department within two (2) weeks of any address or telephone number change.

12-9 POLITICAL ACTIVITY

1. No City employee shall take any active part in political campaigns or other political activities during work hours.
2. City employees are prohibited from engaging in certain types of political activities while either on or off duty by Florida Statute 104.31 and City employees in violation of its provisions may be found guilty of a misdemeanor of the first degree, punishable as provided in Florida Statutes 775.082 or 775.083, and will be subject to appropriate disciplinary action imposed by the City.

12-10 SOLICITATION OF CONTRIBUTIONS, MEMBERSHIP, OR BUSINESS

1. Persons not employed by the City will not be allowed on City property for the purpose of the solicitation among employees of the City of contributions, memberships, or business for personal profit or gain, unless approved by the City Manager, and shall not be permitted on City property during the employees' working time or in work areas, unless approved by the City Manager.
2. City employees will not be permitted to solicit contributions, memberships, or business for personal profit or gain during working time of any employee.

12-11 STATEMENTS BY CITY EMPLOYEES TO ATTORNEYS, LAW FIRMS, OR OTHERS CONCERNING EMPLOYEES OR CITY BUSINESS

1. From time to time, any City employee may be requested or subpoenaed to make a statement to an attorney or law firm. These instances are generally concerned with an employee who has knowledge of events wherein the City may become the party of a lawsuit.
2. Should an employee receive either a request or subpoena, he/she will discuss the matter first with the Department Director who, in turn, shall discuss it with the City Manager and City Attorney before making any oral or written statements.
3. Any employee who does not comply with this rule may be subject to disciplinary action.
4. If transcribed, a copy of the statement made by the employee will be made available to the employee.

12-12 USE OF CITY VEHICLES

1. It is necessary for many City employees to have City vehicles at their disposal in order to carry out their duties. It is essential that these vehicles be used with utmost care and discretion at all times. The manner in which City vehicles are operated directly reflects on the public image of all City employees.
2. Any employee driving a City vehicle shall have on their person a valid driver's license issued by the State of Florida.
3. For those vehicles assigned on a 24-hour basis, off-street parking should be provided, **where possible**, when a vehicle is taken to a place of residence.

- a. The Department Director, with the approval of the City Manager, is vested with the authority for assignment of City vehicles to be taken home by employees within the Department. A current list of employees assigned take home cars will be provided to the Human Resources Director and the HR/Risk Manager.
- b. City vehicles assigned to be taken home are for the purpose of carrying out the work objectives of the Department. Assignments are not to be made for the purpose of providing a job benefit and shall not be considered a benefit.
- c. The IRS has determined that commuting from work to home in a City vehicle shall in certain instances be considered taxable compensation to the employee. It shall be the policy of the City that assignments made within the scope of this administrative policy fall within the specific tax exempt provisions of the IRS regulations. Therefore, authority for assigning City vehicles for commuting purposes by Department Directors shall be limited to the following vehicle types:

Police Service Vehicles

May be marked or unmarked. Shall be equipped with radio and the operator of vehicle considered to be on call for police related emergency situations.

Fire/Emergency Service Vehicles

Shall be marked by way of painted insignia or words permanently attached such that it is readily apparent that the vehicle is a fire/emergency vehicle. Shall be equipped with radio and the operator of vehicle considered to be on call for fire/emergency related emergency situations.

Other Vehicles

Water and sewer specialized utility repair trucks which are radio equipped can be taken home for the purpose of responding to after hours' water and sewer emergency service calls. Dump trucks, flatbed trucks, single seat jeeps, and any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds should not be taken home unless approved for use during emergency situations.

4. All mechanical defects or malfunctions should be reported immediately to the Department.
5. If a City vehicle is involved in an accident, the employee shall follow the procedure as outlined in the Safety Rules and Regulations.
6. The employee may be personally responsible for the deductible payment, not to exceed \$1,000 per accident, on insurance claims in cases of moving traffic violations or when the employee has been determined to have been at fault in an accident.

7. Employees using City vehicles will comply with State law relative to the use of seat belts.
 - a. Any employee driving a City of Wilton Manors vehicle shall use a seat belt.
 - b. All passengers riding in a City vehicle shall use a seat belt.
 - c. The driver is responsible for ascertaining all required seat belts are in use prior to the vehicle leaving the parking space.
 - d. Failure to follow this policy is not only cause for citation by a law enforcement agency, but also may be cause for disciplinary action.
 - e. Any difficulty with a seat belt must be reported immediately to the employee's immediate supervisor or the Department Director in order that it may be corrected at once. No vehicle is to be driven unless the seat belts are in good working condition.
8. Smoking, including e-cigarettes and vaping, inside any City vehicle is strictly prohibited.

12-13 FLORIDA CLEAN INDOOR AIR ACT

The purpose of the Florida Clean Indoor Air Act, Chapter 386 Florida Statutes, is to protect the public and the environment by creating areas in public places and at public meetings that are reasonably free from tobacco smoke. The Act requires the designation of smoking areas.

No person may smoke in any City of Wilton Manors building or facility. Department Directors will post "No Smoking" signs as appropriate in "conspicuous" locations. The law provides that each sign must have letters of "reasonable size which can be easily read." Any employee who smokes in a City building will be guilty of a non-criminal violation, and will be subject to disciplinary action. Additionally, the City prohibits the use of e-cigarettes or vaping inside City buildings.

12-14 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION STATEMENT

The City of Wilton Manors, Florida, recognizes the importance of eliminating employment barriers by establishing a non-discriminatory policy for its employees and applicants for employment. The City does not discriminate on the basis of race, color, national origin, gender, sexual orientation, gender identity, religion, family or marital status, age or mental or physical disability in employment or the provision of services. The City will consider employment applicants who are ex-offenders, based on the nature of the conviction, the date it occurred, the relationship of the offense to the job in question and the applicant's job qualifications.

It shall be the City policy to comply with all applicable Federal Law and State Statutes requiring affirmative action for equal opportunity in employment or application for employment. This policy includes the prohibition of harassment in the work place regardless of sex or employee rank or position within the labor force. The purpose of the EEO statement is to assure full and equal participation of men and women regardless of race, or national origin in the workforce of the City of Wilton Manors, Florida. This policy shall apply to all phases of employment, including but not limited to, recruitment, selection, promotion, demotion, suspension, and termination. This policy shall apply to the provision of services by the City of Wilton Manors.

12-15 USE OF THE CITY'S COMPUTER AND OTHER ELECTRONIC SYSTEMS

This section establishes the City's policy on the use of the City's computer and electronic systems, including, but not limited to, electronic mail (E-mail), the telephone system, and voice mail; and is applicable to all employees of the City. Every employee has an obligation to utilize the City's computer/electronic systems and all related equipment, programs, and software in a responsible and professional manner. Accordingly, the City's computer and electronic systems are to be used for business purposes only. All documents, memoranda, and messages, whether formal or informal, should be composed and responded to in a manner consistent with the high standards of professional conduct practiced by the City. It is the policy of the City that the use of the City's computer and electronic systems to transmit any derogatory language, whether racial, sexual, or otherwise, is unacceptable conduct which will not be tolerated and which may lead to disciplinary action.

To ensure the business and professional integrity of the City's computer and electronic systems, the City reserves the right to access, monitor, and review, at any time, with or without notice to employees, all electronic mail and voice mail messages and memoranda sent and received. Although employees may be provided a system log-on or password, this log-on or password does not grant the employee any expectation of privacy. Further, the City reserves the right to maintain any and all messages and memoranda sent or received through the City's computer and electronic systems; the use of a deletion keystroke/option does not necessarily mean that a document has been eliminated from the system.

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SECTION 13: POLICIES

PURPOSE

The following miscellaneous policies apply to all City employees. Additional policies may be implemented as required for daily operation and conduct and to be in compliance with Federal, State, County, and City Law.

13-1 AMERICANS WITH DISABILITIES POLICY (ADA)

This section establishes the City's policy on the protection of qualified individuals with disabilities from employment discrimination, and is applicable to all employees of the City. A copy of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the City is available for review at the Human Resources Department.

With the passage of the ADA, increased recognition and attention is being given to the capabilities and needs of individuals with disabilities. The City of Wilton Manors is committed to complying fully with the spirit and intent of both federal and state laws. In that respect, it is the City of Wilton Manors' policy to provide qualified employees with a disability and applicants with full and equal employment opportunities in all aspects of the application process and in all areas of employment including, but not limited to, promotion, assignment, training, performance appraisals, discipline, advancement opportunity, termination, compensation, insurance, benefits, leave, medical examinations, layoff/recall, contractual relationships, and other benefits and privileges of employment.. The City of Wilton Manors will make its facilities accessible to individuals with disabilities as required by law. The City of Wilton Manors is also committed to providing all of its employees, and all of its residents and customers, including those with disabilities, with full and equal access to its services, facilities, programs, privileges, and accommodations. With respect to actual risks, the City may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. The ADA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater rights for the needs and capabilities of individuals with disabilities.

Definitions

A. Disability - Under the ADA, an individual with a disability is a person who has:

- A physical or mental impairment that substantially limits one or more major life activities; or
- A record of such an impairment; or
- Is regarded as having such an impairment

The term disability does not include:

- (1) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders, or
- (2) Compulsive gambling, kleptomania, or pyromania; or
- (3) Psychoactive substance use disorders resulting from current illegal use of drugs (controlled substances).

- B. Qualified Individual with a Disability - A person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of the position.
- C. Reasonable Accommodation - A modification or adjustment to a job, the work environment, or the way things usually are done that results in equal employment opportunity for an individual with a disability. Reasonable accommodations will be made to the known physical or mental limitations of a qualified applicant or employee with a disability unless such an accommodation would cause an undue hardship to the operation of the City. Reasonable accommodation will:
- Ensure equal opportunity throughout the employment process
 - Enable a qualified individual with a disability to perform the essential functions of a job
 - Enable an employee with a disability to enjoy equal benefits and privileges of employment

Some examples of reasonable accommodation include, but are not limited to, the following:

- Making existing facilities used by employees readily accessible to, and usable by, an individual with a disability
 - Assigning non-essential functions to other employees
 - Modifying work schedules
 - Reassignment to a vacant position
 - Acquiring or modifying equipment or devices
 - Adjusting or modifying examinations, training materials, or policies
- D. Essential Functions - A function can be considered essential if, (1) the position exists to perform the function; (2) removing that function would fundamentally change the job; and (3) employees in the position actually are required to perform the function.

Prohibited Behavior

- A. Refusing to make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an undue hardship on the City or poses an actual risk to the safety of others.
- B. Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for that individual because of his or her disability.
- C. Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability unless they are job-related and necessary for the City to conduct business.

- D. Failing to use employment tests in the most effective manner to measure actual abilities. Such tests must accurately reflect the skills, aptitude, or other factors being measured, and not the impaired skills of an employee or applicant with a disability, unless those are the skills the test is designed to measure.
- E. Denying employment opportunities to a qualified individual because he or she has a relationship or association with a person with a disability.
- F. Discriminating against an individual because he or she has opposed an employment practice of the employer or filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing to enforce provisions of the Americans with Disabilities Act.
- G. Asking a job applicant about the existence, nature, or severity of a disability.
- H. Denying an individual with a disability equal access to any employment opportunity available to a similarly situated individual who is not disabled.
- I. Treating an individual with a disability any differently than a similarly situated individual without a disability in any aspect of employment, except when a reasonable accommodation is needed to provide an equal employment opportunity, or when another Federal law or regulation requires different treatment. Therefore, evaluating employees with disabilities on a lower standard or disciplining individuals with a disability less severely than other employees is not an example of equal employment opportunity and is therefore prohibited.
- J. Reducing the pay to an employee with a disability because of the elimination of a non-essential job function or because a reasonable accommodation has been provided. (Note: An employee who is reassigned to a lower graded job or provided a part-time job as an accommodation may be paid the lower amount that would apply to such positions).

Procedures

The City recognizes that differences and disputes about the ADA requirements may arise between the City and individuals with disabilities as a result of misunderstandings. The City believes that such disputes can be resolved more effectively internally rather than through the formal enforcement process of the Equal Employment Opportunity Commission (EEOC). Therefore, the City has implemented the following procedures in dealing with individuals with mental or physical disabilities:

- A. All job interviews will focus on the ability of any applicant to perform the job, not on his or her disability. All employment decisions will be based on the individual's capability to perform the documented, essential functions of the job, with or without an accommodation.

- B. When requested, the City will provide reasonable accommodations for individuals with a disability. These accommodations will allow qualified, disabled individuals to perform the essential functions of the job and/or provide them access to all employment programs and services unless it can be proved that such an accommodation poses an undue burden on the operations of the City. An employee with a disability will not receive a reduction in pay as a result of receiving an accommodation, such as the reassignment of non-essential duties to other employees, the purchase of special equipment/devices, etc.
- C. All employees will be offered the same opportunities for advancement and promotion, provided they meet the minimum qualifications for the job and are able to perform the documented, essential functions of the job, with or without an accommodation.
- D. The City will not make an accommodation for an individual who is not otherwise qualified for a position.
- E. A qualified individual with a disability has the right to refuse an accommodation if he or she has not requested an accommodation and does not believe that one is needed. However, if the individual cannot perform the essential function of the job without this accommodation, he or she may be considered no longer qualified for the job.
- F. During the formal interview, the interviewer will:
- State the functions of the job, the City's regular work hours, leave and attendance policies, any special requirements of the job, and ask whether or not the applicant can meet those requirements.
 - Ask an individual with a known disability that might interfere with, or prevent performance of job functions, to describe or demonstrate how the job functions will be performed, with or without an accommodation, even if other applicants are not asked to do so. However, if a known disability would not interfere with the performance of job functions, an individual may only be required to describe or demonstrate how he or she will perform the job if this is required of all applicants for the position.
 - Not make any inquiries about a disability, not ask whether an individual has ever filed for workers' compensation, not ask whether an individual has ever been treated for drug addiction or alcoholism, and not ask whether an individual associates with individuals with a disability.
- G. A pre-employment physical will be given to all individuals after a conditional job offer has been made. All individuals within the same job categories will be given the same physical exam. If an individual is not hired because a post-offer/pre-employment physical reveals a disability, the reason(s) for not hiring must be job-related and there must be no reasonable accommodation available that would enable the individual to perform the essential job functions.
- H. All employees will be held to the same standards of performance when performing the essential functions of the job. If a disabled employee requires an

accommodation, that employee's performance will be evaluated based upon his or her ability to perform the job using the accommodation.

- I. Should an employee become disabled, the following actions will occur:
 - Supervision will consult with the employee with a disability to identify the obstacles to job performance and assess how these obstacles could be overcome with an accommodation.
 - If the employee with a disability requires time off from work because of his or her disability (for example, time off for continuing medical treatment related to the disability), the Federal Family and Medical Leave Act (FMLA) will provide such an employee, if eligible, up to twelve weeks paid or unpaid leave within a calendar year for the time off. The City may require the employee with a disability to substitute any or all of his/her accrued paid sick leave time and/or accrued paid vacation leave when he or she is out for this purpose. Substituted paid leave will be counted as leave taken under the FMLA. See Section 10-9, Family and Medical Leave Act, for more information.
 - In conjunction with the written job description, the Human Resources Department and the Department Director will determine whether the functions of the job the employee with a disability is no longer able to perform are essential functions or marginal, non-essential functions.
 - If the employee is no longer capable of performing non-essential nor marginal functions of his/her job, a reasonable accommodation would be to restructure or modify the job by redistributing those marginal functions to other jobs performed by one or more other employees. The City will not reassign essential functions of the job.
 - If an employee with a disability is no longer capable of performing the essential function of his/her job, examples of reasonable accommodations could include changing when and how those essential functions are done and/or modifying the individual's work schedule.
 - If the disability is such that no accommodation will permit the employee with a disability to continue to perform the essential functions of the job, or when changes or technological developments in equipment affect the job performance of an employee with a disability, the City will attempt to reassign said employee to a position **equivalent** to the one presently held in terms of pay and other job status - if the individual is qualified for the position and if such a position is vacant or will be vacant within a reasonable amount of time. A reasonable amount of time will be determined on a case-by-case basis by the Department Director and the Human Resources Department, with approval by the City Manager, and will not extend longer than a 30-day period. Factors for considering a reasonable amount of time to wait for a position to become vacant include the types of jobs for which the employee with a disability would be qualified and the documented frequency with which such jobs in the past have become available.
 - If an **equivalent** position in terms of pay or job status for which the employee with a disability is qualified will become available within a reasonable amount of time (not to exceed thirty days), the qualified, employee with a disability will be placed on a leave with pay until he or she can be reassigned to that position.

- If there are no vacant positions of equivalent pay and job status for which the employee with a disability is qualified, and/or if no such positions will be vacant in a reasonable amount of time, the employee with a disability will be either offered an available, lower graded position for which qualified, or placed on an unpaid leave of absence for a maximum of three months pending the opening of a position for which qualified.
 - If a qualified employee with a disability is reassigned to a lower graded position, his or her salary will be maintained at the level of the higher graded position as long as that salary is within the salary range of the new position. If the employee with a disability's salary is greater than the salary range of the new, lower graded position, his or her salary will be reduced to the maximum rate of the new position.
 - If an employee with a disability has been placed on a three month unpaid leave of absence pending the opening of a position for which qualified, and that time period has passed with no lower graded positions becoming available, said employee will be dismissed.
 - If an employee with a disability considers refusing an available or soon to be available reassignment for which he or she is qualified, said employee will be referred to the Human Resources Department for discussion of options relating to this decision, i.e., pension, insurance, etc.
 - If after counseling, an employee with a disability refuses to accept an available or soon to be available job reassignment for which he or she is qualified, said employee will be considered to have severed the employment relationship with the City and will be dismissed.
 - The City is not required to create a new job or to bump another employee from a job in order to provide reassignment as a reasonable accommodation. The City will not promote an employee with a disability to make an accommodation.
- J. The City endeavors to resolve complaints and concerns internally. However, nothing herein shall hinder, limit, or deter employees from reporting misconduct to the EEOC if the employee determines that such reporting is appropriate.

Prevention

All City employees have an obligation to take appropriate actions to prevent discrimination against individuals with disabilities from becoming an issue in the work environment. On a periodic basis, management and supervisory employees will be given appropriate training. In addition, this policy shall be circulated and posted along with EEOC guidelines relative to this subject.

The City's ADA Coordinator is Mr. Johnnie Goodnight, 2020 Wilton Drive, Wilton Manors, FL 33305. Phone 954-390-2120 Email: Jgoodnight@wiltonmanors.com .

13-2 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

This section establishes the City's policy on the Consolidated Omnibus Budget Reconciliation Act (COBRA). The Act requires the City to offer employees and their families the opportunity to elect a temporary extension of health coverage in certain instances where coverage under the plan would otherwise end.

Qualifying Events

Employees (full-time and part-time employees with benefits) have the right to elect health insurance continuation coverage if they lose coverage because of:

1. Termination of employment (for reasons other than gross misconduct); or
2. Reduction in hours of employment.

Covered dependents (spouse, children, domestic partner) of an employee have the right to elect health insurance continuation coverage if they lose coverage because of any of the following:

1. The death of the employee;
2. The employee's termination (for reasons other than gross misconduct) or the reduction in the employee's hours of employment;
3. Divorce or legal separation of the employee;
4. The employee becomes entitled to Medicare benefits;
5. The dependent ceases to be a "dependent child" under the plan.

Notices and Election

Under the law, either the employee or a family member has the responsibility to notify the Human Resources Department of a divorce, legal separation, or a child losing dependent status under the Plan. Either the employee or family member must give this notice no later than sixty (60) days after the date on which they would lose coverage because of the applicable above event. If notice is not given within the 60-day period, the option to elect health insurance continuation coverage will not be offered.

Upon notification of a qualifying event, the Human Resources Department will in turn contact the employee and/or the qualified beneficiary of his/her right to elect continuation coverage. Under the law, the employee and/or qualified beneficiary must elect health insurance continuation coverage within 60-days after plan coverage ends, or, if later, 60-days after the Human Resources Department sends notice of his/her right to elect coverage. If continuation coverage is not elected within this 60-day period, the employee and/or qualified beneficiary must be permitted later to revoke the waiver of coverage and to elect continuation coverage as long as the employee and/or qualified beneficiary does so during the election period.

Either the employee or the spouse/domestic partner of the employee may elect continuation coverage for all family members. However, the covered employee, and his or her spouse/domestic partner and dependent children, each have an independent right to elect continuation coverage. Thus a spouse/domestic partner or dependent child may elect continuation coverage even if the covered employee does not elect it.

Type of Coverage

If health insurance continuation coverage is elected, the City must provide coverage that, as of the time coverage is provided, is identical to the coverage provided under the

City's plan to similarly situated employees and/or family members. Also, if the coverage for similarly situated employees or family members is modified, the qualified beneficiaries' continuation coverage will likewise be modified.

Premium Payments

Premiums reflect the total cost of group health coverage, including both the portion paid by employees and any portion paid by the City before the qualifying event, plus two percent for administrative costs. For qualified beneficiaries with a disability (as determined under Title II or Title XVI of the Social Security Act), the premium may be increased after eighteen (18) months to 150 percent of the plan's total cost of coverage for the last eleven (11) months of continuation coverage.

Maximum Coverage Periods

If the spouse/domestic partner or dependent child loses insurance coverage because of the employee's death, divorce, legal separation, or the employee's becoming entitled to Medicare, or because of loss of status as a dependent under the Plan, the maximum continuation coverage period is thirty-six (36) months. If the employee, spouse, domestic partner or dependent child loses coverage because of a termination or reduction in hours of the employee's employment, the maximum continuation coverage period is eighteen (18) months. There are two exceptions to this rule:

- For an employee or family member who is disabled (per Title II or Title XVI of the Social Security Act) on the date of termination or reduction in hours, the continuation coverage period is twenty-nine (29) months from the date of termination or reduction in hours.
- If a second qualifying event occurs (for example, the employee dies or becomes divorced) within the 18 month or 29 month coverage period, the maximum coverage period becomes thirty-six (36) months from the date of the termination or reduction in hours.

NOTE: Special rule involving employee's entitlement to Medicare benefits - If the employee becomes entitled to Medicare (either before or after the qualifying event), the maximum coverage period ends the later of 36 months from the date the employee becomes entitled to Medicare or the last day of the maximum coverage period due to the qualifying event.

Termination Before the End of Maximum Coverage Period

Health insurance continuation coverage automatically terminates when:

1. The City no longer provides group health coverage to any of its employees
2. The premium for continuation coverage is not timely paid
3. A qualified beneficiary becomes covered under another group health plan (as an employee or covered dependent) which does not contain any exclusion or limitation with respect to any preexisting conditions
4. A qualified beneficiary becomes entitled to Medicare benefits
5. A qualified beneficiary is no longer determined to have a disability per Title II or Title XVI of the Social Security Act

13-3 CRITICAL INCIDENT POLICY

Managing critical workplace incidents, primarily those dealing with actual or potential violence, is a top organizational priority. These are among the most sensitive issues faced by managers. These issues also generally involve delicate balances between rights, responsibilities and compelling organizational needs such as employee and public safety and the continued performance of required duties. For these reasons, the City Administration is committed to providing a coordinated and rapid response to such incidents.

1. Violence, or the threat of violence, has no place in any work location. It is the goal of the City to rid worksites of violent behavior or the threat of such behavior.
2. It is the shared obligation of all employees, law enforcement agencies, and employee organizations to individually and jointly act to prevent or defuse actual or implied violent behavior at work
3. Violence, or the threat of violence, by or against any employee of the City of Wilton Manors or any other person, is unacceptable and contrary to City policy and will subject the perpetrator to serious disciplinary action and possible criminal charges. The City will work with law enforcement to aid in the prosecution of anyone who commits violent acts against employees.
4. Use, or threat of use of a deadly weapon, including all firearms, is not permitted at work or on City property, including in a City vehicle, unless such use of a weapon is a necessary and approved requirement of the job.
5. No employee acting in good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon their report.

A. Critical Incident Coordination

1. When a supervisor, manager, or employee observes an act of violence at work the steps to take are simple, even though the underlying issues may not be.

In Immediate Emergency Situations, Call 911

As with any other emergency involving fighting, violence, or medical incidents, the first thought and action is to call 911 and report as many details as possible so that the appropriate emergency response units can be dispatched.

Failure to immediately call 911 may result in disciplinary action against any supervisor, manager, or employee that observes an act of violence and does not take the actions specified herein.

2. Next Step - Immediately contact:
 - a) City Manager's Office
 - b) Department Director involved

c) Human Resources Director/Manager

3. The Human Resources Director and/or the Human Resources Manager are the Workplace Critical Incident Coordinators. The Human Resources Director and the Human Resources Manager may be contacted at any time and will ensure that available resources are coordinated in response to the incident.

B. Guidelines for Managers

1. The guidelines below apply to all City employees and are intended to aid managers in dealing with violent or potentially violent situations at work once an immediate emergency situation has been controlled. Altercations between persons at work are rare and usually minor, allowing time for supervisory intervention.
2. An “altercation” as used in these guidelines includes actual workplace violence or threatened violence including verbal or physical confrontation or assault, or attempts at such assault. In circumstances deemed by the Manager to be an emergency, call 911 and make the other contacts described previously. It is understood that the actions of a manager or other employees will be dependent on the seriousness of the situations and the nature of an altercation. However, consistent with personal safety, managers and supervisors have a responsibility to make a good faith effort to defuse violent or potentially violent situations as quickly as possible in order to prevent their escalation and creating a threat to others. In general:
 - a. Separate employees involved. Do not allow a verbal altercation to escalate into something more serious. If the employees cannot be separated, call 911 and follow the steps previously described.
 - b. Contact the appropriate Department Director and the Human Resources Director and/or Human Resources Manager.
 - c. Once the situation is controlled, separately interview all persons involved, including any witnesses in order to obtain an accurate account of the incident. Document the statement of witnesses and others involved in written form. Those involved in an altercation and/or those who are possible subjects of future disciplinary action based on the incident, have the right to be represented during the interview. If such representation has been requested, but the employee is not permitted to have representation prior to giving a statement, subsequent disciplinary action could be overturned or modified on appeal. It may be necessary to postpone an interview in such cases for a representative to be available. By contacting Human Resources, advice and assistance in this process will be provided.

C. Immediate Suspension with Pay

If the situation is serious enough that possible termination may be involved and/or the continued presence of an employee may give rise to another incident

or otherwise inhibits the normal operations of the department, the employee may be immediately suspended with pay and ordered not to return to the worksite until further advised. This sanction is unusual, but may be taken by a Department Director following consultation with the Human Resources Director and/or the Human Resources Manager and the City Manager.

Most workplace altercations, including minor ones involving only verbal exchanges, justify appropriate disciplinary action through the use of the City's disciplinary policy. At any time during the review of an altercation, the Human Resources Director and/or the Human Resources Manager will be available for assistance upon request.

13-4 CODE OF ETHICS

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

1. No City employees shall use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.
2. No City employees shall accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.
3. No City employees shall disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
4. If an employee of the City is an officer, director, agent, or member of, or owns controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has substantial business commitments with the City or other political subdivision of the state, he or she shall file a sworn statement to this effect with the Circuit Court of Broward County and forward a copy of this document to be placed in his or her personnel file.
5. No City employees shall transact any business in their official capacity with any business entity of which they are officer, director, agent, or member, or in which they own a controlling interest.
6. No City employees shall have personal investments in any enterprise which will create substantial conflict between their private interests and the public interest.

When employees of the City have any doubt as to the application of this policy as it relates to them, they should discuss this concern with the City Manager or his/her designee. Any employee who violates the provisions of this policy may be subject to proper review and disciplinary action.

13-5 FRATERNIZATION POLICY (CLOSE PERSONAL RELATIONSHIPS WITH CO-WORKERS)

Employees of the City enjoy a right of privacy in those matters which do not affect their ability to perform the duties of their job. However, to ensure objectivity in such matters as performance evaluations, promotions, work assignments, and to maintain a professional work atmosphere, all employees are expected to exercise good judgment in forming close personal relationships with other City employees. For purposes of this policy, a close personal relationship includes dating (defined as habitually associating with another individual) and/or having an intimate/sexual relationship. Close personal relationships of the aforementioned nature may give the appearance of partiality, even in situations where that appearance is not accurate, and/or give rise to potential claims of a hostile work environment. Further, a close personal relationship as defined above may impair the Department's morale, reduce productivity, affect management's ability to maintain discipline, and even impact the reputation of the City in the eyes of the public.

Therefore, the City discourages the development of close personal relationships, as defined above, between employees of the City and in particular, co-workers within a Department. Further, it is inappropriate for any employee with supervisory responsibility to date or have an intimate relationship with an employee who is subject to or likely to be subject to that supervision.

1. Should a dating or intimate relationship occur between two co-workers within the same Department, even if neither employee has supervisory responsibility over the other, it is necessary for the parties involved to:
 - a. Conduct themselves with discretion and in a business-like manner while at the workplace and have mutual respect toward one another should the relationship terminate.
 - b. Anticipate the possibility of one party being transferred to another Department should the relationship lead to a marital relationship.
 - The City will not discriminate on the basis of marital status; however, no employee is permitted to work within the "chain of command" of a spouse so that one spouse may not influence or affect the other spouse's work responsibilities, salary, or career progress. (See Section 3: Employment Procedures, Purpose.)
 - In the situation of two co-workers within the same Department marrying, registering as Domestic Partners, or co-habiting and as it is the City's policy that no direct relatives shall work within the same Department (Section 3-6), these two employees shall have one (1) year from the date the marriage, registration as Domestic Partners, and/or co-habitation occurs to voluntarily determine which employee shall transfer to another Department into an available position for which the employee is qualified to perform. (NOTE: If the couple is unable to voluntarily determine which employee will transfer to another Department, the Department Director will make the determination based on the best interests of the City.)
- Whenever possible, the City will attempt to place the employee voluntarily selecting to transfer into a position of comparable grade and pay.

- If a position of comparable grade and pay is not available, or the employee is not qualified to perform the available job, the employee voluntarily selecting to transfer will be reclassified to an available lower graded position for which he or she is qualified. However, such employee's rate of pay will not be reduced, unless the employee's salary is greater than the maximum salary for that position.
 - Should there be no position for which the employee is qualified open within the one-year period, the couple shall voluntarily determine which employee will be terminated from the City. If the couple is unable to voluntarily determine which employee will be terminated from the City, the Department Director will make the determination based on the best interests of the City.
 - For a period of three (3) months from the date of termination, the aforementioned employee will be given preference to any position which becomes available that he or she is qualified to perform.
2. In the case of an employee with supervisory responsibility forming a dating or intimate relationship with an employee who is subject to that supervision, **the City prohibits such relationships.**
 3. Appropriate disciplinary action, which may include termination, will be taken with respect to anyone whose exercise of poor judgment in close personal relationships interferes with the operation of the City.

As part of the City's policy of nondiscrimination any conduct that may be characterized as sexual harassment will not be tolerated. This conduct includes unwelcome sexual advances, requests for sexual favors and all other unwelcome verbal or physical conduct of a sexual or otherwise offensive nature as detailed in the City's *Harassment Policy*. Any problem of this kind should be reported immediately to your supervisor or to the Human Resources Director and/or Human Resources Manager.

13-6 HARASSMENT POLICY

It is the policy of the City of Wilton Manors to provide an environment that is free of all forms of harassment and discrimination based upon an individual's gender, age, race, national origin, sexual orientation, gender identity, gender expression, religion, or physical or mental disability. Harassment violates an individual's basic civil rights; it undermines the integrity of the work place and can affect other workers even when they are not direct subjects of the harassment.

Harassment and arbitrary discrimination in any form will not be tolerated and is strictly prohibited. Harassment and discrimination based on an individual's sex, age, race, national origin, religion, or physical or mental disabilities is illegal according to the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Florida Human Rights Act.

The City of Wilton Manors will make every effort to insure that the work place is free of harassment and discrimination. Every department head and supervisor is responsible for maintaining a suitable work place. Their duty is to insure that all employees under their direction are familiar with and adhere to this policy. Each employee should understand that no one is expected to endure harassment or discrimination, that such conduct will not be tolerated, that this policy will be enforced, and that charges of harassment or discrimination will be thoroughly and impartially investigated.

Any employee who is determined to have harassed another person, either on or off duty, may be subject to disciplinary action. An employee found to be retaliating against a complaining employee will be subject to disciplinary action. An employee found to have submitted a capricious or malicious complaint may be subject to disciplinary action. Any department head or supervisor who does not deal with complaints of harassment or discrimination in a manner consistent with the terms of this policy will be subject to disciplinary action.

Definitions

Sexual Harassment: Any unwanted sexual advances, requests for sexual favors and any other verbal or physical conduct of a sexual nature when:

1. the submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the employee or applicant; or
3. such conduct has the purpose or effect of interfering with an employee's work performance, or of creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not only unwanted, but also can be personally offensive, fails to respect the rights of others, lowers morale and interferes with work performance, or violates an individual's sense of well being.

Sexual harassment is behavior which may include, but is not limited to, the following examples:

Verbal: Sexual innuendos, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe parts of an individual's body and threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

Non-Verbal: Sexually suggestive or offensive objects or pictures, written comments, suggestive or offensive sounds, whistling, catcalls, or obscene gestures; treating an employee differently than other employees when they have refused an offer of sexual relations. The following are some examples of such treatment:

- Limiting benefits which other employees generally enjoy

- Refusing to give the employee an earned raise or promotion
- Performing negative evaluation which does not reflect the employee's actual performance
- Demotion, termination, or a forced resignation

Physical: unwanted physical contact which may include, but is not limited to, touching, hugging, pinching, patting or regularly brushing against the body of another person.

Other Forms of Harassment or Discrimination: Any action or activity that unlawfully or unjustly results in the unequal treatment of individuals or groups based upon their gender, age, race, national origin, sexual orientation, religion, or physical or mental disability.

The use of slurs, jokes, and other verbal or physical conduct relating to a person's age, race, gender, national origin, sexual orientation, religion, or physical or mental disability, constitutes harassment when this conduct:

- Has the purpose or effect of creating an intimidating, hostile or offensive working environment
- Has the purpose or effect of unreasonably interfering with an individual's work performance
- May otherwise adversely affect an individual's employment opportunities

Complaint Investigation and Resolution

Reporting a Complaint

1. *Self-Help:* The City of Wilton Manors encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. This discussion should be documented for possible use in a formal complaint.
2. *Informal Complaint:* The employee should present the complaint to their immediate supervisor or department director for resolution if that person is in a position to deal with all parties involved. If the employee does not wish to present the complaint to an immediate supervisor or department director, then the employee should present the complaint to the Human Resources Director or Human Resources Manager. This discussion should be documented for possible use in a formal complaint.
3. *Formal Complaint:* If the employee does not want to use the informal process, has used the informal process but the behavior persists, or the offensive behavior is severe, the employee may make a formal, written complaint to the Human Resources Director outlining the alleged misconduct.
4. *Description of Misconduct:* An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment. Verbal reports of harassment must be reduced to writing by either the complainant or the Human Resources Director and be signed by the complainant. Individuals who believe they have been or currently are being harassed shall maintain a record of objectionable conduct to effectively prepare and corroborate their

allegations. The City may only take action on complaints that are reported. The City shall not be liable or responsible for unreported misconduct or unreported complaints.

Investigating a Complaint

1. *Confidentiality:* Any allegation of sexual harassment that is formally reported will be promptly investigated in as discreet a manner as possible to protect the privacy of persons involved. The City will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances.
2. *Identification of Investigators:* Complaints will be investigated by the Human Resources Director, or, if the complaint is against the Human Resources Director, by a person designated by the City Manager.
3. *Investigation Process:* In pursuing the investigation, the investigator will take the wishes of the complainant under consideration, but must thoroughly investigate the matter as he/she sees fit, in keeping the complainant informed as to the status of the investigation. Steps to be taken in the investigation include:
 - Confirm name and position of the complainant.
 - Identify the alleged harasser.
 - When first interviewing the complainant, remind him/her of the City's policy against retaliation for making a complaint of harassment, and his/her right to file a complaint with the EEOC.
 - Thoroughly ascertain all facts that explain what happened. Questions should be asked in a non-judgmental manner.
 - Determine frequency/type of alleged harassment and, if possible, the dates and locations where alleged harassment occurred.
 - Find out if there were witnesses who observed the alleged harassment.
 - Ask the individual how he/she responded to the alleged harassment.
 - Determine whether the harassed individual consulted anyone else about the alleged harassment and take note of who else knows and their response to the disclosure.
 - Develop a thorough understanding of the professional relationship, degree of control, and amount of interaction between the alleged harasser and complainant. (Does the person control compensation, terms of employment, or promotions? Do these individuals work in close proximity to one another and/or on the same projects?)
 - Determine whether the alleged harasser has carried out any threats or promises directed at the complainant.
 - Does the complainant know of or suspect that there are other individuals who have been harassed by the alleged harasser?
 - Has the complainant informed other City officials or supervisors of the situation? What response, if any, did the complainant receive from these individuals?

- Ask the complainant what action he/she would like the City to take as a consequence of the harassment.
- Notify the alleged harasser of the investigation and the nature of the complaint made and by whom, and permit the alleged harasser to respond to the allegations.
- Conduct additional interviews of witnesses, and any necessary further investigation with due regard for discretion and minimizing disruption of the work environment.

Throughout the entire complaint investigation process and following it, employee and witnesses are, and remain, free from reprisal, retaliation or interference. Retaliation can be the basis for further complaint, investigation, and consequence. Furthermore, retaliation will be viewed as an offense at least as serious as the original incident prompting the complaint.

Resolving the Complaint

Upon completing the investigation of a harassment complaint, the City will communicate its finding and intended actions to the complainant and the alleged harasser. The City's findings do not in any way affect the complainant's rights to pursue a harassment complaint with any appropriate state or federal authority.

If the investigation determines that harassment occurred, the complainant will be informed of the disciplinary action to be taken. In the event the investigation is unable to make a determination as to the validity of a complaint, the Human Resources Director will maintain a record of the complaint, separate from either party's personnel file.

Individuals found to have engaged in misconduct constituting harassment will be severely disciplined, up to and including termination. Appropriate disciplinary action will be recommended by the investigating officer and determined by the City Manager. The action, at a minimum, will include reprimanding the offender and preparing a written record to be included in the harasser's personnel file. Additional action may include, but is not limited to, referral to counseling, temporary suspension without pay or termination.

Maintaining a Written Record of the Complaint

The Human Resources Department will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the personnel office and, if disciplinary action is taken, a record shall be maintained in the offender's personnel file.

Outside Scope of Employment

Any employee committing harassment, as defined in this policy, is deemed by the City to be acting outside the scope of his or her employment.

13-7 PROTOCOL POLICY

The City of Wilton Manors Charter Article IIIA, Section 21 (b) *Interference with administration*: "the Commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the Commission nor its members shall give orders to any such officer or employee, either publicly or privately." This portion of the Charter

extends protection to employees and, in return, employees are expected to deal with the Commission or its members concerning City business (i.e., work-related matters) through the office of the City Manager.

The channel through which employees may air a grievance concerning their employment with the City of Wilton Manors is within the management of the individual departments. Also, each department has a representative either to the Quality of Work Life Committee or the Police Benevolent Association (PBA) who should always be available to hear problems and offer solutions. After following the "chain of command" within the employee's department, if the conclusion of the grievance is not satisfactory, the employee should then contact the Human Resources Department. It is to the benefit of the City and the City's employees that every effort is made to discuss problems and solutions through the employee's individual department.

This policy in no way infringes on an employee's First Amendment right to speak out on any issue of **public concern** but does restrict conduct and speech concerning City business (i.e., work related matters) that is potentially disruptive to the efficient and effective operation of the City of Wilton Manors. An employee who is found to have violated this policy may receive disciplinary action up to and including termination.

13-8 SUBSTANCE ABUSE POLICY

1. It is the policy of the City of Wilton Manors that its employees shall not use unlawful drugs or abuse alcohol or abuse lawfully-taken drugs.
2. The possession, use, or sale of unlawful drugs is forbidden to all employees, regardless of whether such use, possession, or sale occurs on or off duty.
3. The use or possession of alcoholic beverages while on duty is expressly prohibited.
4. No employee shall report to work while under the influence of alcohol and/or any drug, lawful or unlawful. In the event that an employee is taking a legally-prescribed drug, then he or she shall be responsible for determining and knowing what impact the drug will have upon the employee's performance. In the event that the use of the lawful drug will impair the employee's ability to function to such a point that he or she constitutes a danger to himself or herself, fellow employees, or members of the public, then the employee shall report that condition to his or her immediate supervisor, who will take appropriate action.
5. The City shall have the right to require employees to undergo testing to determine the presence of alcohol and/or drugs. No testing shall be allowed unless the City has **reasonable suspicion** to believe that the employee is in possession of drugs or alcohol, is under the influence of drugs or alcohol, or has ingested alcohol or drugs in such a manner that they may be detected at the worksite. NOTE: Reasonable suspicion shall be interpreted according to the accepted principles of law, i.e. something more than a hunch but less than probable cause. In the event that testing is required, the City may use a "screening" test of its choice, but any positive finding shall be confirmed through the use of gas chromatography/mass spectrometry test to eliminate false

positives prior to any action being taken against the employee. Any employee who is to be tested shall have the right to have a portion of the sample transmitted to a certified laboratory so that he or she may have his or her own test performed, at his or her own expense. If a positive result is directly caused by prescribed medications, and is found not to be the result of illegal possession or use of a controlled substance as defined by Chapter 893.03, Florida Statutes, the employee may use the City provided health insurance coverage for alcohol or substance abuse. The illegal use of a controlled substance will result in termination.

6. Should a supervisor require an employee to undergo testing to determine the presence of alcohol and/or drugs and it is after normal working hours, the supervisor should contact the Human Resources Director and/or the Human Resources/Risk Manager who will make the appropriate arrangements.
7. The City of Wilton Manors Drug and Alcohol-Free Workplace Policy and Work Rules is available for inspection in the Human Resources Department.

13-9 TRAVEL POLICY

1. The *Travel Authorization Request (TAR)* must be signed by the traveler and his or her Department Head and submitted to the Finance Department. A copy of the program or agenda of the convention or conference itemizing the registration fees shall be attached to the *Travel Authorization Request*.
2. The *Travel Authorization Request* will be verified for accuracy by the Finance Department and reviewed for availability of funds.
3. The *Travel Authorization Request* will be presented to the City Manager by the Finance Department for approval. When the *Travel Authorization Request* is for an unbudgeted amount which is over \$1,500, the request must be approved by the City Commission.
4. After final approval, the pre-payment checks will be issued by the Finance Department.
5. Upon return to the City, the traveler must complete and sign the *Voucher for Reimbursement*. The Department Head must also approve the *Voucher for Reimbursement*.
6. The following items **must be attached** to the *Voucher for Reimbursement* and submitted to the Finance Department to be eligible for reimbursement by the Finance Department:
 - All applicable travel-related receipts
 - The approved *Travel Authorization Request*
 - A Summary Statement from the traveler describing the benefit gained from attending the conference or seminar
7. The Summary Statement from the traveler may be submitted to the City Commission for informational purposes.

8. Exception to the above policies:

- If the actual receipts submitted by the traveler exceed the *Travel Authorization Request* by ten percent (10%), approval from the City Manager will be obtained by the Finance Department prior to reimbursement of the traveler.
- The City Manager may approve a *Travel Authorization Request* prior to submission to City Commission in order to meet registration deadlines or for any emergency travel.
- If a *Travel Authorization Request* is not submitted prior to actual travel, the *Voucher for Reimbursement* must be submitted to the City Commission along with Summary Statement of benefits gained by the traveler.
- Overtime for conferences or seminars will not be allowed. Travel approved by the City Manager and/or City Commission should be viewed as a privilege granted to the traveler.
- Police Investigations. Due to the nature of police investigations, only pre-approval by the City Manager will be required. Upon return, the traveler will submit his/her report and completed travel voucher to the Chief of Police. The Police Chief will determine what information should be provided to the City Commission in accordance with legal guidelines and the status of the investigation. All other applicable travel policies will be followed.

13-10 VEHICLE POLICY

1. The City may, in its sole and absolute discretion, allow employees to utilize City-owned or leased vehicles in order to carry out official duties. The assignment of a City-owned vehicle is a privilege, not a right, which may be modified, conditioned or revoked at any time with or without notice.
2. An employee driving a City-owned or leased vehicle, or a personal vehicle for City business, shall have in his/her possession a valid Florida driver's license or chauffeur's license.
3. No employee shall operate a City-owned or leased vehicle, or a personal vehicle for City business, when any physical or mental impairment limits the employee's ability to drive. This prohibition includes, but is not limited to, circumstances in which the employee is unable to operate a vehicle safely or legally because of injury, illness, medication or while under the influence of drugs or alcohol.
4. City-owned or leased vehicles, or personal vehicles used for City business, must be operated in accordance with all applicable laws, including, but not limited to, traffic and parking laws and applicable speed limits. Seat belts must be used by all vehicle occupants at all times. Each employee shall be personally responsible for any fines or penalties incurred as a result of driving or parking violations while operating a City-owned or leased vehicle, or personal vehicle for City business.

5. Any accident involving a City-owned or leased vehicle, or personal vehicles used for City business, which results in property damage and/or personal injury shall be reported without delay to the operator's immediate supervisor **and to the Human Resources /Risk Management Department** , regardless of whether such accident occurs during or after regular duty hours. Prior to leaving the scene of an accident, the employee shall report the accident to the law enforcement agency with jurisdiction over the accident scene, unless the enforcement agency has responded to the accident or the employee is injured to the extent that a report cannot be made.
6. Employees who are assigned a City-owned or leased vehicle and operate the vehicle to and from work shall be responsible for the tax liability for the value of this benefit. The 'value' for tax reporting purposes is \$1.50 to and from work up to \$3.00 per working day, unless the value is otherwise established by the IRS.
7. City-owned or leased vehicles and personal vehicles used for City business must be maintained in good working order at all times. An employee who observes an apparent safety or equipment defect regarding vehicle equipment in a City-owned or leased vehicle must report it to a supervisor immediately. If the vehicle is unsafe, it shall not be driven until repairs are made to the vehicle.
8. Employees shall assume any and all risk of loss for personal items in City-owned or leased vehicles. Employees should avoid bringing personal items in City-owned or leased vehicles. The City will not be responsible for the loss or theft of any personal items from City-owned or leased vehicles or personal vehicles used for City business.
9. The City reserves the right to search or inspect City-owned or leased vehicles at any time at the City's election. Employees should have no expectation of privacy in the use of a City-owned or leased vehicle.
10. Employees who violate any provision of this policy may lose the use of a take home vehicle and/or may be disciplined.
11. The use of cell phones is discouraged while operating a City-owned vehicle unless the driver is utilizing a hands-free device. In addition to telephone service, many cell phones or cellular providers offer additional functions and services including text messaging and digital photography ("additional cell phone feature"). The use of any additional cell phone feature is prohibited while operating a City-owned vehicle.

13-11 KEY CARD / BUILDING ACCESS POLICY

It is the policy of the City of Wilton Manors to maintain safe and secure buildings for its employees through a practical approach to security. All City employees shall be issued a photo ID detailing their name, position title, and department. The ID should be worn on a visible location on the employee's person so that other staff and the public can identify him or her as a City employee. Those employees requiring access to non-public areas of the City Hall building will be granted access to these areas via an encoded access card with the appropriate level of access authority.

If an employee's ID card is lost or stolen, the employee must immediately report such to his or her supervisor and the Human Resources Department. Employees in the Police Department must also notify the Chief's Administrative Coordinator of the loss or theft of

their ID card. Under no circumstance should an employee give his or her ID card to another individual, including fellow employees, in order to gain building access. Should an employee need a temporary access key card the employee shall obtain one via the Human Resources Department or, for Police Department employees, the Chief's Administrative Coordinator. The employee will sign for the temporary access card and it shall be returned to the Human Resources Department or Chief's Administrative Coordinator at the conclusion of the employee's work day.

Hard keys for locked doors in City Hall and offsite buildings will be issued and inventoried by each department director or his or her designee. Requirements for reporting the loss or theft of hard keys are the same as those detailed above for access cards. Employees separating from employment with the City are required to return all IDs, access cards, and hard keys to their immediate supervisor or department director. Failure to do so will result in withholding of a final payout of any leave time until such items are returned.

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SECTION 14: SEPARATIONS

PURPOSE

TYPES OF SEPARATIONS FROM CITY SERVICE

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

1. Resignation
2. Retirement
3. Disability
4. Death
5. Layoff
6. Termination

14-1 RESIGNATION

1. Resignation is the separation of an employee from City service through the submittal of a written notice expressing a desire to resign. **The past practice of the City has been and will continue to be that resignations submitted to the City by an employee may not be rescinded.**
2. Any employee wishing to leave City service in good standing shall notify his/her immediate supervisor at least **two (2) weeks before leaving**, whenever possible. Failure to provide sufficient notice may be cause for denying such employee re-employment by the City.
3. Employees who resign from City employment shall not be eligible for re-employment with the City for **six (6) months** following their date of resignation unless approved by the City Manager.
4. Rehires with prior service are not eligible for any adjustment to service anniversary date based on the time previously employed.

14-2 EXIT INTERVIEWS

The purpose of the Exit Interview is to provide management with information regarding the departing employee's level of satisfaction with his/her job and work environment. The Exit Interview will be used by City management as a tool in gaining an awareness of potential personnel problems. The Human Resources Department will conduct an Exit Interview with each full-time employee resigning or retiring from the City.

14-3 RETURN OF CITY PROPERTY

At the time of separation and prior to receiving final compensation due, all records, books, assets, uniforms, keys, tools, and other items of City property in the employee's custody shall be returned to the department. Certification to this effect shall be documented by the employee's supervisor. Money or City property due the City because of any shortages shall be collected through appropriate action. Final paycheck will not be prepared until the next following payroll period and only after the Human Resources Department has been advised by the Department Director that all City property has been returned. The final paycheck will be delivered to the Department Director for delivery to the employee.

14-4 DEATH

Separation shall be effective as of the date of death. All compensation due to the employee, including accrued vacation and sick leave, hours worked, compensatory time (if applicable), less any necessary deductions such as insurance, etc., as of the effective date of separation shall be paid to the beneficiary of record, surviving spouse, or to the estate of the employee as determined by law and/or by executed forms.

14-5 SENIORITY, LAYOFF, AND RECALL PROCEDURES

By the direction and authority of the City Manager, an employee or employees may be laid off when deemed necessary by reason of shortage of funds, lack of work, the position being abolished, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid off may be reassigned to other employees already working for the City. The City retains the unrestricted right to determine the necessity for and the length of any layoff and the employee(s) and classification(s) which are to be affected.

1. Types of Seniority

a. City Seniority

City Seniority is understood to mean the length of time served since an employee's most recent date of full-time employment or full-time re-employment with the City. Seniority shall continue to accrue during all types of leave with pay. Leaves of absence without pay for periods of less than thirty (30) consecutive calendar days shall not cause the City employment seniority date to be adjusted. City seniority shall be used for purposes of computing vacation accrual, service awards, and other matters deemed appropriate based on length of service.

b. Classification Seniority

Classification seniority shall be defined as the length of time an employee serves in a particular classification, as either a full-time or part-time employee. Classification seniority will continue to accrue during all types of leave with pay. Leave of absence without pay for periods of less than thirty (30) consecutive calendar days shall not cause the classification seniority date to be adjusted. Classification seniority shall be used for purposes of layoff, recall, and other matters deemed appropriate based on length of service in a classification.

c. Loss of Seniority

Employees shall lose their seniority as a result of the following:

1. Resignation.
2. Retirement.
3. Termination for cause.
4. Layoff exceeding nine (9) months.
5. Failure to report to the Human Resources Department, in writing, an intention of returning to work within fourteen (14) calendar days of the date of recall.
6. Failure to return from military leave within the time limits prescribed by law.
7. Failure to return from an authorized leave of absence upon the expiration of such leave.

d. Calculating Years of Service

Employees who have prior service with the City and are rehired at a later date shall not have their prior service adjusted into their service anniversary date for purposes of calculating length of service for service awards, and any other consideration which necessitates a reflection and accurate account of time employed as a City employee. Only continuous service shall be used in calculating years of service with the City.

e. Seniority Records

It shall be the responsibility of the Human Resources Department to establish and maintain classification and City-wide seniority records of all employees in the City service.

2. Layoff Procedure

a. Layoff Criteria and Procedures

When it becomes necessary to reduce the number of employees within a given classification due to a shortage of funds, lack of work, or other causes, the following will occur:

1. Recall rights will not be granted to:
 - (a) Temporary employees, including seasonal part-time;
 - (b) Initial hire probationary employees;
 - (c) Regular part-time employees unless the employee transferred into the part-time classification from a full-time classification, in which case said employee will be eligible to be returned to the previous full-time classification and placed on the seniority list in line with his/her previous classification seniority.

2. In the event two or more employees affected by a layoff in the same classification have an equal amount of service in that classification, the determination of layoff shall be made by the City Manager. Factors influencing this decision may include, but are not limited to, the following:
 - (a) Overall length of service with the City;
 - (b) Performance evaluation ratings;
 - (c) Disciplinary action within the past two (2) years;
 - (d) Attendance record.
3. Should two part-time regular employees "share" a classification, (two part-time employees perform the duties normally associated with those performed by one full-time employee, i.e., job sharing) and are thus considered the equivalent of one full-time employee, the City will not necessarily lay-off the two part-time regular employees before a full-time regular employee in the same classification.

If it is determined that one full-time position must be reduced within a specific classification, the layoff will be based on the classification seniority of all part-time regular and full-time regular employees.

- (a) In the event a regular full-time employee in a classification affected by a layoff has less seniority than each of the two part-time regular employees "job sharing" in the same classification, the full-time regular employee shall be the employee laid off.
- (b) In the event a regular full-time employee in a classification affected by a layoff has less seniority than one of the part-time regular employees "job sharing" in the same classification, the full-time regular employee shall have the option to bump the part-time regular employee with less seniority and thus "job share" the classification on a part-time basis.
 1. The part-time regular employee described in item (b) above will lose their position as a result of the layoff and shall not have the right to be placed in a lower classification as described for full-time regular employee in Item 4, below.
 2. If the full-time regular employee described in item (b) above does not elect to "job share," he/she will lose their position as a result of the layoff.

4. Full-time Regular Employees
 - (a) Full-time regular employees who lose their positions as a result of a layoff in any classification which is part of a classification series, shall be eligible to be placed in a lower classification in their classification series providing they hold seniority in the lower classification. (A classification series consists of a grouping of two or more classifications with related job duties and requirements that primarily vary in level of difficulty and responsibility. Example: Utilities Technician I, Utilities Technician II,).
 - (b) Full-time regular employees who are affected by a layoff and are eligible to be placed in a lower classification in their classification series shall have their classification seniority in the classification from the higher classification added to the lower eligible classification seniority in determining whether this combined seniority allows them to have the highest amount of seniority for that lower classification and thus "hold" in that position.
 - (c) Full-time employees affected by a layoff who are either presently classified in, or who have transferred to the lowest level classification in which they held seniority in their classification series, shall be eligible to be returned to the previous classification held immediately prior to their current classification and series, providing the seniority in their former classification allows them to hold in that classification.
 - (d) In the event a full-time regular employee is laid off from a classification which is not part of a series, the employee shall be eligible to return to his/her previous classification held immediately prior to his/her current classification, providing the seniority in his/her former classification allows him/her to hold in that position.
 - (e) Employees with at least five (5) years of City seniority who are affected by a layoff and have exhausted established layoff transfer procedures may, with the approval of management, be allowed to transfer to any previously held classification in which they have sufficient classification seniority to hold.
 - (f) Unless a vacancy exists, employees with the least classification seniority in a lower classification shall be laid off unless they shall be eligible in the same manner to be placed in a lower classification in their classification series or prior classification. Full-time regular employees without seniority in any other classification who are affected by a layoff shall be laid off and placed on the recall list.

- (g) Employees who are placed in a lower classification shall receive an hourly rate not to exceed the maximum rate for the lower classification or their current hourly rate, whichever is lower. Any movements in connection with the layoff procedures shall not result in an increase in the basic hourly rate for any employee.
- (h) Employees who are eligible, but do not wish to be placed in another classification, may accept the layoff resulting in removal from the payroll or termination. Employees affected by a layoff shall indicate their desire in a memorandum to their Department Director.
- (i) Only full-time regular employees laid off shall have recall rights.

b. Unemployment Compensation

Employees who are laid off may apply for unemployment compensation benefits through the Florida Department of Economic Opportunity Reemployment Assistance Program.

3. Recall Procedures

- a. Eligible employees with recall rights in layoff status who are "job sharing" as a result of a layoff in their classification, working in a lower classification in their classification series, placed in their prior classification, or off the active payroll shall retain their recall rights for nine (9) months to the classification from which they were originally laid off. Laid off employees who are recalled within nine (9) months shall have their seniority restored. If re-employed after nine (9) months, the employee shall be treated as a rehire.
- b. Employees with recall rights who are on layoff status shall have preference for openings in the classification from which they were originally laid off over other applicants.
- c. When employees are recalled from layoff, those with the greatest classification seniority shall be recalled first.
- d. Notification by the City to recall laid off employees shall be made by the Human Resources Department as instructed by the City Manager.
- e. Within fourteen (14) calendar days of notification, laid off employees must indicate their intention of returning to work, in writing, to the Human Resources Department or forfeit their seniority and recall rights.
- f. Recall will be offered to laid off employees provided they are capable of performing the essential functions of the job, with or without an accommodation. A laid off employee when offered recall, who is temporarily unable to accept due to medical reasons as certified by an attending physician, may request a leave of absence not to exceed thirty (30) calendar days.

- g. The City reserves the right to require a medical examination prior to the reinstatement of any recalled employee.
- h. Upon recall and reinstatement to the classification from which they were laid off, employees shall receive the hourly rate they earned at the time of their layoff in addition to any wage increase that may be applicable to their classification.

14-6 TERMINATION

In the event a Department Director wishes to terminate the employment a full-time regular employee, a memorandum describing the nature of the offense shall be received by the Human Resources Department. Prior to any regular full-time employee being terminated, he/she will be offered an Administrative Meeting by the Department Director. The Human Resources Director or Human Resources Manager will attend the Administrative Meeting. After the Administrative Meeting, the Department Director shall make a written recommendation to the City Manager for disciplinary action. The City Manager shall then inform the employee of the right to a Pre-Determination Meeting and set a time for such meeting. A copy of all disciplinary memoranda, letters, forms, etc., is to be provided to the Human Resources Department for inclusion in the official personnel files. Following the City Manager's Pre-Determination Meeting, a letter of final disciplinary action will be sent to the employee by the City Manager and the employee must sign a receipt for the letter of final disciplinary action which is to be included in the official personnel file. Conduct deemed to be particularly egregious, including but not limited to, violence in the workplace or commission of a crime, shall be referred by the Department Director directly to the City Manager; and the employee will not be afforded an Administrative Meeting with the Department Director. The employee will have a Pre-Determination Meeting with the City Manager as described herein.

Regular full-time employees, excluding Department Directors, have a right of appeal through the Civil Service Rules and employees covered by a Collective Bargaining Agreement may appeal through their bargaining unit.

In the event a Department Director wishes to terminate a part time employee, the Director should contact the Human Resources Director for clarification as to the appropriate steps to be taken. A *Personnel Action Form* recommending termination of the part time employee with explanation of the reason shall be submitted to the City Manager for signature. After the *Personnel Action Form* has been signed by the City Manager, the Human Resources Director and/or HR/Risk Manager will inform the employee of the decision to terminate employment and the Human Resources Department will conduct the necessary exit interview.

14-7 RETIREMENT

An employee planning to retire from the City under the provision of the closed Defined Benefit Pension Plan may request one estimated benefit calculation from the Pension Board of Trustees. This request must be in writing and should be within three years of expected retirement date. A retiring employee should notify in writing their Department Director and the Human Resources Department of the date of retirement. The Human Resources Department must notify the Pension Board of Trustees of the actual date of retirement and provide the necessary information required to calculate a final retirement

benefit. Final benefit calculations will be made after the actual date of retirement to be certain all salary amounts are correct.

After an employee has retired under either the provision of the closed Defined Benefit Pension Plan (DB) or the Florida Retirement System (FRS), at the next normal payroll date a calculation of all vacation hours, sick leave hours, and any other hours, such as compensatory and personal hours, due the employee will be prepared. A receipt for the final paycheck will be requested from the retired employee and a copy provided to the Human Resources Department for inclusion in the personnel file. Retiring employees have the right according to Florida State Statutes to purchase health and dental insurance from the City at the same group rate as the City. If the retired employee waives the right to purchase health and dental insurance at the time of retirement, the right to purchase insurance from the City in the future is forfeited.

City Defined Benefit Pension Plan

The City Defined Benefit Pension Plan is a closed plan. Effective July 1, 2007, all new hires participate in the Florida Retirement System (FRS). The following provisions apply only to those employees who entered into the City Defined Benefit Pension Plan before July 1, 2007.

After the completion of twenty years of credited pension service under the City Defined Benefit Pension Plan, an employee is eligible for normal retirement and may choose to enter the Deferred Retirement Option Plan (DROP). All necessary forms for and information about the DROP plan are available in the Human Resources Department. An employee entering the DROP plan is retired from the pension plan only and will continue as an employee with all rights, benefits and responsibilities of an employee. An employee may belong to the DROP plan for no longer than seventy-two months (6 years) and when an employee withdraws from the DROP plan, employment with the City is terminated. Employees entering the DROP plan may choose to retain one hundred twenty (120) hours of vacation and for the remainder of the time they belong to the DROP plan, may annually carryover no more than one hundred twenty (120) hours of vacation. Employees may elect to receive payment of vacation and sick leave hours either at the time of entry into DROP or upon termination, but not both. The amount of such payment will be at the employee's hourly rate at the time payment is made. Employees entering the DROP as part of the City Defined Benefit Pension Plan are automatically enrolled in the Florida Retirement System. Employee participation in the DROP program as specified herein is subject to any applicable Florida statutes or City ordinances which govern DROP and/or FRS.

Florida Retirement System

Effective July 1, 2007, all new hires participate in the Florida Retirement System (FRS). All rules, regulations, and policies pertaining to retirement age, years of service, and participation in the DROP are governed and administered by FRS.

Employees entering the DROP plan may choose to retain one hundred twenty (120) hours of vacation and for the remainder of the time they belong to the DROP plan, may annually carryover no more than one hundred twenty (120) hours of vacation.

Employees may elect to receive payment of vacation and sick leave hours either at the time of entry into DROP or upon termination, but not both. The amount of such payment will be at the employee's hourly rate at the time payment is made.

SECTION 15: CODE OF CONDUCT AND DISCIPLINARY MEASURES

PURPOSE

The City of Wilton Manors recognizes that the success of City Government in providing quality and efficient public services directly correlates with appropriate employee conduct and performance. Employee behavior which is positive and supportive of the goals of effective municipal management is fully encouraged.

15-1 POLICY

It is the policy of the City that discipline should be characterized as corrective rather than punitive. Disciplinary actions should be utilized as an element of an overall program to educate employees and promote proper employee conduct. When circumstances support its use, Department Directors may pursue a philosophy of "progressive discipline" by administering gradually increased disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented in the employee's personnel record.

Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step. Some of the factors involved include, but are not limited to, the employee's length of service, time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitude, and disciplinary actions previously administered to other comparable employees for similar misconduct. A repetition of the same misconduct or other serious misconduct indicates that more severe disciplinary measures should be administered. The City has further provided that certain misconduct is so contrary to the public interest, or is of such a serious nature, that termination of employment shall be the only appropriate disciplinary measure.

It is the City's policy to treat motor vehicle accidents that occur by licensed operators as safety issues and not to further penalize employees with the use of discipline. However, an employee may be required to compensate the City for the \$1000 deductible and may receive disciplinary action if the City deems such action to be justifiable because of the amount of property damage, personal injury, and/or egregious carelessness on the part of the employee. City employees are responsible for payment for infractions and traffic citations issued by bona fide law enforcement agencies, as well as any rulings of the Safety Review Committee.

15-2 APPLICATION OF DISCIPLINARY MEASURES

1. All City employees are expected to abide by, and may be disciplined for violation of, City and/or departmental rules and regulations.
2. In recognition of the fact that each instance of misconduct differs in many respects from somewhat similar actions, **the City retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future.** Examples given in any rules do not limit the generality of the rule. The following rules and regulations are not to be construed as a limitation upon the retained rights of the City, but are **to be used as a guide.**

3. The Rules and Regulations provide recommended progressive penalties to apply for specific misconduct; however, the recommended penalties may be modified by management including a lesser or more severe penalty when extenuating circumstances are found.

15-3 ORAL COUNSELING MEMO (COUNSELING AND DOCUMENTED ORAL REPRIMANDS)

1. It is the responsibility of the employee's immediate supervisor to impartially gather all the facts, weigh the evidence, and discuss a disciplinary problem with the employee(s) involved.
2. The purpose of an oral counseling session is to encourage employees to improve their performance, work habits, attitude, or personal conduct. Discussions of this nature are commonly used when an employee disregards work rules of a relatively minor nature. The normal procedure is for the employee's immediate supervisor to identify and define the specific area in need of improvement and inform the employee how and when such improvement can be realistically achieved.
3. Written documentation of a reprimand, offense or counseling session through use of the written *Counseling Memo* form serves as formal verification that the session occurred as well as outlines an action plan for improvement. It also serves as notice that if improvement is not forthcoming, or if the misconduct recurs, then more formal disciplinary measures will be taken.
4. The employee involved in any oral counseling session shall be provided with a copy of the form which shall be placed in the employee's personnel record. Oral counseling or verbal reprimands are not considered disciplinary action.

15-4 EMPLOYEE WRITTEN DISCIPLINARY ACTION

1. Supervisors shall inform employees promptly and specifically, whenever their performance, attitude, work habits, or personal conduct at any time falls below a desirable level.
2. In situations where oral counseling has not resulted in the expected improvement, or when an employee commits an offense that warrants more than oral counseling, a counseling memo must be issued that specifically defines the nature of the infraction under the Code of Conduct. The information should include a complete description of the incident of misconduct and refer to specific times, dates, locations, personnel involved, and rules violated.
3. The employee's immediate supervisor usually initiates the *Personnel Action Form* with the approval of the concerned Department Director.
4. The employee is encouraged to complete the employee comment section; however, such action is not required.
5. The employee's signature is requested on the *Personnel Action Form* to acknowledge receipt, and **does not** indicate an employee's agreement with the provisions of the disciplinary action. If the employee refuses to sign, it should be so indicated on the *Personnel Action Form* in the areas reserved for the employee's signature. Lack of an employee signature on any *Personnel Action Form* shall not affect the validity of the form.

6. The *Personnel Action Form* documenting the misconduct and disciplinary action shall be placed in the employee's official personnel record with a copy given to the employee.
7. At the discretion of supervisors and the appropriate department director, a written performance improvement plan (PIP) may be utilized to encourage improved employee performance. A copy of all PIPs and supporting documentation shall be placed in the employee's personnel file.

15-5 SUSPENSIONS

1. *Policy* - An employee may be suspended with or without pay by his/her Department Director with the concurrence of the Human Resources Department and the approval of the City Manager for reasons provided in the Civil Service Rules, Rule XI, and/or the City Code of Conduct. Suspensions shall be issued on consecutive working days basis. Suspension for two or more offenses shall be consecutive and shall not be served concurrently.
 - A. Recommended suspension penalties requiring City Manager approval are outlined below in the Code of Conduct.
 - B. The City Manager shall have the authority to suspend without pay for a period up to, but not to exceed, thirty (30) calendar days. The City Manager shall have the authority to suspend with pay for a reasonable length of time which shall be decided on an individual basis.
2. *Personnel Action Form*- Suspensions shall be documented by a *Personnel Action Form* which specifically describes the nature of the misconduct, the disciplinary action to be administered, and a plan for improvement outlined. The *Personnel Action Form* (original copy) shall become a part of the Employee's Personnel Record.

15-6 TERMINATION

When a Department has disciplinary action to take against a full-time regular employee that falls into the category of termination, the Department Director will conduct an Administrative Hearing with the employee and then will make a written recommendation for action to the City Manager. When the City Manager receives a recommendation for termination from a Department Director, the City Manager will then conduct an Administrative Hearing for the employee. The City Manager will be the final deciding authority when termination is recommended. Copies of all disciplinary recommendations, memoranda, etc., shall be provided to the Human Resources Department.

15-7 APPEALS TO DISCIPLINARY ACTION AND TERMINATION

The right of appeal shall be governed by the Civil Service Rules for non-union, full-time regular employees only. The appeal process for Union employees shall be governed by the applicable collective bargaining agreement. Department Directors shall not have the right to grieve or appeal any disciplinary action or termination decision made by the City Manager.

15-8 CODE OF CONDUCT

The following types of infractions or misconduct represent employee noncompliance with rules, regulations, policies, practices or procedures of the City; employee wrongs or misconduct which violate permissible behavior; or are specifically prohibited by law. **The listed reasons are for informational purposes only and are not meant to be exhaustive. Each action shall be considered on a case-by-case basis.** The following are examples which may result in discipline and the disciplinary actions which may accompany the violations:

1. MISCONDUCT

- a. Conduct unbecoming of a City employee which is defined as employee behavior or actions which hinder or jeopardize the successful operation of the City; undermine teamwork and cooperation among City employees; or undermine the public confidence in the City or its employees.
- b. Violation or disregard of City's Safety procedures, including;
 - 1) careless use of vehicle or equipment
 - 2) failure to use all safety restraints when riding in or operating a City vehicle.
 - 3) failure to wear and/or use prescribed uniforms or equipment.
- c. Abuse of Human Resources policies including, but not limited to:
 - 1) abuse of sick leave privileges, sick leave policy or excessive absenteeism
 - 2) failure to notify Department and Human Resources of current address and telephone number within ten (10) calendar days of change
 - 3) failure to report any outside employment
- d. Abuse of departmental procedures and work rules including:
 - 1) failure to provide name and official title to any person requesting same when performing work related duties
 - 2) habitual extension of lunch periods or break period
 - 3) habitually late for work without valid reason
 - 4) unauthorized solicitation, posting of material, or non-productive behavior.
- e. Documented failure of a supervisor to perform duties required of supervisory employees including and/or taking disciplinary actions when necessary.

The usual progression for repeated occurrences of misconduct may be:

- Oral Counseling
- Written reprimand
- Suspension

2. **SERIOUS MISCONDUCT**

- a. Violation or disregard of City's Safety policy and procedures including:
 - 1) continued misuse of equipment or negligence resulting in injury to self, others, or damage to City equipment or property
 - 2) horseplay potentially hazardous to life or property
 - 3) unauthorized use or unsafe operation of City property, equipment or vehicle.

- b. Abuse of Human Resources policies including:
 - 1) use of abusive language to or about an employee, co-worker, supervisor or the public.
 - 2) Insubordination, meaning the failure to recognize or accept the authority of a supervisor.
 - 3) Threatening a co-worker or supervisor

- c. Abuse of departmental procedures and work rules including:
 - 1) sleeping on the job
 - 2) absent without calling into department within one hour of shift start time
 - 3) disrupting or hindering departmental operations
 - 4) failure to work required overtime assignments, special hours, special shifts or unavailability during stand-by status
 - 5) outside employment which conflicts, interferes or otherwise hampers the performance of the employee in their City job

The progression for repeated occurrences of serious misconduct may be:

- Written reprimand
- Suspension
- Dismissal

3. EXTREME MISCONDUCT

- a. Violation or disregard of City's Safety policy and procedures including:
 - 1) failure to report an on-the-job injury or accident within 24 hours to immediate supervisor
 - 2) supervisor's failure to report an employee's on-the-job injury to Risk Management within 24 hours and/or completion of necessary documentation
 - 3) fighting on the job or engaging in any intentional act which may inflict bodily harm on anyone
 - 4) operating a City vehicle or equipment without a proper and valid driver's license
 - 5) failure to report the revocation or suspension of a driver's license when employment involves driving.

- b. Abuse of Human Resources policies including, but not limited to:
 - 1) except as provided by Florida Law, possession of a firearm or concealed weapon on City property or while performing official City duties, without written permission from Department Director (excluding law enforcement officers)
 - 2) gambling during work hours
 - 3) suspension or revocation of any required job-related licenses or certifications
 - 4) threat of physical harm to a co-worker of supervisor

- c. Abuse of departmental procedures and work rules including:
 - 1) unauthorized personal use of City equipment or funds
 - 2) conducting personal or private business on City time
 - 3) falsifying attendance records
 - 4) other department rules as communicated by director/supervisor

- d. Illegal, unethical or improper acts, including:
 - 1) theft or removal of City property without proper authorization
 - 2) falsifying employment application or concealing information during pre-employment screening or processing
 - 3) soliciting or accepting an unauthorized fee or gift or failure to comply with the City policy on gifts
 - 4) giving false information, or failure or refusal to fully cooperate or provide full, truthful information in City-initiated investigations
 - 5) possession, use or sale of illegal drugs, alcohol or prescription medication which alters the employee's performance on the job; or any confirmed positive drug test
 - 6) possession or use of alcohol while on duty; or reporting to work under the influence of alcohol
 - 7) refusal to participate, if offered, in a drug/alcohol rehabilitation program, and to sign and abide by a return to work agreement when the City receives positive confirmed results on any City ordered drug test such as workers' compensation, accident or reasonable suspicion drug or alcohol testing

- 8) refusal to submit to a City sponsored drug or alcohol testing such as workers' compensation, reasonable suspicion, follow up, or applicant processes
- 9) falsifying or attempting to falsify a City-ordered drug test
- 10) violating the City's Sexual Harassment policy through interaction with another employee or a member of the public
- 11) failure to report within five (5) days an arrest on felony-related charges or for conviction of a felony (including non-work-related arrest or conviction)

The progression for repeated occurrences or an occurrence of extreme misconduct may be:

- Suspension
- Dismissal

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SECTION 16: GRIEVANCE PROCEDURE

PURPOSE

The grievance procedure is established to provide the opportunity for full-time regular employees to bring to the attention of management complaints, grievances, or situations which the employee feels needs resolution or clarification. It is the intent and desire of the City to resolve complaints or grievances informally. Both supervisors and employees are expected to make every effort to resolve problems as they arise. The formal grievance procedure is established in recognition that there may be problems which can only be resolved after an appeal and review.

16-1 GENERAL PROVISIONS

1. Full-time regular employees may file a grievance under this procedure to register a complaint; to solve a problem; to redress an alleged wrong; or to modify or remove any disciplinary measures taken against them such as an oral reprimand, employee written disciplinary action form, or suspension from work for periods of fifteen calendar days or less. Grievances may also be filed to restore alleged loss of rights due to the interpretation of these rules and regulations. This grievance procedure is modeled on the Grievance Procedures of the Civil Service Rules. A copy of the Civil Service Rules is available for review in the Human Resources Department.
2. Employees covered by labor agreements shall utilize the grievance procedure as negotiated with the certified bargaining agent that represents the classification of the aggrieved employee.
3. Employees serving an initial probationary period are ineligible to file appeals or grievances under the Civil Service Rules or this grievance provision. Part-time and temporary employees are also ineligible to file appeals or grievances under the Civil Service Rules or this grievance provision.
4. Employees are expected to follow all written and verbal directives of supervision and management. Compliance with such directives will not in any way prejudice the employee's right to file a grievance within the time limits contained herein nor shall compliance affect the ultimate resolution of the grievance. No employee or group of employees may refuse to follow directions pending the outcome of a grievance.
5. An employee shall have the right to be represented by any person or legal counsel during grievance discussions with supervisory or administrative management.
6. Upon receipt of the decision given in any step, the grievant shall have seven (7) working days to appeal to the next higher step in the grievance procedure.

7. A grievance not submitted within the time limits as prescribed for each step shall be considered untimely and deemed null and void. A grievance not appealed to the next step within the time limits established by this grievance procedure shall be considered settled on the basis of the last answer provided by management. A grievance not answered within the time limits prescribed for the appropriate management representative at each step shall entitle the employee to appeal his/her grievance to the next step. The time limits prescribed herein may be extended by management for the following reasons: illness, vacations, business trips, emergencies, or death in the grievant's immediate family. If the time limits are extended, the grievant will be so advised. Management has the sole discretion to determine whether time limits prescribed herein will be extended.
8. The time limits as set forth in this grievance procedure for both employee and management responses shall remain the same for employees on other than a Monday through Thursday forty (40) hour work week. If the response time limit falls on an employee's day off, the reply by management shall be given to the employee on his/her next scheduled workday immediately following. If a grievant's appeal time limit falls on a day off, the appeal shall be filed on the next scheduled workday.
9. For the purpose of this grievance procedure, the working day shall be defined as the normal City office work schedule, Monday through Thursday exclusive of holidays.

16-2 INFORMAL STEP - PROBLEM AND COMPLAINT

Within seven (7) working days of the occurrence of the incident from which the problem or grievance arose, the aggrieved employee may explain and discuss the complaint or grievance orally with his/her immediate supervisor. In an effort to achieve a prompt and satisfactory resolution, the immediate supervisor should consult with the applicable Department Director prior to making a final decision. Within seven (7) working days of the initial discussion with the employee, the immediate supervisor will make a decision and verbally notify the employee. If the employee's grievance is related to actions taken by the employee's direct supervisor, the employee may bypass the direct supervisor and proceed directly to Step 1.

16-3 FORMAL STEP - GRIEVANCE AND APPEAL PROCEDURE

STEP 1- Department Director

Within seven (7) working days of receipt of the informal answer, the employee may submit a written grievance to the Department Director. The Department Director will schedule and hold a meeting with the employee within seven (7) working days after receipt of the grievance to discuss and seek a resolution of the grievance. To ensure consistent application of City and departmental rules, policies, and provisions, the Department Director should coordinate a meeting with the Human Resources Director to discuss the grievance before reaching a decision.

STEP 2 - City Manager

Within seven (7) working days of receipt of the answer from the Department Director, the employee may submit a written grievance to the City Manager. The City Manager will make an effort to schedule and hold a meeting with the employee and render a written decision to the employee within seven (7) working days.

STEP 3 - Civil Service Board

If the grievance is still not resolved to the employee's satisfaction after receipt of the City Manager's written decision, the employee may, within seven (7) working days, appeal to the Human Resources Director for a hearing by the Civil Service Board. The Human Resources Director will have forty-five (45) days to arrange a Civil Service Board Hearing. If assembly of all parties is not possible, the Human Resources Director may have additional time, with the approval of the employee or the employee's attorney, to arrange a Civil Service Board Hearing. Failure to hold the Civil Service Board meeting within forty-five (45) days shall not have any effect on the validity of the alleged grievance or the relief sought.

The City Civil Service Board shall consist of five (5) members. Two members are elected by the employees of the City and three members are civilians appointed by the City Commission.

The Human Resources Director shall serve as Secretary to the Committee and will be responsible for preparing minutes of the Civil Service Board Hearing, if requested, and preparing the recommendations of the Civil Service Board to the City Manager; however, he/she will not have a voice in the decision.

In presenting such appeal, the employee and/or the City may call a reasonable number of witnesses. Upon receipt of the Civil Service Board's final decision, all remedies are exhausted and the matter will be closed.

16-4 RECORDS RETENTION AND DISPOSITION

1. A copy of all grievances filed shall be forwarded to the Human Resources Department on the day of receipt in all steps.
2. All Civil Service Board records, notes, correspondence, decisions and actions pertaining to the grievance shall be maintained in the Human Resources Department.
3. At the conclusion of the grievance procedure, a copy of the Civil Service Board recommendation, copies of the written responses to the grievance at all steps, and the final grievance resolution shall be forwarded to the Human Resources Department for insertion in the employees' personnel file.

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SECTION 17: RECORDS AND REPORTS

PURPOSE

The Human Resources Department shall establish and maintain comprehensive personnel records of all City employees. Files maintained by the Human Resources Department are the official personnel records for all City employees.

17-1 PERSONNEL RECORDS

Employees may inspect their personnel records during the regular office hours. An employee may include in his/her personnel file a written and signed refutation of any material he/she considers to be detrimental.

17-2 RECORDS RETENTION AND DISPOSITION

The personnel records shall be kept on file and the final disposition of such records shall be determined by applicable State Law. Subpoenas and official court requests for personnel records should be addressed to the City Clerk, the official record keeper of the City of Wilton Manors.

17-3 REQUESTS FOR PERSONNEL INFORMATION

1. All requests for information concerning past or present City employees shall be submitted to the Human Resources Department. Information released upon written request shall be limited to the following:
 - a. Date of employment
 - b. Date of separation
 - c. Official reason for separation
(i.e., resignation, retirement, termination, etc.)
 - d. Employee classification
 - e. Rate of pay

Further information will be provided under order of subpoena or upon receipt of a release statement signed by the employee allowing additional information to be released or as otherwise required by Law.

2. Telephone requests for information will be confined to verifying the above information. Any exceptions to this procedure must be approved by the City Manager.

17-4 INSPECTION OF CITY PERSONNEL RECORDS

Chapter 119, Florida Statutes, provides that all municipal records shall, at all times, be open for personal inspection by any person. Chapter 119, Florida Statutes, also provides that every person who has custody of public records shall permit the records to be inspected and examined by any person desiring to do so, at reasonable times, under reasonable conditions, and under the supervision of the custodian of the records or his/her designee.

The following procedure shall be followed when an individual seeks to inspect City personnel records, pursuant to Chapter 119, Florida Statutes:

1. The request for personal inspection of a City personnel file or job application will be made orally or in writing to the City of Wilton Manors Human Resources Department at City Hall.
2. Upon a request being made for a personal inspection of a City personnel file, the City Human Resources Department shall, to the extent reasonably possible, give written notice to the employee whose file is being requested for inspection of the date and time of the appointment to review the file, and that same will be made available as set forth in Subsections 3 and 4 below. This applies to current and terminated employees. If the individual requesting to see the file has a release signed by the employee, written notification to the employee will not be given, and the file will be made available, as set forth in Subsections 3 and 4 below.
3. The City personnel file and/or job applications shall be made open for examination and inspection as soon as possible.
4. The examination of the personnel file and/or job applications will be made in the City Human Resources Department Office under the supervision of the City Human Resources Director or his/her designee. If a requestor provides his/her name, a log of those persons inspecting a personnel file will be maintained in the personnel file.

This procedure does not apply to the review of a personnel file by a Department Director who is considering an employee for a promotion, transfer, reclassification, or for any other job-related purpose in line with their job responsibilities as Management/ Supervisory employee.

SECTION 18: SAFETY RULES AND REGULATIONS

PURPOSE

The prevention of accidents is the responsibility of each City employee. Accidents don't "just happen." They result from definite causes, the majority of which are controllable. The major causes of accidents are: Unsafe acts, unsafe conditions, human failures and chance taking. Therefore, it is most important that safe practices and procedures be established and adopted by all employees.

The Rules and Regulations prepared by Risk Management are a general safety guide for use by City departments and operations. They present basic safety rules that have been developed. Rules cannot be established to cover every situation that may arise. Therefore, the rules should be considered basic minimum requirements which will promote safe thinking. For hazards that are not included, employees and supervisors must work together to develop the safest possible solution. These rules are not intended to supersede any specific manufacturer's recommendation. Any conflict between a manufacturer's safety recommendation and the City's safety policy should be brought to the attention of your Supervisor and Risk Management.

18-1 POLICY STATEMENT

The City Commission, City Manager, and Directors consider the safety of employees of paramount importance. Safety must be an integral part of each and every operation. The City's Safety Programs are designed to accomplish one primary objective: to prevent employee accidents. Preventing accidents results in saving lives, eliminating human suffering, increased efficiency, and saving thousands of dollars for both the City and employees. To minimize accidents and injuries the City has established safety policies, procedures and in-service training programs. Employees will practice safe working habits and Directors and Supervisors of each Department will be responsible for creating and maintaining an acceptable degree of safety in their area. To accomplish the City's primary objectives, the following basic principles will apply:

- A. The City Manager will maintain a Safety Committee to provide knowledgeable assistance for accomplishing safe working conditions.
- B. The City Department Directors will encourage and support the overall safety program.
- C. Supervisors will develop and implement safety procedures and instructions for every job to be performed.
- D. Supervisors will instruct each new employee in the safe manner to perform their job assignment.
- E. Supervisors will make every employee conscious of their safety responsibilities.

18-2 CHANGES TO SAFETY RULES AND REGULATIONS

The Human Resources Director and the Risk Manager will prepare and recommend to the City Manager all changes to the City's Safety Rules and Regulations as may be necessary for effective administration of the City's safety program. All changes and revisions of the Safety Rules and Regulations shall be approved by the City Manager with notification to the City Commission for their information. For the safety and well-being of the City employees, the City Manager, upon recommendation from the Risk Manager and Human Resources Director, is authorized to immediately implement changes to safety practices prior to notification of these changes to City Commission. These practices could include, but are not limited to, safety changes required by Federal, State, regulatory agencies, product manufacturers or new operating safety procedures. All changes required by this paragraph will be included in future updates requiring City Commission notification. Questions pertaining to changes in the Safety Rules and Regulations should be directed to the Human Resources Department.

18-3 RESPONSIBILITIES

Department Directors

The Department Directors are responsible for fulfillment of departmental goals and objectives, as well as the health and welfare of each employee in their department. In the adopted safety policy, the highest priority has been placed on employee safety, which becomes the responsibility of the respective director. Operational directives outlined within the Safety Rules and Regulations are the direct responsibility of Department Directors. They are responsible for making sure employees have a safe workplace and are furnished safety devices, including personal protective equipment, and safeguards; ensure the proper use of all safety devices and safeguards; and, enforcing specific safety requirements as necessary to protect the life, health and safety of employees from recognized hazards. It is normal practice for Supervisors to be delegated the authority to carry out safety policy in their department, but the responsibility for meeting objectives and the protection of employees in performance of their assignments cannot be transferred.

Under Chapter 440.56, Florida Statutes, every employer must furnish employment which shall be safe for employees.

Department Directors are responsible for being knowledgeable and implementing all Florida Safety and Health Standards (FSHS) (Chapter 381-20), which is enforced by the Division of Safety of the Department of Labor and Employment Security. These standards closely follow Federal Occupational Safety and Health Administration Safety Standards (OSHA.)

Risk Management

The HR/Risk Manager is responsible for the development, organization and coordination of employee related safety programs. Responsibilities also include work-site inspections, hazard identification and elimination, accident/injury investigation, and reporting. Duties include chairing and directing the Safety Committee. Human Resources Department is responsible for the development of OSHA written safety plans. Other assignments and responsibilities related to disaster response and risk management complete the role of the HR/ Risk Manager. Duties also include advising the City Manager, Department Directors, Supervisors and employees of unsafe conditions. Further, Human Resources Department is responsible for reviewing, updating, correcting and approving all changes to the City's Safety Rules and Regulations.

The HR/Risk Manager will not fulfill obligations of Directors relative to providing a safe work environment, necessary equipment, training or other operational duties relative to workplace safety.

Supervisor

Supervisors will assume the responsibility of thoroughly instructing their personnel in the safe practices to be observed in their work situations. They will consistently enforce safety standards and requirements. Supervisors will act positively to eliminate any potential hazards within the activities under their direction and control.

Employee

Each employee, as a part of the comprehensive Safety Program, is expected to place safe work practices and identification of unsafe conditions as the highest priority while performing daily tasks. Each employee's safety commitment must include working with Supervisors and fellow employees to create a safe working environment. Employees are responsible for knowing all City safety rules and regulations and complying with these rules and regulations. Also, employees must report all unsafe conditions immediately to their Supervisor and the Safety Committee.

Safety Committee

The Safety Committee is responsible for monitoring the City Safety Program as it relates to employee safety. The Committee develops ideas and suggestions to promote employee safety, communicates and influences fellow employees to work safely and develops safety incentive programs. The Safety Committee also conducts safety inspections of City facilities, and recommends changes in all hazardous and unsafe conditions. The Committee reviews, researches and evaluates employee safety suggestions to determine if valid and acceptable. If a safety suggestion is accepted as valid, the Committee can recommend to the City Manager that the employee be given up to four hours off with pay. The City Manager can accept or reject the Committee's recommendation. The Committee reviews and investigates all on-the-job accidents involving City employees except those requiring confidentiality by law.

State Division of Safety

The Florida Department of Labor and Employment Security, Division of Safety is responsible for enforcement of state safety laws for all city, county and state government employees. Under this program, investigations of complaints, fatalities, serious incidents, and employer requests, as well as programmed inspections, are conducted on a daily basis. The Division also performs fatality and serious incident investigations in the public sector. If the Division becomes aware of an occupational fatality or serious incident (an accident hospitalizing three or more workers for 24 hours), the Division will conduct an investigation of the accident to determine the cause. If the accident is determined to have been caused by a violation of a division safety or health standard, the City must correct the hazard within the established abatement period.

18-4 SAFETY EDUCATION AND TRAINING

Training

Specialized training within the Departments for non-supervisory employees is the responsibility of the Department Director. Human Resources is responsible for coordinating employee training that is generalized, broad-based and covers more than one area of the City's operations. Each department has the responsibility of providing on-the-job training to each employee on the topics that will enable the employee to do his job safely and efficiently. This training shall include:

- A. Distribution and review of the City Safety Rules and Regulations to all employees;
- B. Orientation to departmental and overall City safety and health rules;
- C. Workers' Compensation claims process;
 1. Procedure for reporting on-the-job injuries;
 2. Procedures for processing hospital/medical bills related to job-related injuries;
- D. Requirements for use of vehicles;
- E. Specialized training as required;
- F. Specialized training is required by OSHA and enforced by the Division of Safety of the Department of Labor and Employment Security. The City of Wilton Manors OSHA Florida Department of Safety Requirements List identifies and describes the following requirements:
 1. EMERGENCY FIRST AID AND CPR: OSHA Part 1910.151, Medical services and first aid; and OSHA Part 1926.50, Medical services and first aid (construction sites).
 2. GENERAL EMERGENCY BUILDING EVACUATION: OSHA Part 1910.36, General requirements; OSHA Part 1910.37, Means of egress, general; and OSHA Part 1910.38, Employee emergency plans and fire prevention plans.
 3. PORTABLE FIRE EXTINGUISHER USE: OSHA Part 1910.157, Portable fire extinguishers; and OSHA Part 1910.158, Standpipe and hose systems.
 4. MATERIALS HANDLING AND STORAGE: OSHA Part 1910.178, Powered industrial trucks.

5. PERMIT REQUIRED CONFINED SPACES: OSHA Part 1910.146, Permit-required confined spaces; OSHA Part 1926.55, Gases, vapors, fumes, dusts, and mists; OSHA Part 1926.57, Ventilation; and OSHA Part 1926.800, Underground construction.
6. RESPIRATORY PROTECTION: OSHA Part 1910.134, Respiratory protection; OSHA Part 1926.55, Gases, vapors, fumes, dusts, and mists; and OSHA Part 1926.103, Respiratory protection.
7. HAZARDOUS MATERIALS: OSHA Part 1910.120, Hazardous waste operations and emergency response.
8. HAZARDOUS SUBSTANCES: OSHA Part 1910.1030, Blood borne pathogens.
9. HAZARDOUS SUBSTANCES: OSHA Part 1910.1200, Hazardous communications; and OSHA Part 1926.59, Hazard communication. Florida Statutes, Chapter 442, Florida Chapter 30F-41, Hazardous Communication "Right-to-Know".
10. HAZARDOUS SUBSTANCES: OSHA Part 1910.1001, Asbestos; and OSHA Part 1926.58, Asbestos, tremolite, anthophyllite, and actinolite.
11. FIRE PROTECTION: OSHA Part 1910.156, Fire brigades plus Appendix A to E to Subpart L; OSHA Part 1926.95, Criteria for personal protective equipment; OSHA Part 1926.96, Occupational foot protection; OSHA Part 1926.97, Protective clothing for fire brigades; and OSHA Part 1926.98, Respiratory protection for fire brigades.
12. MATERIALS HANDLING: OSHA Part 1910.179, Overhead and gantry cranes.
13. WALKING AND WORKING SURFACES: OSHA Part 1910.25, Portable wood ladders; OSHA Part 1910.26, Portable metal ladders; OSHA Part 1926.1053, Ladders; and OSHA Part 1926.1060 Training Requirements.
14. ENVIRONMENTAL NOISE CONTROL: OSHA Part 1910.95, Occupational noise exposure plus appendix A through I; OSHA Part 1926.52, Occupational noise exposure; and OSHA Part 1926.101, Hearing Protection.
15. WELDING, CUTTING AND BRAZING: OSHA Part 1910.252, General requirements; OSHA Part 1910.253, Oxygen-fuel gas welding and cutting; OSHA Part 1926.350, Gas welding and cutting; OSHA Part 1926.352, Fire prevention; and OSHA Part 1926.353, Ventilation and protection in welding, cutting and heating.
16. HAND AND PORTABLE POWER TOOLS: OSHA Part 1910.242, Hand and portable powered tools and equipment, general; OSHA Part 1910.243, Guarding of portable powered tools; OSHA Part 1926.301, Hand tools; OSHA Part 1926.302, Power operated hand tools; and OSHA Part 1926.303, Abrasive wheels and tools.
17. CONSTRUCTION SAFETY REQUIREMENTS - FIRST AID: OSHA Part 1926.20, General safety and health provisions; OSHA Part 1926.21, Safety training and education; OSHA Part 1926.23, First aid and medical

- attention; OSHA Part 1926.24, Fire protection and prevention; OSHA Part 1926.25, Housekeeping; and OSHA Part 1926.604, Site Clearing.
18. WARNING SIGNS: OSHA Part 1910.144, Safety color code for marking physical hazards; OSHA Part 1910.145, Specifications for accident prevention signs and tags; OSHA Part 1926.200, Accident prevention signs and tags; OSHA Part 1926.201, Signaling; and OSHA Part 1926.202, Barricades.
 19. EXCAVATIONS, TRENCHING AND SHORING: OSHA Part 1926.650, Scope, application, and definitions applicable to this subpart; OSHA Part 1926.651, General requirements; OSHA Part 1926.652, Requirements for protective systems; and plus Appendix A to F.
 20. CONCRETE AND MASONRY CONSTRUCTION: OSHA Part 1926.700, Scope, application, and definitions, applicable to this subpart; OSHA Part 1926.701, General requirements; OSHA Part 1926.702, Requirements for equipment and tools; OSHA Part 1926.706, Requirements of masonry construction.
 21. WALKING AND WORKING SURFACES: OSHA Part 1910.28, Safety requirements for scaffolding; OSHA Part 1926.451, Scaffolding; and OSHA Part 1926.452, Guardrails, handrails and covers.
 22. LOCKOUT/TAGOUT - CONTROL OF HAZARDOUS ENERGY: OSHA Part 1910.147, The control of hazardous energy (lockout/tagout) plus appendix A; OSHA Part 1926.417, Lockout and tagging of circuits.
 23. CONTROL OF ELECTRICAL ENERGY AND SYSTEMS: OSHA Part 1910.303, General requirements; OSHA Part 1910.304, Wiring design and protection; OSHA Part 1910.305, Wiring methods, components, and equipment for general use; OSHA Part 1910.332, Training; OSHA Part 1910.333, Selection and use of work practices; and OSHA Part 1910.335, Safeguards for personnel protection.

All employees are expected to request instruction in those tasks or for any equipment with which they are not familiar. Directors and Supervisors shall insure that all new or transferred employees are properly trained in safety regardless of age, classification, seniority or other before employee is left alone to his job.

18-5 GENERAL SAFETY RULES

It is the responsibility of every employee to know and adhere to the safety rules and regulations which apply to the area in which the employee is working or may be visiting. If there is any question or doubt concerning safety, immediately notify your Supervisor or the HR/Risk Manager. All new employees shall be given a copy of the Safety Rules and Regulations and required to study it. Employees unable to read or comprehend the Rules and Regulations will be provided the necessary accommodations to fully understand them.

Report all injuries and property damage to your Supervisor immediately.

Report unsafe conditions to your Supervisor.

Always obey smoking regulations.

No person will be permitted to work if their ability or alertness is so impaired through fatigue, illness, or other causes as to make it unsafe for the employee or fellow workers.

Do not wear jewelry, rings, loose clothing, neckties or loose headbands when working around or operating rotating machinery and equipment.

Hair must be groomed or confined to avoid becoming caught in moving machinery which may cause fatal or serious injury. Any employee with hair that exceeds shoulder length should have it tied back or kept confined under their hat while performing tasks involving moving machinery.

Special posted restrictions shall be observed.

Unless qualified or authorized, no employee should repair or work on City equipment.

Personal Conduct

Under normal conditions, walk, do not run. Obey all rules, signs and instructions. If in doubt, ASK. Fighting, disorderly conduct, horseplay and practical jokes are prohibited and may be cause for disciplinary action. Intoxicants or persons under the influence of alcohol will not be permitted on City property. Narcotics, or the use of, will not be permitted on City property except as prescribed by a physician. Unauthorized firearms or explosives will not be allowed on City property. Employees must inform their Supervisor of any medication they are using that may impair or affect their job performance in any way.

Control of Hazards

Where feasible, workplace hazards are prevented by effective design of the job-site or job. Where it is not feasible to eliminate such hazards, they must be controlled to prevent unsafe and unhealthy exposure. Once a potential hazard is recognized, the elimination or control must be done in a timely manner. These procedures should include measures such as the following:

- Using engineering techniques where feasible and appropriate.
- Provide for regular equipment maintenance to prevent breakdowns that can create hazards.
- Plan for emergencies, including fire and natural disasters.
- Using administrative controls, such as reducing the duration of exposure.
- Supervisors shall maintain a periodic site inspection program.
- Inform employees of the emergency medical program that includes first aid on site, as well as nearby physician and emergency medical care to reduce the risk of any injury or illness that occurs.
- Address any and all safety hazards to employees whenever one is observed.

Operations

Walkways, aisles and working areas shall be kept clean and free of obstructions.

Good housekeeping shall be maintained in all areas.

Compressed air and other gasses under pressure must be used only for the purposes intended. Do not operate machinery or equipment unless you are qualified and authorized to do so. Always use the right tool for the job. Inspect tools daily for damage and defects. All defective equipment shall be immediately repaired or replaced. Never use or try to repair unfamiliar power equipment. Diesel fuel or other petroleum products are not to be used for cleaning of any equipment. Refer to appropriate items in the Safety Rules and Regulations for safe operation of the City's equipment. All City operations shall comply with the FSHS. These standards closely follow Federal OSHA Safety Standards.

18-6 SAFETY INSPECTION PROGRAM

General

To encourage the identification and elimination of unsafe practices and unsafe conditions before they become causes of accidents, the HR/Risk Manager will initiate a safety inspection program. The Safety Committee will assist the HR/Risk Manager in inspections of City buildings and structures. This program includes routine inspections throughout the City with a Safety Inspection Checklist Report submitted by the HR/Risk Manager and Safety Committee to the Directors and City Manager of all activities and findings. Inspections will include observation of unsafe practices, as well as unsafe conditions. They will be scheduled as described in the following types of inspections.

Inspections

The HR/Risk Manager will be responsible for City-wide inspections. At least once each year a complete inspection will be made of all City facilities, parks, construction projects or other field operations. The schedule of inspections will be determined by the size and nature of operations.

The Fire Department will provide a fire inspector; the Building Division will provide a building inspector and an electrical inspector for building inspections. Directors are responsible for making sure that all hazards identified during safety inspections are corrected.

Follow-Up Inspections

Additional follow-up inspections will be conducted to ensure corrective action has been taken on previously noted discrepancies.

Daily Inspections

Supervisors will conduct daily inspections of their departments or areas of operation and are responsible that hazards are kept at a minimum and safe work practices are enforced. All equipment used by employees must be inspected and immediately replaced if worn, defective or damaged.

Special Inspections

Inspections as required by the State Division of Safety, Department of Environmental Regulation, insurance personnel, etc. for generators, boilers, unfired pressure vessels, fire extinguishing equipment, overhead and mobile cranes, etc., will be conducted by outside qualified personnel. The HR/Risk Manager will coordinate or be informed of all inspections.

Industrial Health Inspections

Where health hazards such as noise, toxic gases, fumes or dusts are suspected, special surveys will be conducted by qualified consulting engineers or industrial hygienists to determine the degree of hazard and the precautions and/or mechanical safeguards needed to provide and maintain safe conditions.

A report will be prepared on each inspection that has an extremely unsafe or hazardous condition. Attention will be given to all reports submitted to assure they are properly brought to a conclusion.

State Division of Safety Inspections

The State Division of Safety conducts inspections of City owned facilities based on the number of Workers' Compensation claims in an industry or occupational group. These inspections are unannounced. The Division representative conducts an accompanied inspection of the facility, building or work site to ensure no safety or health standards are being violated. If the Division determines that a standard is being violated, the City will be issued a Notice of Violation which must be corrected within the specified abatement period. If the hazard is not corrected or the City has not responded, the Division may issue a Notice of Penalty. This penalty must be paid to the Division within the specified time allowance.

In some instances, the Division representative may encounter a hazard which poses imminent danger to an employee. In this situation, the Division will require the work to cease and desist until the hazard has been corrected. Once the Division approves the corrective action, the work process may resume.

***The HR/Risk Manager must receive a copy of all Notices of Violation issued by the State Division of Safety.*

18-7 FLORIDA CLEAN INDOOR AIR ACT

The purpose of the Florida Clean Indoor Air Act, Chapter 386.201, Florida Statutes, is to protect the public and the environment by creating areas in public places and at public meetings that are reasonably free from tobacco smoke.

- A. No person may smoke in any City of Wilton Manors building, facility, or vehicle.
- B. Administrators will post "No Smoking" signs as appropriate in conspicuous locations.
- C. Hallways, restrooms, and all public service areas are designated as non-smoking areas in all buildings.
- D. Conference rooms shall be designated as non-smoking areas.

18-8 OFFICE SAFETY

Good housekeeping is the key to a safe office environment. Report all unsafe conditions immediately to your Supervisor. Always obey smoking regulations. Undue haste results in accidents. Do not run on stairs, walkways or in corridors. Enter and leave buildings in an orderly manner. Bulky office supplies and materials must be lifted properly to avoid muscle strains. Use mechanical devices to lift or carry loads that cannot be easily handled by one or two persons. All stairways will be equipped with handrails and

non-slip treads, and be well lighted. Worn stair treads will be immediately repaired to prevent personnel from falling. Rugs, mats and other types of floor covering shall be securely fastened to the floor.

Only authorized personnel from the City Maintenance Division will be permitted to move heavy office furniture.

Chairs, boxes or other objects will not be used as substitutes for ladders. Overloading the top file drawer in file cabinets may unbalance the cabinet and cause it to fall forward when the drawer is pulled out. Put materials in bottom drawers whenever possible. Keep heavy books, equipment and other bulky materials off the top of file cabinets; they may fall on you, or cause you to suffer muscle strain when lifting them off the cabinet. Rough, splintered, uneven, or other floor defects will be repaired or the hazard suitably marked. Floors will be kept clean and free of dirt and debris. Non-skid wax will be used on floors to prevent slipping. Weather may cause mud, sand or water to be tracked onto floors near entrances. Storm mats should be placed at these entrances. Wet floor conditions shall be barricaded then cleaned-up immediately.

Never tip your chair backward. This can cause an overbalanced condition and result in your falling to the floor. This also causes a strain on the chair to the point where it may break and cause you to fall.

Every employee shall be responsible to see that their own desk and work area is clean and orderly. Pick up items such as pencils or paper clips. All file, desk and table drawers shall be kept closed when not in use. As soon as you leave them, close them. Never open more than one (1) file drawer at a time. Report all poorly lighted work areas to your Supervisor.

Office Equipment and Machines

Objects such as knives, scissors and pens will be handled carefully to avoid injuries.

Only trained, qualified personnel will operate office machines. Operators will be given instruction in safe work practices and told of the particular hazards involved in the use of different machines. Suitable office equipment will be provided for stamping, sharpening, and cutting operations. Makeshift tools, such as unprotected razor blades and pins, will not be used.

Electrical fans, pedestal, oscillating desk and any other types will be equipped with preferred safety guards when installed less than seven (7) feet above the floor. All fans are required to be electrically grounded (3-wire cord and 3-prong plug or double-insulated).

Electrical appliances used for coffee making and other purposes should be inspected periodically to ensure that cords are in good condition and plugs are not broken or cracked. A fire-resistant base should be placed under all heat producing appliances to prevent a fire hazard.

Only non-combustible waste baskets should be used in offices.

Keep all flammable solvents and similar flammable liquids in a metal cabinet away from combustible materials. Identify the contents of all containers.

18-9 ACCIDENT INVESTIGATION / REPORTING

All accidents involving the City are to be documented immediately after the occurrence. Copies of all accident reports are to be sent to the Human Resources Department within 24 hours of occurrence (or within the first hour of the next City business day in the event the incident occurred over a weekend). A copy of all accident reports will be provided to the Safety Committee for review.

Accidents are defined as *unexpected events that damage property or cause bodily injury to persons*. Accidents may involve City employees, City property and/or the general public.

Vehicle Accidents

In the event that a City employee is involved in a vehicle accident while on City business, the following procedures apply:

- A. Stop immediately. **DO NOT LEAVE THE ACCIDENT SCENE.**
- B. If there are any injuries, including yourself, CALL 911.
- C. If there are no injuries and you are within City limits, call Wilton Manors Police at 390-2150. If you are outside the City limits, call the local police.
- D. Cooperate with the police investigation and/or paramedics.
- E. **NOTIFY YOUR SUPERVISOR.**
- F. Do not discuss the accident with other drivers or witnesses.
- G. Obtain names, addresses and phone numbers of witnesses, before they leave the scene.
- H. If police are unable to respond, obtain driver's name, address, insurance information, make, model, tag number and VIN number of the vehicle.
- I. Make no comments or commitments of any type to anyone.

Vehicle Accident Reporting

It is not necessary to complete an "Accident Report" if the accident occurred within the City. The Wilton Manors Police will forward a copy of their Motor Vehicle Accident Report to Risk Management. It is, however, necessary to notify your supervisor and the Human Resources Department of all accidents involving City vehicles within 24 hours of occurrence. All necessary documents (registration, insurance card and accident instruction sheet) should be in a Vehicle Records Folder in the vehicle glove box. If the accident occurred outside City limits, complete an "Accident Report" and obtain a copy of the local, state, or county police accident report and forward to Human Resources.

Non-Vehicle Accidents

In the event that an employee is involved or party to an accident that is connected with liability or property damage, the following procedures apply. Accidents can involve employees, residents, customers and others.

- A. For property damage, stop immediately and report damage to owners giving all facts surrounding the accident.

- B. If anyone, including yourself, is injured, call 911 immediately and supply information requested (location, nature of injury, accident, etc.)
- C. **NOTIFY YOUR SUPERVISOR.**
- D. Cooperate with the police investigation and/or paramedics if called to the scene.
- E. Do not discuss the accident (except to exchange information) regarding liability, insurance coverage, fault, etc. Refer all inquiries to the Human Resources Department.
- F. Obtain and document all information regarding the accident. This information is contained on the "Accident Report".
- G. If the accident is serious, notify the Police and Human Resources.

Accident Investigation

Supervisors are responsible for immediately investigating all accidents involving City employees and/or vehicles. They must observe and report all conditions and obtain complete facts regarding the accident. Their reports must contain: 1) who was involved; 2) when the accident occurred; 3) where it happened; 4) what factors contributed to the accident; 5) identification of all unsafe practices, acts or conditions; 6) how the accident occurred and; 7) identification and recording of all possible safety hazards; 8) the cause of the accident.

Take pictures of the accident, location, vehicles/equipment, property, etc. as soon as possible after the accident. Write down the facts. Do not rely on memory. Do not assume someone else is recording the facts. Do not comment on any liability, engage in any arguments or attempt to place blame for the accident. Refer all parties to Human Resources for information on insurance or claim procedures.

18-10 EMPLOYEE INJURIES / WORKERS' COMPENSATION

Injury Reporting Procedure

In the event an employee is injured on the job, the following procedures apply:

- A. **FIRST AID** should be applied for all minor injuries not requiring experienced medical attention. All first aid assistance shall comply with OSHA Requirement EMERGENCY FIRST AID AND CPR: OSHA Part 1910.151, Medical services and first aid; and OSHA Part 1926.50, Medical services and first aid (construction sites) and OSHA Part 1926.23, First aid and medical attention.
- B. **NOTIFY YOUR SUPERVISOR.** Your supervisor will contact the Human Resources Department and the City's Workers Compensation Administrator for medical treatment. All injuries must be reported to the Human Resources Department immediately and a Supervisor's Report of Injury must be completed and forwarded to the Human Resources Department.
- C. **CALL 911** for all injuries that are serious in nature. When in doubt about seriousness, call 911. Employees with serious injuries should be transported immediately to the nearest hospital.
- D. The City's Workers Compensation Administrator will be responsible for completion of the Notice of Injury which must be filed with the Florida State Division of Workers' Compensation.

- E. All employees and supervisors must complete a "Supervisor's Report of Injury" each time they are injured even if medical treatment is not required. Supervisors are responsible for making sure this form is completed and forwarded to the Human Resources Department.
- F. All medical treatment subsequent to the initial treatment must be approved by the Workers Compensation Insurance Administrator. Employees must notify their Supervisor and the Human Resources Department of all follow-up medical appointments and of any payments received from the Workers Compensation Administrator.

Transportation of Injured Employees

Following are guidelines for deciding where to transport a City employee involved in an on-the-job injury. Essentially, Supervisors and paramedics should use their judgment to determine whether or not the patient will require hospital services such as laboratory or critical care monitoring.

Cases which should definitely go to the nearest hospital are:

- A. Unconscious patients
- B. Patients with cardiac or severe respiratory problems
- C. Patients unable to walk or assist in their movement
- D. Displaced long bone fractures and those with neurovascular deficit
- E. Hypotensive patients with signs and symptoms of shock
- F. Serious medical emergencies such as stroke

Patients who meet the absolute criteria for transport to a trauma center should go by appropriate means to Broward General Medical Center.

Injuries such as lacerations, sprains, and non-displaced fractures in patients who can be transported by POV (Privately Owned Vehicle) without continued ALS (Advanced Life Support) treatment should be seen at the City's designated Workers' Compensation medical provider.

All employees and Supervisors are to follow EMS (Emergency Medical Services) personnel directions for transporting injured employees. Rescue personnel adhere to the County's medical protocol in deciding the destination of cases.

Light Duty Work Program

Light duty work will be assigned to injured employees as it becomes available. Unless the attending physician specifically documents that the employee cannot perform light duty work, all employees may be required to perform light duty work. Department Directors will assign all light duty work. The attending physician will document any physical or mental restrictions and when the employee can return to full-time work.

18-11 PERSONAL PROTECTIVE EQUIPMENT

Guards installed on machinery and equipment barriers, and other protective devices provided for your protection, shall not be removed, and will be used in accordance with established rules and procedures. Never operate machinery and equipment with guards

removed. All fire safety equipment such as fire extinguishers, hose racks, hose reels, detectors, fire alarms, and fire lanes shall be kept clear of obstructions. Immediately notify your Supervisor of any fire safety equipment that is damaged or will not operate. Only authorized persons may enter roped off or barricaded areas.

Report all defects in personal protective equipment immediately to your Supervisor.

All personal protective equipment that is worn or damaged shall be repaired or replaced immediately.

It is every employee's responsibility to wear goggles, face shields and all other protective clothing and equipment as required by safety rules and procedures contained in this handbook or as directed by your Supervisor.

All Personal Protective Equipment (PPE) shall comply with OSHA Requirement PERSONAL PROTECTIVE EQUIPMENT (PPE): OSHA Part 1910.132, General requirements; OSHA Part 1910.133, Eye and face protection; OSHA Part 1910.135, Occupational head protection; OSHA Part 1910.136, Occupational foot protection; OSHA Part 1926.28, Personal protective equipment; OSHA Part 1926.100, Head protection; OSHA Part 1926.102, Eye and face protection; and OSHA Part 1926.104, Safety belts, lifelines, and lanyards; and OSHA Requirement PERSONAL PROTECTIVE EQUIPMENT: OSHA Part 1926.106, Working over or near water.

Gloves

On operations where gloves are necessary, wear the proper type as specified by your Supervisor.

Safety Vests

Safety vests are to be worn by any employee working in the roadway or an area within six feet of the edge of roadway.

Hard Hats

Head protection or "Hard Hats" as defined by the Occupational Safety and Health Administration (OSHA) is to provide "for protection of heads of occupational workers from impact and penetration from falling and flying objects and from limited electric shock and burn". This section defines the equipment, City operations and City building locations where all employees and visitors are required to wear hard hats. Any elimination or additions should be directed to the HR/Risk Manager for review and possible updating.

When required, hard hats are provided by the City to protect employee's against the danger of head injury from falling or flying objects, or from electrical shock and burns. Hard hats are to be in good condition at all times. Employee owned hard hats are not permitted. All employees required to wear a hard hat for operating equipment or conducting City operations will be issued hard hats of the proper type, as specified herein. They should be with the employee at all times.

Use of Hard Hats

Hard hats will be worn at **all** times by all personnel and visitors when involved in the following situations:

1. When designated "Hard Hat Required" equipment is on a designated job site and in operation;

The equipment will be posted with permanent visible signs indicating **"HARD HAT REQUIRED"**.

2. During the following operations:
 - A. In any situation or operation where workers or visitors are below other workers (3 feet or more) that could reasonably expect tools, equipment or other apparatus could drop or fall (on ladders, on scaffolding, in trenches, on roofs of buildings, etc.).
 - B. When working with equipment or tools beyond six feet in height that could reasonably be expected to drop or fall, such as fence, trees or structures under construction.
 - C. When working in all below ground situations (manholes, submersible stations, trenches, lift stations, etc.).
 - D. When any overhead crane or boom is in operation.
 - E. When any boom is being operated from fixed or mobile equipment.
 - F. When raising and lowering of flashing traffic arrow mounted on trailer.
 - G. When operating the spring loaded crank overhead tarp on dump trucks.
 - H. When called upon to perform maintenance, clean-up, field operations and/or inspections during disaster.
 - I. In building locations damaged by disaster, fire, flood or other cause which could result in structural damage or falling material.
 - J. Persons working near high-voltage (220 volts or higher) electrical hazards.
 - K. When going onto or into a construction site.

The above operations/sites are to be posted with temporary visible signs indicating **"HARD HAT AREA"**.

3. In the following City buildings designated as "HARD HAT AREA":
 - A. All storage areas when forklift is in operation.
 - B. In all sanitary sewer lift stations when a pump is being pulled and lifted.
 - C. Inside the entrance to all submersible stations.

The above areas are to be posted with permanent visible signs indicating **"HARD HAT AREA"**

Helmets for the protection of persons against impact and penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1986, Safety Requirements for Industrial Head Protection.

Helmets for the head protection of persons exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1986.

HARD HATS ARE NOT REQUIRED WHEN EMPLOYEES ARE OPERATING EQUIPMENT THAT HAVE TOTALLY ENCLOSED CABS.

If any area is designated as "**HARD HAT AREA**," all persons entering these areas will be required to wear a hard hat at all times. Directors and Supervisors are responsible for designating the above areas and special temporary situations as "**HARD HAT AREAS**" where not previously defined or where there is a real and present danger of falling and flying objects, construction areas, and any underground excavations where personnel are working above other workers.

Foot and Toe Protection

The wearing of sandals or tennis shoes is not allowed. Exceptions would be for those employees whose duties would require them to wear shoes used for sports activities. Protective foot wear (Safety Shoes) is to be worn by any employee who in the course of his duties is required to visit a work site where hazardous conditions exist that could injure his feet. Safety-toe footwear shall meet the requirements of ANSI Z41.1 - 1983, "Standard for Men's' Safety-Toe Footwear."

Safety Glasses, Goggles, and Face Shields

Goggles or face shields should be worn by all employees performing work that exposes them to eye injury. Employees not performing work, but who are in the area of exposure such as helpers and visitors, should also wear eye protection. Hazard areas will be identified. Eye protection will be required in these areas. Sufficient visitor goggles or face shields will be available for protection of persons entering these areas and will be of the type required to guard against the hazard existing. Sufficient visitor goggles or face shields will be available for protection of persons entering these areas and will be of the type required to guard against the hazard existing.

Appropriate goggles with filter lenses shall be used for such operations as oxyacetylene welding, cutting, lead burning and brazing. Where eye injury is increased by grinding, buffing, sandblasting, etc. additional precautions such as side shields for safety glasses must also be employed.

Do not take chances with eye injuries - contact your Supervisor or first aid person immediately upon injury. Do not rub your eyes when some foreign object is in them. Eye and face protection equipment shall be in compliance with ANSI Z871-1989, "Practice for Occupational & Educational Eye & Face Protection" (or a standard that is equally effective for eye and face protection) and is in compliance with OSHA 1910.133 (revised.)

Personal Clothing

The clothes you wear is a personal matter if uniforms are not provided. Clothing must adhere to the requirements set forth by the department for the position. The minimum work clothing shall be determined by Department standards. Clothes can be a safety hazard if they are loose or ragged. The material can get caught in moving machinery and cause fatal or serious injury. Neckties, loose clothing or jewelry will not be worn

around moving machinery. Clothing that is not clean is not only unsightly, but a health hazard, causing skin infections and irritations. Clothing furnished by the City must be kept in a clean and presentable condition.

18-12 MACHINE SHOP OPERATIONS

Report all unsafe conditions immediately to your Supervisor. Use only those machines and equipment that you are qualified and authorized to use. Wear eye protection at all times where eye hazards exist. Before turning on a machine, make sure everyone is clear. All guards and safety devices must be in place and properly adjusted before operating a machine.

Do not leave a machine running unattended. Machines must be stopped and power turned off before changing chucks or loading heavy items into the chucks. Make sure the chuck is tight and the chuck key is removed before restarting the machine. Never brake or slow down a machine with your hands. Turn off the power and wait for it to stop.

Keep your machine clean. Remove chips with a brush or stick - not your hands. Floors shall be clean of oil, solvents and coolants and if there is an accidental spill, it must be cleaned immediately. Use approved cleaning material.

Do not wear neckties, loose or ragged clothing, long sleeves, gloves or jewelry near machinery. Hair must be groomed or confined to avoid becoming caught in moving machinery which may cause fatal or serious injury. Any employee with hair that exceeds shoulder length should have it tied back or kept confined under their hat while performing tasks involving moving machinery.

If you have to work on a piece of equipment, lock out all of the power sources. Follow these lockout rules:

- A. Provide a safety lock for everyone working on a machine.
- B. Issue only one key per safety lock, and make sure it is used only on machines and equipment. Do not use safety locks on tool boxes, lockers, carts or desks.
- C. Make sure switches and valves do not operate after lock is in place. Do not work on machines that cannot be locked out.
- D. Do not pull fuses or use a safety tag as a substitute for the use of a safety lock.
- E. Each employee is responsible for the removal of the lock when the work is completed.

Abrasive Grinding

- A. Abrasive wheels shall be used only on machines provided with safety guards with the following exceptions:
 1. Wheels used for internal work while within the work being ground.
 2. Mounted wheels, used in portable operations, two inches and smaller in diameter; and
 3. Type 16, 17, 18, 18R and 19 cones, plugs and threaded hole pot balls where the work offers protection.

- B. Abrasive wheel safety guards shall cover the spindle end, nut and flange projections, except:
 - 1. Safety guards on all operations where the work provides a suitable measure of protection to the operator may be so constructed that the spindle end, nut and outer flange are exposed;
 - 2. Where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted; and
 - 3. The spindle end, nut and outer flange may be exposed on machines designed as portable saws.
- C. Abrasive wheel safety guards for bench and floor stands, and for cylindrical grinders shall not expose the grinding wheel spindle. The protecting member shall be adjustable for variations in wheel size so that the distance between the wheel periphery and adjustable tongue or end of the peripheral member at the top shall never exceed 1/4 inch.
- D. Machines designed for a fixed location shall be securely anchored to prevent movement, or designed in such a manner that in normal operation they will not move.
- E. An adjustable work rest of rigid construction shall be used to support the work on offhand grinding machines. Work rests shall be kept adjusted closely to the wheel with a maximum clearance of 1/8 inch.

Drill Press

Be sure that the work is securely bolted or clamped to the table, or held in a vise or jig. Do not try to hold it by hand. Be sure that the table clamps are properly tightened so that the table cannot move. When setting up or removing work, shut off power, even though the table or arm has been moved out of line. When removing a drill from a socket clamped to the chuck, lower the spindle so that the end of the drill is near the table before loosening the socket. Be sure to remove the drift key from the spindle immediately after removing the drill. Always remove the key from the chuck immediately after using.

Lathes

Use proper face guards.

When handling heavy chucks or face plates, use a lifting device. If there is no lifting device near your lathe and the chuck or face plate is too heavy to be handled by one person, get help. Always start the chuck on the lathe spindle by hand instead of by power. Do not let the jaws extend beyond the circumference of a chuck. If necessary, change or reverse the jaws. After setting up or taking work out of the chuck, remove the wrench from the chuck immediately. When doing work on centers, be sure that the work is countersunk deeply enough so that it cannot be thrown out of the lathe.

See that the tail stock is fastened to the lathe bed and the dead center is properly lubricated.

Use only safety type lathe dogs or those with flush set screws.

Do not hold emery cloth in your hand while polishing revolving work. Use a wood block or jig for this purpose. Use only files with handles.

When machining rods or bars that project beyond the head stock, enclose the projecting portion in a stationary pipe supported on a suitable stand. The machining of irregularly shaped castings, crankshafts, and similar objects where the tool is not in contact with the work during the entire revolution of the chuck, is extremely hazardous. The operator will be constantly on the alert to avoid being struck or caught by the work. Do not knock chips off the tool or lean over the lathe to inspect the work while it is in motion.

Machine Guarding

- A. Machine guarding shall be provided to protect employees in the machine area from hazards such as those created by point of operation, nip points, rotation parts, flying chips and sparks. The guard shall be such that it does not offer an accident hazard in itself.
- B. The point-of-operation guarding device shall be so designed as to prevent the operator from having any part of their body in the danger zone during the operating cycle.
- C. Special supplemental hand tools for placing and removing material shall permit handling of material without the operator placing a hand in the danger zone.
- D. Some of the machines that usually require point-of-operation guarding are guillotine cutters, shears, alligator shears, power presses, milling machines, power saws, joiners, portable power tools, and forming rolls and calendars.
- E. All machine guarding shall comply with OSHA Requirement MACHINERY AND MACHINE GUARDING: OSHA Part 1910.212, General requirements for all machines; and OSHA Part 1910.215, Abrasive wheel machinery.

Machinery, Fixed

Machines designed for a fixed location shall be securely anchored to prevent walking or moving, or designed in such a manner that they will not move in normal operation.

18-13 CONSTRUCTION, BUILDINGS, AND GROUNDS MAINTENANCE

Building and Ground Areas

Report all unsafe conditions immediately to your Supervisor. Check for tripping hazards, broken walks, holes, exposed pipes, wires, debris, etc.

All City construction excavating and trenching shall comply with OSHA Requirement EXCAVATIONS, TRENCHING AND SHORING: OSHA Part 1926.650, Scope, application, and definitions applicable to this subpart; OSHA Part 1926.651, General requirements; OSHA Part 1926.652, Requirements for protective systems; and plus Appendix A to F.

Aisles and Passageways

- A. Where mechanical handling equipment is used, sufficient safe clearance shall be allowed for aisles, at loading docks, through doorways and whenever turns or passage must be made.

- B. Aisles and passageways used by mechanical equipment shall be kept clear and in good repair with no obstruction across or in aisles that could create hazards.
- C. Permanent aisles and passageways shall be appropriately marked.
- D. Covers and/or guard rails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

Ladders

A ladder should be placed so the distance from its foot to the wall is one-fourth the length of the extended ladder. Never separate the parts of an extension ladder. Use of the top section as a ladder is prohibited. Do not carry heavy or bulky objects up or down a ladder. Always use a rope or hoist.

Only one person on a ladder at any one time. Ladders will not be used as skids, braces, scaffold members, or for any other purpose than that for which they are intended.

Face the ladder when going up or down. Always look up when you are going up a ladder. Move the ladder as the work progresses. Don't work any further than an arm's length from the ladder. Never climb a ladder with greasy, muddy, or otherwise slippery hands or shoes. Never stand on the top step of a step ladder.

If it is necessary to place a ladder near a door or where there is potential foot traffic, set up warning signals or take other precautions to prevent accidental contact that might upset the ladder. Do not use metal ladders in areas where there is exposure to electric wires or equipment.

All ladders shall comply with OSHA Requirement WALKING AND WORKING SURFACES: OSHA Part 1910.27, Fixed ladders and OSHA Requirement WALKING AND WORKING SURFACES: OSHA Part 1910.25, Portable wood ladders; OSHA Part 1910.26, Portable metal ladders; OSHA Part 1926.1053, Ladders; and OSHA Part 1926.1060 Training Requirements.

Scaffolds and Platforms

Make provisions for uniform level and compacted footing before installing upper levels. Tie into structure or building to prevent tipping. All side braces (cross-bracing) shall be installed on tabular welded frame scaffolding. Only scaffold boards in good condition are to be used on scaffolds. Each scaffold board must overlap the scaffold sides by a minimum of six (6) inches.

Never stand on the overhang portion of a scaffold board. Guard railing shall be installed on scaffolding unless other safety devices are in use. When using a scaffold, a safe access to scaffolding shall be used, such as a ladder.

Do not leave tools or materials on scaffolds or platforms where they may fall or cause a tripping hazard.

Railings and toe boards shall be installed on all open sides and ends of platforms more than ten feet above the floor except where wholly within the interior of a building and covering the entire floor area of any room therein and not having any side exposed to a hoist way, stairwell or other floor openings, and needle-beam scaffolds and floats in use

by structural iron workers. There shall be a screen with 1/2 inch maximum openings between the toe board and the guardrail where persons are required to work or pass under the scaffold.

All scaffolds shall comply with OSHA Regulation WALKING AND WORKING SURFACES: OSHA Part 1910.28, Safety requirements for scaffolding; OSHA Part 1926.451, Scaffolding; and OSHA Part 1926.452, Guardrails, handrails and covers.

Excavations and Trenching

Daily inspections of each excavation and trench shall be made by the Supervisor.

Open excavations exposing employees or other personnel shall be barricaded. The sides of excavations will be properly and substantially braced and shored, or the sides will be sloped away from the excavations, or a trench box of substantial construction may be used. The type of shoring systems to be used will be determined by soil conditions, vibrations in the area, stresses imposed by nearby buildings and other pertinent conditions. Where excavations are to be made below adjacent foundations or pavements, these structures will be suitably braced or shored to prevent collapsing as long as the excavation is open.

Dirt removed from the excavation and other materials will not be piled closer than two (2) feet to the edge, and loose boulders, stumps and other debris that could slide into the excavation will be removed from the area. Bridges, walkways, guard rails, barricades, warning signs and lights will be placed over or near open excavations as required.

Ladders shall be placed in each end of trenches more than four (4) feet deep to provide safe and convenient exits from the area in case of cave-ins. Where it is necessary to undercut the side of an excavation, overhanging materials shall be safely supported.

All trenching and shoring shall comply with OSHA Regulation EXCAVATIONS, TRENCHING AND SHORING: OSHA Part 1926.650, Scope, application, and definitions applicable to this subpart; OSHA Part 1926.651, General requirements; OSHA Part 1926.652, Requirements for protective systems; and plus Appendix A to F.

Construction Hazard Identification--Barricades/Signs

All construction work will be clearly identified by signs. The protective barriers will be suitably marked with reflective and illumination materials for easy sighting after dark. Traffic channeling devices shall be used where applicable.

All barricading, traffic channeling or signage shall comply with the Federal Highway Administration, Manual on Uniform Traffic Devices and OSHA Regulation WARNING SIGNS: OSHA Part 1910.144, Safety color code for marking physical hazards; OSHA Part 1910.145, Specifications for accident prevention signs and tags; OSHA Part 1926.200, Accident prevention signs and tags; OSHA Part 1926.201, Signaling; and OSHA Part 1926.202, Barricades. Additionally, all traffic barricading, signage and signaling shall conform to Florida Department of Transportation 600 Series Standards.

Grass Cutting

Mower operators will wear eye protection and sturdy work shoes at all times. No adjustments will be made by the operator or maintenance person while the machine is running.

Gasoline for lawn mowers and other lawn care equipment will be kept in safety cans plainly lettered "GASOLINE". All sources of ignition will be kept clear when fueling. Fueling will not be done while engines are running. Smoking is not allowed when fueling.

Chain Saws

Kickback is the major cause of injuries. It occurs when the guide bar touches a solid object such as the ground or a small limb while the saw is running. The force of the kickback can propel the saw in a full circle in less than a half-second, slicing through everything in its way. Safe operation requires holding the saw firmly with both hands whenever the motor is on. Thumbs and fingers should circle the handles, with the thumbs on the side of the handlebar opposite the fingers.

Two employee crew members must be used when operating chain saws.

Always wear hearing and head protection, hard-toed shoes, snug fitting clothing, and no loose belts, scarves or jewelry. Keep the saw below shoulder height for better control over kickbacks. Maintain a balanced stance. Allow the motor to reach full speed before attempting to cut anything. Do all cutting at high chain speed because a slow-moving saw can grab wood and throw the saw. Keep the chain sharpened. Read the operator's manual carefully. Use plastic wedges to prevent the log from closing on the chain. Stand slightly to one side rather than directly behind the cutting operation to avoid injury if kickback occurs.

Floors and Building Area

All floors shall be kept clean at all times of all dust, dirt, grease or other debris. Building floors should be clear of obstructions or slippery materials. Floors will not be cleaned with flammable liquids. Adequate ventilation will be provided if cleaning is done with liquids containing toxic material, such as ammonia, to remove vapors. **If any problem occurs, immediately contact your Supervisor.** Dust, which can explode under certain conditions, will be kept down during sweeping by spreading an approved sweeping compound over the floor. Extreme care shall be taken to avoid excessive washing or polishing of floors. Use only non-skid wax.

All projections shall be kept to a minimum on walls and ceilings. Ceilings will be kept in good repair and free of loose plaster and paint that could fall and injure persons below. Materials will not be stored under or piled against buildings, against doors, exits, or under stairways. Roofs will be kept free of all debris.

All floors and openings shall comply with OSHA Regulation WALKING AND WORKING SURFACES: OSHA Part 1910.22, General requirements; and OSHA Part 1910.23, Guarding floor and wall openings and holes.

Clothing Storage

Personal clothing shall be kept clean. Clothing that is contaminated with flammable substances will not be placed in enclosed areas in order to avoid spontaneous combustion.

18-14 SUPPLY AND MATERIALS HANDLING

Lifting, Carrying, and Moving Materials

All employees are required to do some lifting, moving and handling of materials and equipment as part of their regular assigned duties. *Avoid accidents - learn the right way to handle materials.* Know your physical capacity and limitations. Get help if needed to lift, carry or move material. Weight is only one criteria to consider when lifting objects. You must also consider the size, shape, packaging material, etc. If an object is large, bulky or feels too heavy to lift, get help and/or place the object on a dolly for easy transport. The proper steps in lifting safely are:

- A. Consider the size, weight and shape of the object to be carried. Do not lift more than can be handled comfortably. If necessary, get help.
- B. Set feet solidly, with one foot slightly ahead of the other for increased effectiveness. Feet should be far enough apart to give good balance and stability.
- C. Get as close to the load as possible. Bend legs about 90 degrees at the knees. Crouch, do not squat. It takes about twice as much effort to get up from a squat.
- D. Keep the back as straight as possible. It may be far from being vertical, but it should not be arched. Tuck in the chin so the head is in line with the back. Bend at the hips, not the middle of the back.
- E. Grip the object firmly. Maintain that grip while lifting and carrying. Before changing the grip, set the object down again.
- F. Straighten the legs to lift the object and at the same time bring the back to a vertical position.
- G. Never carry a load that you cannot see over or around. Make sure the path of travel is clear.
- H. All material handling shall comply with OSHA Regulation MATERIALS HANDLING AND STORAGE: OSHA Part 1910.176, Handling materials - general.

Bags and Sacks

Bags and sacks may be lifted by stooping down as far as possible and rolling the bag or sack up to the knees, chest and shoulder before straightening the legs and carrying with the back vertical. Place hand on hip so the bag or sack rests partly on the shoulder, arm and back. Be sure of your grip and footing.

Barrels and Drums

Barrels and drums may be up-ended by grasping both ends, press down with one hand and lift the other in a rocking fashion until the drum is balanced on the bottom chime. The lower grip may then be released and the drum placed on end. Keep feet in the clear. Do not drop drum or barrels.

Long Objects

Long objects should be carried on the same shoulders (left or right) of all persons making the carry.

Hazardous Materials

When handling hazardous materials use protective clothing and goggles. Do not remove a wet leaking container.

Flammable and Explosive Material--Handling Chemicals

All flammable and explosive material will be moved only in properly marked and approved containers. Never transport flammable liquids in open containers. No food or drink shall be allowed in an area where potentially toxic substances are stored, mixed or otherwise handled. Wear protective goggles and clothing when contact may occur with chemicals.

All chemicals or other injurious materials must be stored in proper, approved containers. Antidotes and first aid treatment methods shall be attached to the container or otherwise readily available to all workers.

Boxes, Cartons, Packages and Other Material

A box, carton, or package should never be handled by the steel strapping bands. A hand truck or fork lift should be utilized when required. Lift all cartons, boxes or materials properly. (See "Lifting, Carrying and Moving Materials" above for proper steps in lifting safely). When two or more persons are required to handle an object, one person should be in charge and give signals for lifting, moving, lowering and dropping in unison.

Before cutting metal strapping, make sure no one is standing where they might be hit by loose ends of straps. (Eye protection should be worn during these operations). To cut bands, place a gloved hand on the strap to prevent injury from springing back. Before handling containers, inspect them for protruding nails, wire ends, splinters and sharp ends of metal bands.

Package or box all loose items before moving. Wipe off oil, grease, dirt or other foreign matter before lifting. Wear gloves when moving rough, burned or jagged objects and those with sharp corners. Hooks, crowbars, rollers and skids should be used when provided. Be sure the path of travel is clear of obstructions and well lighted, if inside. Stay at all times within the prescribed safety aisles in warehouses and storage areas.

Never attempt to catch a heavy falling object; this can cause injury. Do not stand on a box or truck when placing materials on a high pile, or when reaching for an object above your head.

Hoisting and Lifting Equipment

Never overload hand operated or electric hoists. The rated load will be legibly and permanently marked in a prominent location on all hoist and lifting equipment including jacks. (Jacks supplied with vehicles are excluded). Rated load limits shall not be exceeded.

All hoisting and lifting equipment shall comply with OSHA Requirement MATERIALS HANDLING: OSHA Part 1910.179, Overhead and gantry cranes.

18-15 POWERED INDUSTRIAL TRUCKS, INCLUDING FORKLIFTS AND HAND TRUCKS

Only qualified personnel trained in the operation of forklifts and other powered industrial trucks are authorized to operate this equipment. Prior to operation of powered industrial trucks, the operator shall examine the vehicle and if any item is found to be defective or in need of repair, the items shall be corrected prior to use.

Forklift Trucks

When using forklifts, do not operate in excess of speeds that allow full control of the equipment and safety of the load. Do not permit any part of load to obstruct vision while driving. If your vision is obstructed - drive in reverse. Only the driver shall ride on the forklift. *Riding the forks is strictly prohibited, for any reason.* Watch out for pedestrians. Sound horn at blind corners.

Lift and lower loads smoothly, and never carry loads in an elevated position.

Power trucks will not be left unattended without lowering platform or forks, first shutting off power, neutralizing controls, setting brakes and removal of the ignition key. When entering other vehicles with forklift trucks the wheels of the vehicle shall be chocked to prevent any movement.

All forklift trucks shall comply with OSHA Requirement MATERIALS HANDLING AND STORAGE: OSHA Part 1910.178, Powered industrial trucks.

Hand Trucks

When using two-wheel hand trucks - do not overload. Make sure the load is stable so the weight is on the axle not the handle. The same warning against overloading applies to the four-wheel hand truck. Never pile a load so high that it might fall or prevent you from seeing ahead. Hand trucks are meant to be pushed not pulled, with the exception of the four-wheel truck with swivel axle and tongue which is designed for pulling. The motorized hand truck can be run either way. Never pull a four-wheel truck down an incline.

18-16 STORAGE OF MATERIALS

General Housekeeping

Both inside and outside storage facilities and areas are used by the City. Warehouse, storage yards and supply dumps are all part of the storage operation. All sources of ignition will be prohibited in all storage buildings and areas. Signs will be posted to this effect.

Smoking shall not be permitted in or around any storage areas. Signs will be posted where smoking is prohibited.

Materials will not be stored under or piled against buildings, against doors, exits or under stairways. Stored materials shall be kept at least 18 inches from automatic sprinkler heads. Sprinkler systems, valves, fire extinguishers, exits, and fire doors will be provided sufficient clearance as to allow use. In no case will material be piled, stacked or placed to block access to emergency equipment and exits. Large, bulky or unusually heavy materials will be stored near entrances to minimize the amount of handling needed and make movement easier. Do not store glass bottles and heavy items on the top of shelves; place on floor or in lowest bin. All scrap lumber, waste material and rubbish shall be collected and stored in piles or containers for regular removal. Protruding nails in boards, planks and timbers shall be removed, hammered in or bent over flush with the wood.

Storage areas will be kept clean of debris at all times. Fire lanes and access roads will be kept clear at all times. Aisles, as far as practical, should be straight and lead directly to exits. There should be as few aisle intersections as possible. Aisle widths will vary according to usage. Aisle widths should allow for safe movement and clearance. Exit routes for personnel will be kept clear of obstructions. Aisles will be kept clear of stock, materials and protruding objects.

Always keep to the right and operate equipment at safe authorized speeds.

Piling and Stacking Materials

Materials shall be piled in neat stacks, stabilized by dunnage if necessary. Leaning or unbalanced stacks will be restacked immediately to prevent their falling. Stacked material will be kept at least 18 inches away from electric light fixtures. Fire extinguishers shall not be obstructed or blocked.

Oily Rags and Waste Material

Oily rags and other wastes will be placed in fire-resistant enclosed containers provided. All containers shall be emptied daily.

Stored Materials - Flammable and Combustible Material

A solvent is a liquid that dissolves another substance. Most solvents are flammable. They must be used with caution and stored in closed fire-resistant containers, and should be in approved storage rooms or cabinets.

Drums and other containers of gasoline, oil, solvents, thinners, oil-based paint and varnish will not be stored in locations where they could be ignited by sparks, flames or other sources of ignition and shall not exceed amounts allowable in any one fire-safe area. Excessive amounts of flammable and combustible liquids shall be kept in approved storage rooms or storage cabinets designed to provide safe storage. Storage of unmarked or improperly marked containers is strictly prohibited.

Metal containers with lids will be used for storage of clean rags and waste materials. Combustible trash and materials will not be intermingled with rags and cloths saturated with flammable liquids.

Only one day's supply of flammable liquids or paints will be kept in processing rooms and paint spray rooms.

Safety cans will be used for handling and transporting small quantities of flammable and combustible liquids.

In no case will material be piled, stacked or placed to block access to emergency equipment and exits.

At no time will flammable, combustible or hazardous material be stored in open containers.

Drums used for dispensing flammable or combustible liquids shall be equipped with an approved pump, which is the preferable method or the drums may be equipped with self-closing valves and will be stored in a fire safe area, an approved storage cabinet or storage room. Drip pans will be provided to catch spills. These drums shall incorporate a means for grounding against static electricity.

Lumber Storage

Lumber will be stacked level, stable and shall be self supporting. Used lumber will have all nails and splinters removed before it is stacked for storage. New lumber will also have the splinters removed before it is stacked for storage. Always use gloves when stacking or moving lumber.

Cement and Lime Bags

Bags of cement and lime will not be stacked more than ten (10) bags high without setback, except when restrained by walls of appropriate strength. The bags around the outside of stacks shall be placed with the mouths of the bags facing the center of the stack. During unstacking, the entire top of the stack shall be kept nearly level and the necessary setback maintained.

Bricks and Blocks

Brick shall be stacked on an even, solid surface and shall not be stored on scaffolds or runways in excess of normal supplies for immediate brick laying operations or in excess of safe load limit of scaffold or runway. Floor, wall, and partition blocks shall be stacked in tiers on solid, level surfaces. When required, the stack shall be stepped back and secured to prevent toppling. Stacking shall be no more than three (3) feet high.

Steel

Reinforcing, sheet, and structural steel shall be stored as follows: Reinforcing steel will be stored in orderly piles away from walkways and roadways; structural steel will be securely piled to prevent members sliding off or pile toppling over. All storage and piling of steel will be neat, orderly and secure.

Pipe

Pipe shall be stacked and blocked so as to prevent spreading or rolling. Separate stacks will be made for each size.

Round Piling or Poles

Round piling or poles shall be stored in an orderly manner on a solid, level surface. Either a pyramid shaped stack or battened stack shall be used. The lower tier of stacks shall have all piles or poles securely chocked to prevent lateral spread. When a battened type of stack is used, the outside pile or pole shall be securely chocked, and shall be

tapered back at least one pile or pole in each tier. Unloading of round piling, poles, or pipe shall be done so that no person is to be required to be on the unloading side of the carrier after the tie wires have been cut or during the removal of stakes.

Sand, Gravel, Crushed Stone, Dirt and Stockpiled Material

When this material is withdrawn from stockpiles by equipment operators, they will ensure that no overhanging or vertical face exists. No operator will load from any pile that overhangs his equipment.

18-17 WOODWORKING SAFETY

Woodworking Shop

Only qualified and authorized personnel will operate woodworking machines. Machine guards, eye protection, safe operating procedures, proper ventilation and exhaust equipment will protect workers against woodworking hazards when installed and used properly.

Report all defective parts or malfunctions immediately to your Supervisor.

No woodworking machine will be cleaned or repaired while it is operating. When maintenance is necessary, the machine will be completely shut down, with its control switches locked. Guards are never to be removed except for maintenance or replacement. All defective equipment shall be immediately repaired or replaced. No saw or other machine shall be left running unattended. All woodworking machines shall be completely stopped before removing chips, sawdust or cut-offs of lumber. Horseplay will not be permitted at any time. An operator's attention will not be distracted while the operator is working with machines in operation. Never wear neckties, loose sleeves, gloves or jewelry around moving machinery.

Protective Equipment

Eye protection shall be worn during sanding and grinding operations, when working on wood lathes and power saws or any other device presenting eye hazards.

All woodworkers shall comply with OSHA Regulation MACHINERY AND MACHINE GUARDING: OSHA Part 1910.213, Woodworking machinery requirements.

Floors

Shop floors will be kept in good repair. Sawdust, wood scraps or other objects which could cause personnel to slip or stumble, will not be allowed to collect on floors. Adequate working space will be provided.

Cutting Tools

All cutting tools will be kept sharp and in good condition at all times. All woodworking tools will be stored in a place provided for this purpose.

Machine Layout

Machines will be positioned in the shop to afford efficient and safe operation and provide ease of stock handling. Aisles throughout the shop will be plainly marked and kept free of material and debris.

Waste Removal

Chips or dust will never be removed from machinery by hand. Brushes will be used to safely clean woodworking machinery. Waste materials will immediately be cleaned up and disposed of after the operation is completed.

Exhaust Systems

Woodworking machines are required to be equipped with effective suction hoods, connected to an exhaust system designed to efficiently remove and prevent the accumulation of flammable wood dusts. Any sawdust collecting on rafters, beams, overhead pipes and machinery will be cleaned at regular intervals. Blowing materials down with compressed air is prohibited.

Lighting

Adequate illumination will be provided in the shop. Suitable fixtures will be provided for machine illumination at points of operation.

Saws - General

Before usage, all saw blades will be checked for cracks or defects. Cracked or defective blades will be replaced immediately. Before usage, check that all saw guards are in good working order, if not, immediately repair or replace. Be sure the saw blade is firmly tightened on the arbor.

The saw fence should be correctly adjusted at a right angle to the cutting head and securely fastened in place. If it is properly set, the stock will not bind. If not properly set, the stock is likely to bind and a kickback may result.

Do not push two or more pieces side-by-side through a planer, because one of them may be thrown back by the planer blades. When a saw binds in a cut, shut off your machine before trying to release the material.

Never use a rip saw for cutoff work and a crosscutting saw for ripping. Never cross feed a cutoff saw. Do not stop a saw by forcing a piece of wood against it. Cutter blades should be kept well sharpened, evenly ground, balanced and properly and securely fastened at all times. Never use saw blades larger in diameter than is allowable.

Proper eye protection shall be worn at all times.

Band Saws

Band saw wheels shall be fully encased. The outside periphery of the enclosure shall be either solid or wire mesh or perforated metal.

Circular Table Saws

Circular table saws shall have a hood over the portion of the saw above the table, so mounted that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut. Circular table saws shall have a spreader aligned with the blade, spaced no more than one-half inch behind the largest blade mounted in the saw. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. Circular table saws used for ripping shall have non-kickback fingers and blades of self-feed circular saws shall be protected by a hood or guard to prevent the hand of the operator from coming into contact with the in-running rolls at any point.

Rip Saws

Rip saws will be located so as not to be directly in line with other equipment to prevent nearby workers from being hit by material that might kickback from the rip saw. If space does not permit this type of positioning, a meter or plank barricade should be placed between the rip saw and other machinery or persons. Rip saws shall be equipped with anti-kickback dogs hinged to the hood. The points of the dogs will ride on the stock to keep it from being forced up and back toward the operator. In no case will hands be placed at the back of the saw or work to be pulled through from the back of the saw. Stock will be held against a gauge or fence and never sawed freehand. When ripping, the operator will stand out of the line of the stock being cut, making sure their hands or fingers are out of the danger area.

Remove any material that may have been placed upon the machine table before you start the machine.

Do not pile material on the machine table.

Radial Arm Saws

Radial saws shall have an upper guard that completely encloses the upper half of the saw blade. The sides of the lower exposed portion of the blade shall be guarded by a device that will automatically adjust to the thickness of and remain in contact with the material being cut. Radial saws used for ripping shall have non-kickback fingers or dogs. An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations. Radial saws shall be installed so that the cutting head will return to the starting position when released by the operator.

Swing Cutoff Saws

Overhead-swung saws will be equipped with a mechanical device to prevent the front end of the saw from traveling beyond the front edge of the table. A return mechanism will also be provided to automatically return the saw to the back of the table when it is released at any point in its travel. A self-locking device will be installed to keep the saw from rebounding when released. A self-adjusting guard will be installed to completely enclose the upper half of the blade, the arbor end and point of cutting, regardless of the position of the saw.

Pusher Sticks

Pusher sticks will be used when sawing short or narrow pieces of work. Guards will be securely in place when pusher sticks are used.

Portable Circular Saws

Portable circular saws will incorporate permanent, self-adjusting guards. All exposed areas of the saw blade will be enclosed both during and after cutting operations.

Leave the saw in the cut until the blade stops rotating, and never fasten the hood guard back or lift the guard by hand at any time, especially when the saw is operating, unless the guard is designed with a lever for lifting.

Before operating the switch to start the saw and when using the saw, brace your elbow against your knee if possible, to prevent kickbacks. Don't saw the material unless it is properly supported.

Be sure your saw has a three-conductor electrical cord, a three-prong plug or is double-insulated. Use grounded receptacles. Never cut off the ground prong of the plug. Be careful of cutting your electrical cord or tripping over it. Keep the cord out of water, without kinks and out of the way of vehicle and pedestrian traffic.

Use power hand saws only for operations they are suited for and never use a saw without a shoe guide.

18-18 ELECTRICAL SAFETY

Electrical Wires and Extension Cords

Treat all electric wires as **LIVE WIRES**. Do not drag cords over sharp edges or run cables across aisles where trucks can damage them. Pull the plug instead of yanking the cord. Never remove a cord if it is in use. Electricity can jump across exposed prongs. Keep electric cables away from steam lines and hot water lines which carry insulation. Keep cords clean. Never allow an extension cord to lay in water, oil, grease or other solvent. Wipe clean before using. Excessive scraping, kinking and stretching will cause damage to power cables and cause premature failures and possible shock or burns. Worn, cracked or defective extension cords shall be discarded.

Lockout/Tagout

When making electrical repairs all employees will comply with OSHA Requirement LOCKOUT/TAGOUT - CONTROL OF HAZARDOUS ENERGY: OSHA Part 1910.147, The control of hazardous energy (lockout/tagout) plus appendix A; OSHA Part 1926.417, Lockout and tagging of circuits.

Electrical Equipment

Grounds provided on electrical apparatus shall not be disconnected or broken. Shock, no matter how slight, is a warning something is wrong. Tag the equipment and have it checked before reusing.

Never use a portable electrical tool unless you know it is in good condition. Portable electrical tools are required to be grounded at the case or frame, grounded by use of a three wire conductor and plug and if not double-insulated. If an extension cord is to be used with the tool, it must also be of the three-wire grounded type.

Double-insulated portable electrical tools are internally grounded by incorporating insulation in case or frame when designed. The wire containing male plug will have two prongs in the place of three. Check the plate on the tool to ensure that it states that the tool is "double-insulated" and will not require prescribed ground wire and plug.

In wet locations wear rubber boots and gloves or stand on a good insulated mat or platform. Use only low voltage equipment in such locations, if possible.

Never use or try to repair unfamiliar power equipment.

Electrical Repairs

Only qualified and authorized electricians will install and maintain electrical facilities and power lines. Two qualified employees will work together when high voltage circuits or energized circuits of any voltage are involved. Exercise care in removing or replacing light or power fuses - use fuse pullers. Live wire work is defined as work on wires, switches, starters, panels, or other electrical equipment while the potential of 25 volts or more of electricity is present.

All electrical installations will be installed and maintained in accordance with provisions of the National Electrical Code, NFPA.

Persons working around electrical circuits will not wear watches, rings, or other metallic objects which could act as conductors of electricity.

Personnel will treat low voltage systems with the same respect as high voltage circuits. Care will be taken to avoid contacting low voltage lines when working on poles, ladders or in other high places; the shock may be sufficient to cause the workers to lose footing and fall.

High-Voltage power lines as defined in Chapter 185S-4, Florida State Regulation, "Shall mean overhead electrical conductors carrying a voltage in excess of 400 volts between conductors, or from any conduction to ground. No equipment will be operated, erected, installed or stored, or any part thereof, within close proximity (10 feet) of any high-voltage power lines, unless danger from accidental contact has been effectively guarded against by: de-energizing and grounding high-voltage lines; erection of mechanical barriers to prevent physical contact with high voltage conductors, or installing an insulated cage-type guard or protective device about the boom or arm of the equipment...All mechanical barriers and all insulated protective devices and links...shall be submitted to and approved by the Florida Department of Commerce, Industrial Safety Division."

No live wire work will be performed unless necessary and with electrical gloves. When it is necessary to wear safety gloves, only those designed for electrical work will be used. Gloves will be inspected for cuts, punctures or signs of wear. Never use safety gloves with voltages higher than the gloves' insulation rating. To avoid cutting or tearing rubber electrical gloves, personnel will wear the leather liner over their safety gloves when actually working on high-voltage equipment. All rubber goods used in electrical work will be given a voltage test annually, except that rubber gloves in active use will be tested every three months.

Report to your Supervisor any leaking steam or water joints which are near any motors or other electrical apparatus. If you find sparking or smoking motors or other electrical equipment, turn off the power and report the condition at once.

All work on electrical energy and systems shall comply with OSHA Requirement CONTROL OF ELECTRICAL ENERGY AND SYSTEMS: OSHA Part 1910.303, General requirements; OSHA Part 1910.304, Wiring design and protection; OSHA Part 1910.305, Wiring methods, components, and equipment for general use; OSHA Part 1910.332, Training; OSHA Part 1910.333, Selection and use of work practices; and OSHA Part 1910.335, Safeguards for personnel protection.

18-19 PAINTING, AND PAINT & SOLVENT STORAGE

Clean up spilled paint, solvents, grease, oil or other materials at once. Watch where you are going; make sure you have a clear working space around you. This is very critical when working on elevated structures. Use tools to loosen stuck windows. Don't attempt to do it by hand, unless you are standing on a firm support and can use both hands.

Paint Mixing

Paint mixing will be done outdoors whenever possible, or if done inside, it will be conducted in an adequately ventilated area. All sources of ignition shall be prohibited in all mixing areas, and electrical facilities used near paint preparation spaces will be of the approved explosion-proof type.

Storage - Flammable and Combustible Material

Refer to "Fire Prevention and Protection" and "Hazardous Materials" for proper storage, handling and fire protection of flammable and combustible material. Do not soak paint brushes in open containers of solvent and place them in paint storage buildings or lockers. A suitable fire extinguisher shall be available immediately adjacent to any storage area.

Protective Clothing and Equipment

Painters preparing surfaces for painting shall wear eye protection to protect their eyes from chips and flying particles. Proper clothing should be worn to completely cover the body to avoid dermatitis to skin, weather and temperature permitting. Hands will be washed before eating. Respirators shall be worn when spray painting or working with paints which contain lead or toxic materials, when adequate ventilation cannot be provided, and the proper respirator shall be selected for the hazards present.

Gloves and eye protection will be worn when handling acids, lye or other cleaning materials that affect the skin.

Suitable special safety equipment shall be worn when painting towers, elevated structures and other high places.

Scaffolds

Use of makeshift scaffold will be prohibited. Be sure that swinging stages have at least one safety hand line from the roof or structure to the ground for each man on the scaffold. Check scaffolds for safe condition ensuring that guard-railings, planking, and platforms are not splintered or cracked, and all hooks and tackle used are not cracked or deformed. Place painter's hitch carefully, so that the load line will not slip off the lower block hook and thus allow one end of the scaffold or staging to fall. See that planks or ladder stages are long enough to extend well beyond the supports. Stirrups that support staging should be at least 18 inches from the end of the plank and fastened so that the plank cannot slip.

All scaffolds shall comply with OSHA Regulation WALKING AND WORKING SURFACES: OSHA Part 1910.28, Safety requirements for scaffolding; OSHA Part 1926.451, Scaffolding; and OSHA Part 1926.452, Guardrails, handrails and covers.

Suspended (Swing Stage) Scaffolding

Suspended scaffolds should not exceed safe load limits. All hoisting devices will be types approved by the Underwriter's Laboratories, Inc.

Check ropes for broken fibers on the outside. If rope cannot be easily bent or worked, or if its fibers seem dry and brittle, don't use it for scaffolding. Don't use wire rope that has many worn or broken wires.

No heavy construction materials will be stored on this type of scaffolding.

No more than two employees will be allowed at any time on this type of scaffold.

Suspended scaffolding shall be equipped with standard guard railings which will be used at all times. Suitable safety equipment shall be worn by any employee working on this type of scaffolding and the life line substantial member of the structure, and not to the scaffolding.

Boatswain's Chair

Boatswain's chair seat should be well constructed and suitably suspended.

When work involves blow torches, open flames, welding equipment or acids, boatswain's chair will be suitably constructed and suspended on steel rope. When suspension ropes are attached to poles by means of hitches, stirrups will be provided for the worker to rest their weight while shifting the hitch. Safety belts shall be worn by persons working in a boatswain's chair and the life line shall be secured to a substantial member of the structure.

18-20 WELDING SAFETY

Welding and Cutting Operations

Only qualified personnel, trained and familiar with safety practices, will be authorized to perform welding operations. Flame-producing equipment is prohibited in the vehicle maintenance shop except where safety controls exist.

Welders will wear necessary protection including long sleeve shirts and ankle length trousers. When arc welding, a welder must wear a welder's helmet, gloves and other protective equipment required on the job. A welder's helper must also wear eye protection and other equipment as required.

It is the welder's responsibility to obtain and work behind screens, especially when not working in an enclosed welding shop and when working outside, where property and other personnel are exposed to flying particles, flash burns to the eyes, fire and explosion hazards.

When it is necessary to perform work outside a booth or enclosed welding shop, the arc must be screened to prevent injury to others. If necessary, the helper should hold portable shields when they cannot be secured or anchored. The shields should be of fire-proof canvas, plywood or metal having two sides at an angle of 90 degrees, each side to be not less than 30 inches square and having hand-holds on the helper's side.

Short ends of arc welding electrodes will be deposited in containers provided. When the arc welder is used, the rod shall be removed from the holder when the work is completed or the welder leaves the work area.

The frames of welding and cutting machines shall be grounded. Ground returns must be of safe current carrying capacity, be bonded where necessary and be inspected periodically for soundness. Piping containing gases or flammable liquids shall not be used for ground returns.

Whenever any welding is done, a fire extinguisher of the proper class shall be immediately available in the welding work area and maintained in a state of readiness for instant use in the event of a fire. Work and electrode lead cables shall be frequently inspected. Cables with damaged insulation or exposed bare conductors shall be immediately replaced.

All welding or cutting operations shall comply with OSHA Regulation WELDING, CUTTING AND BRAZING: OSHA Part 1910.252, General requirements; OSHA Part 1910.253, Oxygen-fuel gas welding and cutting; OSHA Part 1926.350, Gas welding and cutting; OSHA Part 1926.352, Fire prevention; and OSHA Part 1926.353, Ventilation and protection in welding, cutting and heating.

Cylinders, Hoses and Regulators

Always secure cylinders in an upright position. The valve protection cap will not be removed until the cylinder is secured and about to be used. Be sure your hands or gloves are free of oil or grease before setting up your work. Always attach an oxygen pressure-reducing regulator before using oxygen from cylinder.

When "cracking" the oxygen cylinder valve, stand at the side or rear of the cylinder outlet. Open the oxygen cylinder valve, slightly for an instant, then close it. This will clear the valve of dust or dirt - then open the valve - slightly at first - then all the way. It is important that the pressure-reducing regulator be tightly screwed or bolted to the oxygen cylinder. Always use a regulator wrench or "key". Test connections for leaks around the oxygen cylinder valve stem, oxygen regulator inlet connections at the cylinder valve, all hose connections and blow-pipe oxygen valves. Use nothing except soapy water (Ivory or Castile soap) for testing. Do not use compressed air to blow out the talc in a new hose; it may contain oil, moisture or scale. Blow it out with oxygen.

After shutting off a cylinder, make sure all pressure is released from both gauge diaphragms. Be sure gases are shut off before you put down a torch. Never completely empty cylinders. Leave five pounds pressure to prevent contamination flow-back.

Do not expose cylinders to damage from heat or electrical arc.

All work with compressed gasses shall comply with OSHA Regulation HAZARDOUS MATERIALS: OSHA Part 1910.101, Compressed gases (general requirements); and OSHA Part 1910.102, Acetylene.

Operational Hazards

When an electrode holder is not in use, it must be placed where neither the holder nor the electrode can cause an arc.

Use an igniter, or pilot-light torches. Do not use matches. Do not light the torch with both valves open; it may cause a backfire.

Gasoline tanks and other containers of flammable or combustible liquids will be drained, flushed and steamed (if steam is available). If this is not practical (to use steam), fill completely with water before any welding is done. Be sure the container is vented. Sealed containers will not be welded under any circumstances.

Fumes and dust accumulating in the air during welding of cadmium plated metals is a major health hazard. Welding or cutting indoors or in confined spaces involving cadmium-bearing or cadmium-coated base metals shall be done using local exhaust ventilation or airline respirators.

Where exhaust ventilation is used, outlets to such systems shall be as far removed from the workplace as is practical. Respirators should be used by the welder for their protection against fumes and dust if the ventilation provided is insufficient. Outdoor operations shall be done using respiratory protective equipment such as fume respirators approved by the U.S. Bureau of Mines.

If you are required to weld the following types of materials, contact your Supervisor for further instructions.

- | | |
|-----------------------|-----------------------|
| A. Fluorine compounds | E. Cadmium |
| B. Zinc | F. Mercury |
| C. Beryllium | G. Cleaning compounds |
| D. Lead | H. Stainless steel |

Do not attempt to repair a leaking cylinder. Remove it immediately.

18-21 CONSTRUCTION AND MAINTENANCE VEHICLE OPERATION

Only properly trained and qualified personnel will be authorized to operate and maintain construction vehicles and equipment. All personnel will be alert at all times to avoid accidental injury and property damage in the operation of construction and motor vehicle equipment.

All mechanized equipment will be inspected prior to use and at frequent intervals to ensure that safe operating conditions are maintained. Mobile equipment operators shall conform to all laws and regulations governing motor vehicles when operating on state, county and city roads and highways.

When construction equipment proves hazardous to highway users, traffic will be controlled or warned by flagmen, signs, temporary barricades or other approved methods.

Operators will never leave their equipment unattended with the motors running.

Machinery left overnight will be parked in accordance with department regulations.

All construction/motor vehicles shall comply with OSHA Requirement CONSTRUCTION/MOTOR VEHICLES: OSHA Part 1926.441, Batteries and battery charging; OSHA Part 1926.600, Equipment; and OSHA Part 1926.601, Motor vehicles.

Operational Safety

Protection will be provided on all construction equipment to guard operators against falling objects or swinging loads. No one will attempt to get off or on to moving equipment. Unauthorized personnel will not be permitted to ride on construction equipment at any time. Equipment will not be oiled or greased when it is in operation, nor will it be fueled while the motor is running. Accumulations of dirt, grease and oily rags will not be permitted on any equipment.

Job conditions will determine safe operating speeds. Care will be taken when starting, turning, stopping and backing. Operators will be careful to avoid contacting high voltage electrical lines when working cranes, cherry pickers and like equipment.

Stationary equipment will be placed on firm foundations, located so weight and vibration will not cause the earth to cave in or create hazards to other facilities in the area.

Operators will wear eye protection when dust or other eye hazards are present. When deemed necessary because of dust, blowing sand, etc., respiratory protection will be provided and worn.

When an engine must be cranked by hand, the equipment must first be taken out of gear.

When construction equipment is to be towed, safety chains will be used in addition to regular towing hooks. If equipment is towed after dark, lights will be placed at the rear of the tow. Personnel shall not ride on the tow bars between equipment. When construction equipment is moved by trailer, care will be taken in loading and unloading to prevent machinery from tipping over; articles on the truck boxes or beds shall be secure from movement. Clearance heights all along the proposed route of travel will be checked and operators will keep a close watch to avoid striking low hanging objects. When moving equipment on roads and highways, state, county and city laws will be observed. Overhanging portions of loaded equipment will be marked by warning flags or lights.

Tractors and Attachments

Before moving tractors, dozers, etc., operators will walk all the way around their machines to make sure there are no obstructions and the way is clear. Operators will not allow passengers to ride on their tractors.

Machinery left overnight will be parked in accordance with department regulations. During operations, tractor drivers will not wear loose clothing or jewelry that may become entangled in moving parts, and will ensure that shoes are free of mud, grease or oil that could cause slipping.

Front End Loader buckets will be kept close to the ground going up steep grades, but will not generally be used for braking by digging into ground when coming down a slope.

Steel bars should be used to guide the eyes of attachments over tractor hooks to avoid pinching hands. A signalman, standing in a clear position, will guide the tractor driver backing into position or hookup. Safety chains will be put between tractor and attachments as needed protection should the tow bar break. Cables and sheaves on both tractor and attachments will be inspected daily.

Hydraulic systems will be inspected frequently to ensure safe and satisfactory operation.

When tractors are stopped and the engines are left idling, they will be placed in neutral with their clutches engaged so they cannot accidentally be jarred into motion. Tractors should not be left unattended while running. Before engines are started, tractors will be taken out of gear, the master clutches disengaged and the blades lowered to the ground.

Power Shovels and Cranes

When working power shovels and cranes, they will be located on solid ground as level as possible. Mats will be placed under the equipment if the ground is soft. Only the operator will be permitted in the cab of power shovels and cranes during operations.

When crane or shovel operators are working their equipment in areas where vision is limited, they will use signalmen to direct operations. Signalmen will use standard hand signals; will be in positions where they are visible to the operators and at the same time can see the equipment booms, tracks and loads. Operators will move their machines only on signs from the signalmen and except in extreme emergencies, will not take signals from anyone else.

Swinging loads will not be swung over the heads of workers. This shall be the operator's responsibility. If possible, when loading trucks, the load will be carried over the rear rather than over the cabs.

Workers on the ground will stand clear of the swing radius of equipment loads or buckets. Drivers of trucks, earth haulers and similar vehicles will leave the cab when the vehicle is being loaded if exposed to danger from suspended or overhead loading equipment or methods.

No one will be permitted to ride buckets, hooks or loads of shovels and cranes at any time. Drag lines, clam shells and scraper loader will not be used to handle above load rating capacity loads. Operators will not wear loose clothing while working in cab; it may become tangled in moving parts causing serious injuries. During lifting operations, operators will avoid raising any load that causes the tracks of their equipment to leave the ground. Greasing and oiling will be done only when engines are shut down, if at all possible. Otherwise, the master clutch will be disengaged until the work is finished. Load tables for the various radii of booms will be posted in cabs in plain sight of the operators.

When there is doubt about safe lifting capacities, operators will lift loads a few inches off the ground to test them before raising them all the way. Load limits set by the manufacturer shall not be exceeded.

Jacks will be used when recommended by the manufacturer, on truck mounted shovels, high lift cherry pickers and cranes. The only outriggers, jibs, boom extensions and other

attachments that will be used are those recommended by the manufacturer for that particular piece of equipment.

All crane operators shall comply with OSHA Requirement MATERIALS HANDLING: OSHA Part 1910.179, Overhead and gantry cranes.

18-22 WATER AND WASTEWATER DISTRIBUTION AND COLLECTION SYSTEMS

General

Good housekeeping is a must for the health of water and wastewater workers. Floors, sidewalks, catwalks and stairways shall be kept clean and free from obstructions. Smoking will not be permitted and signs will be posted where explosive and/or flammable gases may be generated. Immediately after work, and always before eating, wastewater personnel will wash their faces and hands thoroughly with soap and water. When persons come in direct contact with sewage or sludge they will wash immediately. All cuts and scratches will be treated immediately. Should any contact be made with chlorine in the eyes or skin, the area shall be flushed immediately with running water and the immediate attention of a physician should be obtained.

Protective Equipment and Testing Devices

Protective clothing, equipment and devices such as breathing apparatus, respirators, safety belts, safety harnesses and testing devices for the detection of combustible gas, oxygen deficiency and hydrogen sulfide will be made available as needed. All sewers, pits and settling tanks shall be tested for explosive gases and oxygen deficiencies before workers are permitted to enter. When either of these hazards is found, forced ventilation will be provided and personnel shall wear appropriate breathing apparatus as directed by their Supervisors and department policies.

Workers entering deep sewers or manholes shall wear safety belts, safety harnesses and lifelines. One employee, or preferably two, will remain outside the sewer or manhole to tend the line and provide emergency assistance if needed. This employee will wear a safety belt or harness and have rescue equipment immediately at hand in the event they must enter sewer or manhole to affect rescue.

Protective specialized clothing shall be worn when needed to avoid direct contact with sewage or sludge.

Wastewater and water plant workers will be trained in the use, and know the limitations, of all breathing apparatus provided for their protection. Only trained and qualified persons will use testing equipment. All breathing apparatus will be inspected regularly to ensure it is in proper working order. Defective apparatus will be immediately repaired or replaced without delay. A record of inspections will be kept on each piece of equipment, preferably in the form of a checklist located in the equipment container.

All work with respiratory protection shall comply with OSHA Regulation RESPIRATORY PROTECTION: OSHA Part 1910.134, Respiratory protection; OSHA Part 1926.55, Gases, vapors, fumes, dusts, and mists; and OSHA Part 1926.103, Respiratory protection.

Adequate ventilation will be provided in pump pits, digester areas and all other locations where hazardous gases may accumulate. Good lighting will be available for safe plant operations, particularly around pits, settling tanks and on stairways and fixed ladders.

Fences and railings will be installed to prevent plant personnel from falling into manholes, scum chambers and open tanks. All stairways will be equipped with safety rails. Toe boards will be placed on walkways where there is a danger of tools or equipment being accidentally kicked into tanks or pits and areas where other persons pass beneath.

At least one ring-type life preserver and rope will be placed near each tank or pit into which personnel could fall, except at tanks having a span of not over 15 feet where a life-saving hook may be substituted. The hook must have a handle one foot longer than half the width of the tank and be located near the tank in a conspicuous and permanent place.

Never work alone in sedimentation areas if no guard rails are provided and wear an anchored lifeline.

Operational Safety

Never enter a manhole or sewer until a check is made to be sure there are no explosive or poisonous gases and that adequate oxygen is present. Barriers and warning signs shall be placed far enough from open manholes to give oncoming traffic sufficient warning of the hazards ahead.

When gasoline, oil or any other hazardous substance is detected in sewer or water systems, plant personnel shall immediately leave the danger area and notify their Supervisor. When working near water, watch your footing carefully. Be sure you have a rope or life ring nearby. Avoid working alone in such areas; work in pairs, whenever possible.

Pumps and other equipment present electrical shock hazards because of wet conditions. Make sure all equipment in use is effectively grounded and kept in good repair. This also applies to portable electrical equipment and tools.

Cleaning solvents with a flash point below 140 degrees F. will not be used in sewage and water plants.

All operations shall comply with FSHS, Hazardous Atmospheres in Confined Spaces (Chapter 38I-20.035.) and OSHA Part 1910.146 Permit Required Confined Spaces.

Chlorine Handling Procedure

Chlorine is extremely dangerous and can be harmful or fatal. Therefore, good working practices must be followed to minimize the dangers of accidental chlorine exposure. In addition to ventilation, respiratory protection equipment and other applicable requirements of the National Chlorine Institute, these requirements shall also apply:

No less than two employees, thoroughly trained and aware of chlorine's hazardous properties, shall be assigned to investigate and repair all leaks and to maintain equipment. One of the employees shall remain outside the space immediately available

for assistance during the investigation/repair operation and shall follow procedures outlined in "Protective Equipment and Testing Devices" of this Section.

A self-contained air-breathing unit, approved by the U.S. Bureau of Mines of NIOSH (ANSI Z88.2-1969), shall be worn at all times when it is necessary to locate or repair any leak in piping or when making repairs or adjustments on any leaking equipment. Safety belts, safety harnesses and lifelines shall also be worn into any chlorine area which is contaminated or may become contaminated because of the repair work or change of chlorine cylinders. Should any contact be made with chlorine in the eyes or skin, the area shall be flushed immediately with running water.

All work with respiratory protection shall comply with OSHA Regulation RESPIRATORY PROTECTION: OSHA Part 1910.134, Respiratory protection; OSHA Part 1926.55, Gases, vapors, fumes, dusts, and mists; and OSHA Part 1926.103, Respiratory protection.

18-23 USE AND HANDLING OF PESTICIDES

General

When mixing, applying or handling pesticides, avoid contaminating your clothes with the materials, breathing the vapors and touching substances to your mouth, eyes or skin. During handling and using pesticides, wear protective clothing. If clothes become contaminated through splashes or spills, change clothing. Shower, change clothing as often as necessary to keep chemicals from seeping through the skin. If loss of weight or appetite, nausea or vomiting is experienced, report it to your Supervisor and consult a doctor without delay. Be completely familiar with the characteristics of the materials being used and read all pesticide container labels carefully, making sure you comply with the directions given.

Keep hose and pipe connections of pesticide applicators tight to prevent leaks and spills. Protect drinking water, food and eating utensils from pesticides used nearby. Do not use pesticides near open flames, or in the vicinity of equipment producing high temperatures. All waste materials soaked with pesticides will be discarded in covered metal containers, and all fire prevention practices will be observed at all times.

If a person accidentally swallows a toxic pesticide, administer the antidote recommended on the container label and immediately transport the victim to the hospital emergency facility. When a person accidentally spills any pesticides on their skin, remove all clothing and flood the contaminated area with water. Follow flooding with a thorough soap-and-water wash.

Storage and Mixing

All pesticide containers will be labeled and stored in a safe and orderly manner in a controlled area. Areas in which "ON HAND" supplies of toxic pesticides are stored and mixed will be completely enclosed and locked to prevent the materials from falling into the hands of unauthorized persons. Storage spaces will be located where the toxic contents will not contaminate food supplies, water or create a fire hazard.

Those containers labeled "POISON" shall be locked up.

Do not store pesticides near open flames or strong oxidizing materials. Never store or transport pesticides with food supplies. Storing and mixing facilities will be equipped with running water, soap and showers to enable personnel to quickly remove any spilled pesticides that come in contact with the skin.

Protective Clothing and Equipment

Protective respirators and breathing apparatus and clothing recommended by the manufacturer and approved by the department shall be used. All work with respiratory protection shall comply with OSHA Regulation RESPIRATORY PROTECTION: OSHA Part 1910.134, Respiratory protection; OSHA Part 1926.55, Gases, vapors, fumes, dusts, and mists; and OSHA Part 1926.103, Respiratory protection.

Safe Practices

Employees should not work alone. Two employees shall be present at all times when injurious materials are applied. Cabs of vehicles and other mobile equipment shall be of such design as to enable employees to perform duties without harmful exposure, and provisions made to provide cooling and ventilation.

18-24 MOTOR VEHICLE OPERATION AND MAINTENANCE ACTIVITIES

Employees shall promptly report to their supervisors any accident or damage to their assigned vehicle.

Any and all accidents involving City vehicles will be investigated by the City Police Department.

When a vehicle breaks down, the operator shall immediately notify his Supervisor. All defective equipment shall be immediately repaired or replaced.

As a driver of any City vehicle you are solely responsible for operating it in a safe manner and are charged with complying with all state, county and local city driving rules and regulations. City vehicles are objects of attention, and minor driving violations in public vehicles are more noticed than identical violations by operators of private vehicles. Supervisors shall be alert for evidence of careless operation, misuse of official vehicles, or any other act contrary to good driving habits. Employees when operating an assigned vehicle shall operate it in a safe manner at all times and will be held accountable for their own carelessness or negligence. Employees when operating an assigned vehicle shall not violate the traffic laws, nor shall they permit persons with whom they are riding to violate traffic laws. Only authorized persons will be carried in assigned vehicles. While operating an assigned vehicle, an employee will have in his/her possession:

City identification card
Valid Florida Driver's License
Current registration
Current insurance card

Safety Belts

Employees using City vehicles will comply with State law relative to the use of seat belts.

- A. Any employee driving a City of Wilton Manors vehicle will use a seat belt.
- B. All passengers riding in the front seat of a City vehicle are required to use a seat belt.
- C. The driver is responsible for making sure all seat belts are in use prior to the vehicle leaving the parking space.
- D. Any difficulty with a seat belt shall be reported immediately in order that it may be corrected at once. No vehicle is to be driven unless the seat belts are in good working condition.

Vehicle Inspection by Operators

All vehicles shall be inspected by the operator prior to its use to assure all parts, equipment and accessories are in safe and proper operating condition and free of any apparent damage or defect. It shall be the responsibility of the employee assigned to a vehicle that such vehicle is gassed, oil, battery and tires checked, including spare tire; and that the vehicle is in good operational condition at all times. Vehicles are to be inspected before use and any unrecorded damage or operational defects shall be documented to the Department Director or designee. Failure to report damage or defects will create assumption that the inspection was made, and that the assigned operator is responsible for the damage or defects present. Employees are responsible for the cleanliness and maintenance of assigned vehicles.

Daily Systems Check

- A. Service brakes, including trailer brake connections, if necessary, test brakes after driving through water or puddles or driving during heavy rain;
- B. Parking system (hand brake);
- C. Emergency stopping system (brakes);
- D. Check coupling devices;
- E. Seat belts;
- F. Operating controls (oil pressure gauges, etc.);
- G. Safety devices including horn, tires, steering mechanism, and windshield wipers;

Daily Visual Inspection

- A. Does your vehicle sit level?
- B. Are there any fresh oil spots underneath?
- C. Is there any broken glass?
- D. Are there wet spots where water has been leaking?
- E. Look for any change in the appearance in the vehicle since you last saw it.

Weekly Check

- A. Check oil in engine crankcase and fill as necessary;
- B. Check water in radiator and fill as necessary;

- C. Raise hood or cab if necessary to check all belts for slippage or excessive wear, or both;
- D. Lower and secure hood or cab.

General Check

- A. These requirements apply to equipment such as lights, reflectors, defrosters, fire extinguishers, tire jack, etc.; where such equipment is necessary;
- B. Drivers will also wipe off windshields, side and back glass, lights and reflectors when conditions warrant;
- C. No vehicle or equipment shall be put into service until any defect or safety violation likely to cause an accident or breakdown has been corrected.
- D. No vehicle shall be operated until all loose equipment or material is properly tied down or stored in a closed area such as a trunk.

Safe Driving Practices

Concentrate on driving. A good driver dismisses their worries or anger when they enter the vehicle. Never press for the right-of-way. Always limit your vehicle speed so that there is a clear space and time for any emergency stop. Slow down in dense traffic or thickly settled areas. Adjust speed for poor visibility and weather conditions. Slow down at intersections or curves. Use appropriate signals well in advance of any action. Signal early and slow down gradually.

The use of narcotics and habit-forming drugs is strictly forbidden. If prescribed medication is to be used it must be authorized by a medical doctor; and if any medications might impair your ability in any way, you will not drive.

Driving while under the influence of drugs or alcoholic beverages shall be grounds for disciplinary action, including dismissal. Employees will not operate an assigned vehicle while their ability to do so is impaired by any substance. Alcoholic beverages and narcotics will not be placed in an assigned vehicle unless confiscated or seized in the line of duty or when prior authorization has been received from the Department Director. (Section 17-30)

Parking

Vehicles should be parked off the traveled way where they will not interfere with the normal flow of traffic and will not obstruct the view of other drivers.

Municipal vehicles are not to be parked in "NO PARKING" zones except in emergency situations or in required performance of official duties. At those times a vehicle is parked in a "NO PARKING" zone, emergency blinkers will be turned on.

No municipal vehicle is to be left unattended with ignition key left in the ignition. All municipal vehicles should be locked when not in use. When parking, remove the ignition key, put the transmission in park or the lowest gear, set the parking brake firmly, and turn the front wheels toward the curb.

Backing

Many vehicle accidents occur when backing out of parking areas. Never back up unless necessary. Plan ahead to avoid backing. Truck drivers and drivers of other types of heavy equipment that make backing difficult due to size and design will always check the rear and sides of their vehicles by walking around the vehicle and observing if proper clearance is sufficient to back safely. If you are in the cab and cannot ensure that you have proper clearance, dismount from the cab and physically check the rear and sides of the vehicle. If you have a passenger, have him direct you. Never back a vehicle unless you have assured that you are clear to do so.

Back up as carefully as possible - *slowly*.

Back up to the left whenever possible, and always back up away from traffic.

When parking parallel, leave sufficient space to leave without backing.

Drive Defensively

Keep alert at railroad crossings. Make sure you have a clear view of the tracks. When driving in City traffic be alert for mistakes or unexpected actions of others. Drive more slowly and keep alert for pedestrian and cross traffic. Drive at speeds which permit stopping within the visibility range of your headlights. Keep headlight beams depressed to reduce reflected glare caused by fog, rain or wet pavement. Always consider proper loading and proper load distribution as factors in safe driving. Courtesy while driving is a great contribution in the elimination of accidents.

Safety in Maintenance Activities

Only persons properly trained in the operation of shop machines will be authorized to use them. Air compressor storage tanks will be drained at least once a day, by opening the drain valve and allowing water and water vapor to escape. All belts, pulleys, gears, chain, sprockets, or any moving parts on air compressors will be completely enclosed with a guard.

Do not drain gasoline, oil or other liquids and materials in areas where they are likely to go into storm sewers and sewage systems. Drain into drums or buckets for proper disposal.

Compressed air shall not be used for blowing dirt from hands, face or clothing. Be sure the nozzle is designed for maximum 30 psi when used for cleaning and eye protection shall always be worn when using air equipment.

All compressed gas cylinders will be racked and secured in carts or to walls or posts to prevent being accidentally knocked over. Valve protection caps shall be installed on all cylinders not in use. This requirement also applies to cylinders transported in vehicles.

All shop hand tools will be inspected daily for defects. Tools found defective will be immediately repaired or replaced.

Alligator type hoods on some vehicles can cause injuries when they are dropped while an employee is working on some part of the vehicle. Provide supplementary blocking as necessary.

Storage - Flammable and Combustible Material

Refer to "Storage of Materials" and "Fire Prevention and Protection" for proper storage, handling and fire protection of flammable and combustible material.

18-25 FIRE PREVENTION AND PROTECTION

The prevention and protection against hazards of fire is a very important part of the City safety program. Fires must be detected, stopped from spreading and extinguished within minutes after they start. Fire extinguishers and other fire equipment are available in all work areas and vehicles. Learn the location of fire extinguishers and fire equipment and know how to use them.

All employees are required to attend Fire Safety Training classes conducted by the City's Fire Department.

No fire extinguisher, fire hose or other emergency equipment is to be removed or used for any purpose except for its intended use.

In the event of fire, the person discovering the fire will first call the Fire Department, by dialing **911**, then inform all persons in the vicinity of the fire and ask for assistance. When calling Emergency **911**, be sure to give the location of the fire or emergency, including what City you are calling from.

You should fight a fire only if you have had training in the use of the extinguisher and are confident that you can operate it effectively.

Fire Prevention Requirements and Controls

Do not block fire extinguishers, fire hoses, fire alarm boxes, fire detection installations, sprinkler valves or sprinkler heads, fire escapes or fire exits. Do not hang clothing or place materials on fire extinguishers or other fire equipment. Report all missing, damaged or inoperative fire extinguishers and those that have been used, to your Supervisor, immediately.

Always obey smoking regulations.

Dispose of all flammable wastes as quickly as possible. Flammable scrap, wiping rags or rubbish should be placed in airtight metal containers. Excelsior, paper and all other packing material must be kept in fireproof containers and emptied at least once a day.

Gasoline, kerosene, oil or other flammable liquids will never be poured into drains or sewers. They will be collected in containers identified for that purpose until proper disposal can be made.

Know the location of the fire exits you should use in an emergency and the route you should take to reach them.

Change your clothes right away if they get soaked with oil, gasoline, kerosene, naphtha or other flammable liquids.

Storage

Buildings' mechanical rooms containing air conditioning, heating, electrical and elevator machinery and equipment shall not be used as storage areas.

Space in enclosed fire escapes and under stairways will not be used to store materials. Fire exits and open fire escapes will not be blocked by stored materials. Boxes, discarded lumber and other combustible rubbish will be removed from buildings and areas adjacent to buildings.

Source of Ignition

Shops, warehouses and offices that produce combustible refuse such as paper, wood and metal shavings, will be kept clean so that accumulation of waste materials will not create a fire hazard.

Gasoline heaters and stoves will not be used in any building.

The use of blow torches, soldering iron heaters, welding torches or other equipment having open flames will be carefully restricted to isolated places where there is a good circulation of air and where no vapors of gasoline or other flammable liquids can collect.

Gasoline and gas torches will be stored in special places designated for that purpose.

No welding torches or welding devices will be used where flying sparks or molten metal can come in contact with combustible materials. This also applies to use of cutting torches.

Sufficient natural or mechanical ventilation will be provided in all areas where flammable or explosive materials, fuels, vapors or gases present fire hazards.

Open flames, open element heaters, static generating devices (not properly grounded) and non-vapor-proof or non-explosion-proof electrical equipment will not be allowed in the vicinity where high volatile liquid vapors and fumes are present or likely to exist.

Hot plates, coffee pots, oven and cooking or portable heating devices will be of the approved (Underwriters Laboratory) types. These devices will be inspected to ensure the cords and plugs are not defective.

Rayon, nylon, silk, wool and certain plastics used in clothing will generate static electricity (sparks). Persons handling flammable and combustible liquids and gases should wear non-static producing clothing, such as cotton, to avoid fire hazards.

Fuels, solvents or other volatile liquids will not be used to clean clothing or used as cigarette lighter fluid. Open solvent or gasoline containers will not be placed near electrical equipment or sources of ignition.

Empty flammable liquid containers will be cleaned and purged before being stored. Store these containers away from buildings.

Do not hang decorations around exits, windows, lights, doors or near any heat-producing appliances such as lamps or heaters. Be sure that decorations are fire-retardant and approved.

Tampering with electrical wiring is prohibited. Defective wires, switches, drop cords, extension cords, etc. will be reported immediately to your Supervisor who will arrange for qualified people to repair it.

All equipment used near flammable or explosive materials and substances will be approved explosion-proof type, installed in compliance with the National Electrical Code.

Only proper size fuses will be used on electrical circuits and fuses will never be bypassed by "jumper wires" or other devices.

Rest rooms will be kept free of combustible materials and will not be used for storage. Containers will be provided for paper and trash disposal.

Kitchens and Cooking Equipment

All cooking equipment and appliances will be kept free of grease accumulation. Portable ovens, waffle irons, electric frying pans, etc. will never be left unattended while in use, and will be kept clean. Appliances with defective cords and plugs will not be used. Oils and greases will never be left unattended on stoves. Keep paper napkins, paper towels and other combustibles away from the top of stoves, appliances and griddles. Kitchen hoods and grease filters will be cleaned on a regular schedule. All exhaust fans will be kept free of lint, dust and grease and will be cleaned as often as necessary.

A fire extinguisher of the proper type (40BC) for kitchen fires will be installed in the cooking area. Under no circumstances will the fire extinguisher be blocked.

Never use water on grease fires. Use the fire extinguisher which will serve to smother the fire.

Classes of Fires and Types of Fire Extinguishers Used

All fire extinguishers shall bear a tag showing the date that the extinguisher was last inspected and filled. Fires are grouped into four general classes as follows:

- A. Class "A" - wood, paper and textiles
- B. Class "B" - flammable/combustible liquids, grease, oil, etc.
- C. Class "C" - electrical equipment

This classification system makes it possible to determine what type of fire extinguisher is suited for fighting a particular kind or class of fire.

The A:B:C dry chemical type fire extinguisher can be used on all A:B:C classes of fires with safety. This fire extinguisher is distributed in most City buildings, facilities and areas for use.

Flammable and Combustible Liquids

Flammable liquids do not burn; it is their vapors given off during evaporation that ignite and burn when combined with air. When handling and using flammable and combustible

liquids extra care should be used to prevent fires and explosions. To prevent evaporation of flammable liquids, with resultant vapors, keep them in closed containers. When such liquids are handled or stored, they are usually exposed to air at some point of operation, such as filling containers and mixing or transferring liquids from one container to another. At this time vapors are released creating fire and explosion hazards.

Remove all sources of ignition and provide adequate ventilation. Rigid measures will be taken to exclude all sources of ignition from the vicinity of flammable and combustible liquids and their vapors. All spark and flame producing devices will be prohibited. Smoking or the introduction of flame within 50 feet of any flammable liquid is forbidden.

Most flammable and combustible liquids emit vapors heavier than air which settle in depressions, pits and on floors. Effective floor level ventilation may be necessary to remove these vapors.

Adequate ventilation will always be provided in areas where flammable liquids are used, handled or stored. Ventilator fan blades used will be made of non-sparking material and all ventilating equipment will be approved explosion-proof type. Ducting systems will be bonded and grounded to prevent generation of static electricity.

Where required, storage tanks and other flammable liquid containers will be equipped with vents for discharging excess pressures that may build up. Vent pipes on storage tanks will be at least 12 feet above ground and located only where discharged vapors will be safely dissipated. Every precaution will be taken to avoid the use of leaky or ruptured containers in processing rooms, shops and indoors. Metal storage cabinets or equal protection will be used and shall be of the approved type.

Flammable Gases

Flammable gases are similar to flammable liquids in many respects. Under pressure or decreased temperature, flammable gases become liquids. Flammable liquids become gases if their temperatures are raised or their pressure decreased. In general, flammable gases have physical characteristics similar to the vapors of flammable liquids; they are in a form, at normal temperatures, which will permit them to mix freely with air. Explosive limits and temperature ranges give indications of the flammability.

Some of the most commonly used flammable gases are hydrogen, hydrogen sulfide, acetylene, ethane and propane. Acetylene is a flammable gas dissolved under pressure in acetone to make handling safer and is most commonly used in welding operations. Hydrogen and many other gases remain in a gaseous state under normal pressure in cylinders. Ethane and similar petroleum gases become liquids under moderate pressure and are stored in containers in this form. Oxygen is not flammable, but is necessary for combustion.

Most gases have a characteristic odor. Beware of any unusual odors around gas cylinders, in most cases there is a leaking container. Report immediately any leaking containers. Be sure all sources of ignition are kept away.

The first principle of controlling flammable gases is to prevent their escape from containers, because they can form explosive or flammable gas-air mixtures. Storage

cylinders are used for holding compressed gases. Each cylinder is fitted with a valve that is equipped with a safety cap. The cap contains a fusible safety plug that releases or blows out when extreme pressure builds up or temperatures reach a danger point.

Warning signals will be posted in areas where flammable gas cylinders are stored. No spark or flame-producing equipment will be used in areas where flammable gases are stored.

Flammable gas cylinders will be handled carefully at all times to minimize dangers of fire or explosion. Careless handling will damage cylinders and valves, and may cause the container to fall and cause dangerous gas leaks.

Gas cylinders will not be used for any purpose other than for containing compressed gas. Gas cylinders will be moved by hand trucks when possible. Cylinder valves will be closed and valve protection caps in place. Under no circumstances will cylinder valves be used for lifting purposes. The name of the gas for which the valve is intended will be stamped on the valve body. Cylinder valves will be opened by hand, unless the container is equipped with a wrench key. Jammed valves will not be freed by forcing or hammering. Do not "crack" valves in locations where a source of possible ignition exists.

Only qualified persons will be authorized to make repairs to gas cylinders and their components.

Extreme care will be taken to prevent fires or explosions when storing flammable gas cylinders. Acetylene cylinders will never be stored in a horizontal position. All cylinders will be secured by at least one chain. Cylinders will not be stored where cylinder temperatures are subject to rise above 125 degrees F. Neither will they be stored in areas where they will be subject to accidental damage, corrosive chemicals or similar damaging materials. Cylinders in open storage will be protected from weather. Do not store cylinders near electrical conductors, conduit or other sources of electricity. Empty cylinders will be plainly marked with a sign "Empty Cylinder" and stored in locations separate and apart from full containers. Cylinders of different kinds of gas will not be stored together. Non-flammable gases will be stored in locations separate from flammable gases. Proper and sufficient ventilation will be assured for indoor storage of cylinders to prevent accumulation of flammable gases if leaks occur.

All work with compressed gasses shall comply with OSHA Regulation HAZARDOUS MATERIALS: OSHA Part 1910.101, Compressed gases (general requirements); and OSHA Part 1910.102, Acetylene.

18-26 HAZARDOUS COMMUNICATION PROGRAM

Purpose

In an effort to provide a safe work environment for our employees and to comply with the requirements of the Hazard Communication Standard as stated in 29 CFR 1910.1200, a formal Hazard Communication Program is hereby established.

List of Hazardous Chemicals

The departments will assign a supervisor(s) to maintain a list of all material data safety sheets on hazardous chemicals used. This list will be updated upon receipt of new hazardous chemicals. A copy of this list will be forwarded to the Human Resources Department and the Risk Manager.

Material Safety Data Sheets

The department supervisor(s) will maintain a library of MSDS, at each work area, on every substance on the above list of hazardous chemicals and make available, to all employees, the MSDS for hazardous materials used in that area.

The Human Resources Department will maintain a library of all MSDS.

Labels and Other Forms of Warning

The department supervisor(s) are to ensure that all hazardous chemicals in the work area or department are properly labeled. Labels should list at least the chemical identity, appropriate hazard warnings and the name and address of the manufacturer, importer or other responsible party. Chemicals not properly labeled shall be returned to the manufacturer. Small containers into which materials are drained for use on shift by employees do not require labeling.

Training

Each employee who works with or is potentially exposed to hazardous chemicals will receive initial training by their department supervisor(s) on the safe use of hazardous chemicals.

Upon completion of training all employees will complete the form for "Employee Training - Chemicals".

One copy of the signed form will be maintained in the department and forms will be forwarded to the Human Resources Department.

The City will strive to annually provide a training program for employees using hazardous chemicals.

This training will emphasize the following elements:

- A. A summary of this written program.
- B. Hazardous chemical properties including visual appearance and odor methods that can be used to detect the presence or release of hazardous chemicals.
- C. Physical and health hazards associated with potential exposure to work place chemicals.
- D. Procedures to protect against hazards (personnel protective equipment, work practices and emergency procedures.)
- E. Hazardous chemicals, spill and leak procedures.
- F. Where MSDS sheets are located and how to understand their content.

Hazardous Material Spill or Leak Procedures

As discussed in the Hazardous Communication Program, the City works to protect employees and the public against the dangers of hazardous materials. Although necessary precautions are taken to avoid an accident involving hazardous materials, there may be an occasion where these materials are spilled, or are leaking from their containers. The following procedures are to be followed for all hazardous material emergency spills or leaks:

- A. **IMMEDIATELY CALL EMERGENCY 911** and describe the emergency and location. The Wilton Manors Fire Department maintains trained personnel to respond to these emergencies.
- B. Isolate any persons exposed to the hazardous substance until they can be checked by the response team.
- C. Immediately evacuate the hazardous area.
- D. Contact Risk Management and describe the emergency and location. It is the responsibility of Risk Management to notify the local and State Emergency Response Agency as required by Federal Superfund Amendments (SARA, Title III) and Florida Statutes, Chapter 252.

Hazardous Material Disposal

There are Environmental Protection Agency regulations concerning disposal of obsolete hazardous material. Contact your Director and Risk Management before disposing of any hazardous material.

Emergency Response Plan

All work with hazardous substances shall comply with OSHA Requirement HAZARDOUS SUBSTANCES: OSHA Part 1910.1200, Hazardous communications; and OSHA Part 1926.59, Hazard communication.

EMPLOYEE TRAINING - CHEMICALS

- A. Identify and explain hazardous chemical items employee will be working with. Inform employee of hazards.
- B. Instruct employee of proper protective equipment to be used (MSDS).
- C. Advise employee of the exposure symptoms (MSDS).
- D. Show employees the location of safety devices (eye wash stations, first aid equipment, fire extinguishers, etc.) for their work areas.
- E. Explain procedures for emergency evacuation, spills, leaks, and fires.
- F. Personal hygiene procedures:
 - 1. Do not eat or smoke, take food or tobacco, into a hazardous material area or during the handling of chemicals.
 - 2. WASH HANDS THOROUGHLY prior to eating or smoking.

I hereby certify that I have received the above initial training:

Employee Signature

Date

Print Name

Date

Employee Job Title

Training Supervisor

Date Training Completed

One copy maintained in department; copy to Human Resources Department.

HAZARDOUS CHEMICAL TRAINING FORM

Name of Substance: _____

Proper Handling: I should take the following steps when handling: _____

Emergency Procedures: I should take the following steps in case of a spill or leak:

First Aid Procedures: I should take the following steps in the event of an exposure:

Personnel Protective Equipment: I should use the following personal protective equipment when working with the substance: _____

Employee Signature

Date

Print Name

Date

Employee Job Title

Training Supervisor

Date Training Completed

One copy maintained in department; copy to Human Resources Department.

18-27 BLOOD-BORNE PATHOGEN EXPOSURE CONTROL PLAN

Introduction

The purpose of the Exposure Control Program is to protect City employees from occupational exposure to blood-borne pathogens including Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV). Blood-borne pathogens are microorganisms in human blood that can cause disease in humans. The Exposure Control Program is intended to reduce worker risk by minimizing or eliminating employee exposure incidents to blood-borne pathogens. This program meets the requirements of Occupational Exposure to Blood-borne Pathogens Final Rule, as published in the Federal Register on Friday, December 6, 1991. Individual departments within the City organization may adopt their own policies as long as they meet the minimum standards developed in this program, do not conflict with this program, and a copy of the policy is provided to the Human Resources Department.

Exposure Determination

- A. Exposure- Employees whose jobs have the likelihood of exposure to blood or other potentially infectious materials are identified by job classification (see Appendix A).

Exposure Incident- Employees incur risk of infection and subsequent illness each time they are exposed to blood or other potentially infectious materials. A "Significant exposure" refers to contact of an employee's ruptured or broken skin or mucous membrane with another person's blood or body fluids, other than tears, saliva, or perspiration.

- B. Potentially Infectious Materials- Potentially infectious materials which have been recognized by the Centers for Disease Control as directly linked to the transmission of HBV and/or HIV are: blood, blood products, semen, vaginal secretions, cerebrospinal fluid, synovial (joint) fluids, pleural fluid, pericardial fluid, peritoneal (abdominal) fluid, amniotic (fetal) fluid, saliva in dental procedures, any body fluid visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids. Infectious materials also includes any unfixed tissue or organ.
- C. Determination- Determination of the possibility of exposure for any class of employee is made regardless of the use of personal protective equipment. Employees who regularly use personal protective equipment are still considered at risk of exposure and are included in the exposure determination.

Control Methods

- A. Universal Precautions- The term "universal precautions" refers to a method of infection control in which all human blood and other potentially infectious materials are treated as if known to be infectious for HIV and HBV. Universal precautions do not apply to feces, nasal secretions, sputum, sweat, tears, urine, or vomitus, unless containing visible blood.

- B. Engineering Controls- The term "engineering controls" refers to the use of available technology and devices to isolate or remove hazards from the employee. Engineering controls are to be used in preference to all other control methods to eliminate or minimize employee exposure to blood or other potentially infectious materials. Examples of engineering controls include a lock-box system used for the disposal of contaminated clothing or a puncture proof container used for the disposal of contaminated sharp objects (sharps). Individual engineering controls are to be examined and maintained or replaced on a regularly scheduled basis.
- C. Work Practice Controls- Work practice controls are alterations in the manner in which a task is performed in an effort to reduce the likelihood of an employee's exposure to blood or other potentially infectious materials.
1. Hands shall be washed after removing gloves or as soon as possible after contact with body fluids.
 2. All personal protective equipment shall be removed immediately, or as soon as possible upon leaving the contamination site, and placed in an appropriately designated area or container bearing the Biohazard Symbol for storage, washing, decontamination or disposal.
 3. Used needles and other sharps shall not be sheared, bent, broken, recapped, or resheathed by hand.
 4. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing and spraying.
- D. Personal Protective Equipment- Personal protective equipment is specialized equipment or clothing used by workers to protect themselves from direct exposure to blood or other potentially infectious materials.
1. Employees shall use appropriate personal protective equipment as designated necessary for the performance of their job duties. Examples include but are not limited to: breathing apparatus, resuscitation equipment, gloves, goggles and any other equipment that will separate the employee from direct contact with potentially infectious materials.
 2. Appropriate personal protective equipment will be readily available to workers.
 3. Cleaning, laundering, or disposal of personal protective equipment shall be conducted to appropriate standards.
 4. Personal protective equipment shall be replaced or repaired as needed to maintain effectiveness.
 5. Surgical gloves shall only be used one time, and then disposed of properly.
 6. Utility gloves may be cleaned and disinfected for re-use if they show no sign of deterioration.

Hepatitis B Vaccination (HBV Vaccination)

- A. Availability- An HBV vaccination will be offered at no cost to all employees whose jobs have been identified as involving risk of directly contacting blood or under potentially infectious materials. The vaccination shall be given according to recommendations for standard medical practice.
- B. Waiver- Employees who elect not to receive the HBV vaccination must sign a waiver. In the event the employee signs a waiver and later changes their mind and decides to receive the vaccination, the HBV vaccination will be provided to the employee at no cost.

Exposure Incidents

- A. Report of Exposure- A report of an exposure incident shall be documented and filed with the Human Resources Department immediately following decontamination and clean-up from the exposure. Following the report, the employee will receive, at no cost, a confidential medical evaluation and follow-up examinations with a qualified medical professional.
 - 1. The employee shall complete a report to the Human Resources Department documenting the incident. Upon receipt of the report from the employee, the employer shall document the route of the exposure, HBV and HIV status of the source, if known, and the circumstances under which the exposure occurred.
- B. Disinfection, General- Any unprotected skin surfaces that come into contact with bodily fluid shall be thoroughly washed as soon as possible with hot running water and soap for at least 15 seconds before rinsing and drying.
 - 1. Alcohol or antiseptic towelettes may be used where soap and water are unavailable.
 - 2. Disposable gloves shall be rinsed before removal and hands and forearms should then be washed.
 - 3. Skin surfaces shall be washed and mucous membranes flushed as soon as feasible following the removal of any personal protective equipment.
 - 4. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
 - 5. All open cuts and abrasions shall be covered with waterproof bandages before reporting to duty.
- C. Disinfection, Vehicles- Disinfection procedures shall be initiated whenever bodily fluids are spilled or an individual with bodily fluids in their possession is transported in a City vehicle.
 - 1. A supervisor shall be notified and the vehicle taken to an isolated area as soon as possible.
 - 2. Affected vehicles shall be immediately designated with the posting of an "Infectious Disease Contamination Sign" which shall incorporate the

Biohazard Symbol. Affected vehicles shall additionally be cordoned off with biohazard tape.

3. Qualified personnel shall remove any excess bodily fluids from the vehicle with an absorbent cloth, paying special attention to any cracks, crevices or seams that may be holding fluids. All used absorbent cloth will be disposed of in biohazard plastic bags, properly sealed, and placed in the cardboard box inside of the biohazard waste container behind the gas pumps. See VI, Infectious Waste Disposal, Below.
 4. The contaminated areas shall be disinfected using hot water and detergent, or alcohol, and allowed to air dry.
- D. Non-Disposable Equipment- Non-disposable equipment and areas upon which bodily fluids have been spilled shall be disinfected as follows:
1. Any excess bodily fluids should first be wiped up with approved disposable absorbent materials and disposed of as described in C(3) above.
 2. A freshly prepared solution of one part bleach to 10 parts water or a fungicidal- mycobactericidal disinfectant shall be used to clean the area or equipment.
- E. Post-Exposure Evaluation- The employer shall notify the source of the exposure and attempt to obtain consent to collect and test the source's blood to determine the presence of HBV and/or HIV status.

A blood sample shall be collected from the exposed employee as soon as possible after the exposure incident for determination of HBV and/or HIV status.

- F. Follow-up- The exposed employee shall receive repeat HIV testing six weeks following the initial exposure and on a periodic basis thereafter according to accepted medical practice, which is currently twelve weeks and six months after exposure.

The exposed worker will receive follow-up counseling, medical evaluation of any acute febrile (fevered) illness that occurs within twelve weeks post-exposure, and use of safe and effective post-exposure measures according to recommendations for standard medical practice.

Infectious Waste Disposal

- A. Disposal- Disposal of all infectious waste shall be in accordance with applicable Federal, State, and local regulations.
1. All infectious waste shall be placed in closable, leak-proof containers or bags that readily identify that their contents are infectious.
 2. Disposable syringes, needles, and other sharp items (sharps) shall be placed in puncture- resistant containers for disposal.
 3. Puncture-resistant sharps containers shall be placed in easily accessible locations where they will be expected to be needed.

4. Double bagging prior to handling, storing, and/or transporting infectious waste is required if the outside of the bag is contaminated with blood or other potentially infectious materials.
5. All properly bagged infectious waste shall be discarded by placing in the cardboard box within the biohazard waste container behind the gas pumps at the rear of City Hall.

Tags, Labels and Bags

- A. Tags which comply with OSHA standards shall be used to identify the presence of an actual or potential biological hazard.
 1. Labels or tags shall contain the word "BIOHAZARD" or the biological hazard symbol, and state the specific hazardous condition and/or instructions to be communicated to all handlers. The message must be readily understandable to all who may come in contact with the potential hazard.
 2. The label or tag may be an integral part of the container or affixed as close as safely possible to the hazard by string, wire, or adhesive to prevent loss or unintentional removal.
 3. Red bags or red containers may be substituted for labels on containers of infectious waste.
 4. All employees shall be informed of the meaning of various labels, tags, and color-coding systems.

Training and Education of Employees

- A. All employees with exposure to blood or other potentially infectious materials shall participate in training and education provided by the employer.

Material appropriate in content and vocabulary to educational level, literacy and language background of employees shall be used.

- B. The training program shall consist of the following elements:
 1. A general explanation of the epidemic nature and symptoms of HBV and HIV.
 2. An explanation of the modes of transmission of HBV and HIV.
 3. An explanation of the use and limitations of methods of control that may prevent or reduce exposure, including universal precautions, engineering controls, work practices, and personal protective equipment.
 4. An explanation of the basis for selection of personal protective equipment.
 5. Information on the HBV vaccine, including its effectiveness, safety, and the benefits of being vaccinated.
 6. An explanation of the procedure to follow if an exposure incident occurs, method of reporting the incident, and the medical follow-up that will be made available.

7. An explanation of the signs, labels, tags and/or color coding used to denote biohazard.

Exposure Incident Report

Reporting Exposure Incidents

1. Employees incur risk of infection and subsequent illness whenever they are exposed to blood or other potentially infectious materials. A significant exposure exists where an employee's ruptured or broken skin or mucous membrane makes contact with another person's blood or body fluids other than tears, saliva or perspiration, of a magnitude that the Center for Disease Control has epidemiologically demonstrated can result in transmission of the human immunodeficiency virus.
2. An exposed employee must report the incident by submitting a completed "Report of Significant Work Exposure to Bodily Fluids". After this form is signed by the employee and/or the employee's supervisor, it is to be forwarded to the Human Resources department.
3. Human Resources will maintain documentation of the exposure, HBV and HIV status of the source (if known), and the circumstances under which the exposure occurred.
4. The exposed employee will receive, at no cost, a confidential medical evaluation and follow-up medical evaluation.
5. A blood sample will be collected from the exposed worker as soon as possible after the exposure incident for determination of HBV and/or HIV status. In no case shall the blood sample be collected more than ten (10) days after the exposure incident. Failure to consent to collection of the blood sample will compromise the employee's eligibility to collect workers' compensation benefits for infection due to exposure.
6. The source of the incident shall be notified. An attempt will be made to obtain consent for collection and testing of the source's blood to determine the presence of HBV and/or HIV infection.
7. The exposed worker shall receive repeat HIV testing six (6) weeks after exposure and on a periodic basis thereafter, according to accepted medical practice, which is currently twelve (12) weeks and six (6) months after exposure.
8. The exposed worker will receive follow-up counseling, medical evaluation of any acute febrile (feverish) illness that occurs within twelve (12) weeks after exposure, and use of safe and effective post-exposure measures according to the most recent recommendation for standard medical practice.
9. All documentation and reports relating to the exposure incident will remain **confidential**. In no case will the exposure incident or HBV/HIV infection affect employment status with the City of Wilton Manors unless it has been determined by properly trained medical authorities that a direct threat of infecting other employees exists.

REPORT OF SIGNIFICANT WORK EXPOSURE TO BODILY FLUIDS

Complete and sign this form. This is not a claim form.

Name _____

Job Title: _____

SSN: _____ DOB: _____

Address _____

Date of Exposure: _____ Time of Exposure _____

Location: _____

State Fully How Exposure Occurred: _____

Witnesses or Persons Present at Time of Exposure:

What potentially infectious material were you exposed to? Blood _____ Semen

_____ Vaginal Fluid _____ Other (Describe) _____

Who is the source of the potentially infectious material? _____

Did exposure take place in skin _____ or mucous membrane _____?

Are you aware of a break or rupture in your skin or mucous membrane at the location of exposure to potentially infectious materials? _____

REQUIRED STEPS TO FILE A CLAIM FOR OCCUPATIONAL EXPOSURE TO POTENTIALLY INFECTIOUS MATERIALS:

1. This report must be filed with Human Resources no later than three (3) calendar days after exposure to potentially infectious materials.
2. You must have blood drawn no later than three (3) calendar days after the exposure. Drawn blood must be tested for HIV via antibody testing immediately after it is drawn and the test results must be negative at this time.
3. You must be tested or diagnosed as HIV positive no later than eighteen (18) months after the exposure.
4. In the event of a positive blood test, it is the responsibility of the employee to inform Human Resources in a timely manner of the results of the test if there is to be a claim for workers' compensation benefits.

I have filed this form with my employer and have received a copy of this completed form.

Employee Signature _____ Date _____

Supervisor Signature _____ Date _____

18-28 CONFINED SPACE ENTRY POLICY

OSHA's final rules for permit-required confined spaces standard 1910.146 was printed in the January 14, 1993, Federal Register and was effective April 14, 1993. All confined spaces in the workplace must be identified by the City. A confined space is defined as any space big enough for an employee to work in, but difficult to enter or leave, and not intended for full-time employee occupancy. The City must determine which confined spaces are permit-required confined spaces. At least one of four of the following conditions must exist in the confined space before it is considered a permit-required confined space.

1. The confined space contains or has the potential to contain a hazardous atmosphere.
2. The confined space contains a material that has the potential for engulfing an entrant.
3. The confined space has an internal configuration such that an entrant can be trapped or asphyxiated.
4. The confined space contains any other recognized serious safety or health hazard.

Permit Required Confined Space Entry

The City must post a sign by each permit-required confined space and the spaces must be continually monitored for atmospheric and safety changes. Attendants must be stationed outside of each confined space while occupied. No permit-required space may be occupied without a valid, properly executed permit. A log book shall be maintained by a permit supervisor documenting all issued permits in chronological order of their effective periods of time. Permits will be maintained in duplicate and in chronological order by the permit supervisor to supplement the log book. The following three classifications of employees are pertinent to confined space management:

1. **Authorized Entrants.** These are employees authorized to enter a permit space. They must know and have been properly trained in learning the hazards they may face, be able to recognize signs or symptoms of exposure, and understand the consequences of exposure. Additionally, entrants must know how to:
 - 1) Use any required equipment
 - 2) Communicate with attendants as necessary
 - 3) Alert attendants when a warning symptom or other hazardous condition exists.
 - 4) Exit as quickly as possible whenever ordered or alerted by alarms, warning sign, or prohibited condition.
2. **Attendants.** These are the employees stationed outside the permitted spaces. Their main purpose is to monitor the authorized entrants. They are responsible for the safety of the entrants. They must stay in contact with the entrants at all times. Attendants have the authority to order entrants out of the confined space. They are responsible for summoning rescuers, preventing unauthorized entry into the confined space, and performing non-entry rescues.

- 3. Entry Supervisors.** This person is a member of management, and is responsible for determining whether acceptable entry conditions exist, for authorizing and overseeing entry, and for terminating entry. Entry supervisors shall maintain a log book of all confined space permits showing dates, times, descriptions, locations, and names of all individuals and permits issued. The log book shall be maintained in chronological order to further ensure control. Duplicates of the original permits shall be maintained by the permit supervisor in chronological order. Duplicate permits are not valid for the purpose of gaining access to a confined space. The entry supervisor shall verify the validity of the results of all tests such as air monitoring, that the tests were performed, and that all equipment and procedures are in place before issuing a permit. The entry supervisor must also verify that rescue services are available. The entry supervisor will prepare and sign the written permits.

All components contained in Rule 1910.146 will be followed. A permit must contain, but is not limited to:

- Identification of the space
- Purpose of the entry
- Date and duration of the permit
- List of authorized entrants
- Names of current attendants and entry supervisor
- List of hazards in the permit space
- List of measures to isolate permit space and eliminate or control hazards
- Explanation of acceptable entry conditions
- Results of tests - including initials of person performing the tests
- Rescue and emergency services and means to summon them
- Communication procedures for attendants and entrants
- List of required equipment - such as respirators, communication systems, lighting and alarms
- Any other necessary information
- Any additional permits - such as for hot work

Entry Without Permit/Attendant

Confined spaces may be entered without the need for a written permit or attendant provided that:

1. The space is determined NOT to be a permit required confined space.
2. The space can be maintained in a safe condition for entry by mechanical ventilation alone.
3. The Confined Space Pre-Entry Check List must be completed by the LEAD WORKER before entry into a confined space, must be kept at the job site for duration of the job, and must address completion of the following items as outlined in Rule 1910.146:

Pumps and Lines, Surveillance, Testing, Entry Procedures and Rescue.

A Confined Space Entry Permit is available in the Human Resources Department.

18-29 DRUG AND ALCOHOL POLICY FOR EMPLOYEE DRIVERS OF COMMERCIAL MOTOR VEHICLES

The City of Wilton Manors is dedicated to providing safe, dependable, and reliable public services. Each employee has a responsibility to the public to deliver services in a safe and conscientious manner. As employees are our most valuable resource, it is our goal to provide them a health, drug and alcohol-free work environment which promotes personal opportunities for growth and well-being.

Any use of alcohol or a prohibited drug by an employee creates the potential for degradation of job performance. Therefore, we are fully committed to maintain a workplace which promotes the health and safety of our employees and the general public. It is our policy (1) to assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) to create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse; (3) to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

The City of Wilton Manors is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to employees subject to the regulation, shall be subject to disciplinary action, up to and including termination.

This policy, as a part of these Personnel and Safety Rules and Regulations, shall be distributed to all current covered employees, and issued to each new covered employee as part of the overall orientation procedure. Each employee shall acknowledge receipt of a copy of these policies.

Applicability

This policy applies to all employee and agent drivers of commercial motor vehicles as defined below, who are required to drive such vehicles in the course of their employment. This policy applies, at a minimum, during all on duty time which means all time from when a driver begins to work or is required to be in readiness to work, until the time the employee is relieved from work and all responsibility for performing work. For purposes of this policy, on duty time includes lunch and break periods.

A commercial motor vehicle is defined as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more lbs. inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds; **OR**
2. Has a gross vehicle weight rating of 26,001 or more lbs.; **OR**
3. Is designed to transport 16 or more passengers, including the driver; **OR**

4. Is of any size used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F) (see Section 17-27 for more information on city policy regarding Hazardous Materials).

This policy is effective January 1, 1996, and continues in effect unless superseded or canceled by competent authority. Employees covered by the above criteria must participate in the Drug and Alcohol Testing Program as a condition of employment.

Prohibited Substances

Illegally-used Controlled Substances or Drugs: Controlled substances are any illegal drug or any substance identified in Section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)), and as further defined in 21 CFR 1300. This includes, but is not limited to marijuana, amphetamines, opiates, phencyclidine, and cocaine, as well as any drug not approved for medical use by the Drug Enforcement Administration. Illegal use includes the use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescriptions drugs.

Legal Drugs: the appropriate use of legally prescribed drugs and non prescription medications is not prohibited. However, the use of any substance which could adversely affect the employee's mental functioning, motor skills, or judgment must be reported to supervisory personnel and medical advice should be sought, as appropriate, before performing work related duties. A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing City business is additionally prohibited.

Prohibited Conduct

No person covered by this policy shall engage in the manufacture, distribution, dispensing, possession, or use of prohibited substances on City property, in City vehicles, in uniform, while on City business, or while otherwise on duty. Law enforcement officials shall be notified, as appropriate, where criminal activity is suspected.

No covered employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.

Any covered employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from duty pending verification of condition. Employees found to be under the influence of a prohibited substance or who test positive for a prohibited drug or alcohol concentration shall be immediately removed from duty and may be subject to disciplinary action. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds allowed by applicable law (49 CFR Part 40, as amended).

No covered employee should report for duty or remain on duty when his or her ability to perform assigned functions could be adversely affected by alcohol. No covered employee shall be permitted to perform the duties of his or her position when his or her breath alcohol concentration is 0.02 or greater. No covered employee shall use alcohol within four hours of reporting for duty, while on call, or while on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing at any time while in a duty status. Any covered employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately. Refusal can include an inability to provide a specimen or breath sample without valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test. Such refusal constitutes a positive test result.

Pursuant to the Drug-Free Workplace Act of 1988, employees must, within five days, notify the City of any criminal drug statute conviction. Failure to comply constitutes a violation of this policy. The City must notify Broward County if the employee is involved in a program funded by grant money received from Broward County.

Testing for Prohibited Substances

All covered employees shall be subject to testing prior to employment; when transferring to a covered position; at random, unannounced intervals; for reasonable suspicion; and following an accident. In addition, all covered employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of rehabilitation treatment. The testing program, as described in this policy, will be independent and separate from any and all other testing performed on behalf of the City of Wilton Manors and /or prevailing Federal, State, and local requirements.

The specific drugs that will be tested for are marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen, using immunoassay techniques, will be conducted on each specimen. For those specimens which indicate a presence of one or more of these prohibited substances, a confirmatory gas chromatography/mass spectrometry (GC/MS) test will be performed. The test will be considered positive if the amount present is above the minimum threshold established in 49 CFR Part 40, as amended.

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) - approved evidential breath testing (EBT) device operated by a trained breath alcohol technician. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath. If an initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A covered employee who has a confirmed alcohol concentration of 0.04 or greater will be considered to have a positive alcohol test.

All applicants for covered positions shall undergo urine drug testing and may be required to undergo breath alcohol testing following a conditional offer of employment or transfer into a covered position. Receipt of negative test results is required prior to employment. Failure of a drug or alcohol test will disqualify an applicant for employment. A negative

drug or alcohol test will be required prior to further consideration for employment in a covered position.

All covered employees may be subject to a fitness for duty evaluation, to include urine and/or breath testing, when there is reason to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of available fact or circumstance which is consistent with the long or short-term effects of substance abuse. Examples which may support reasonable suspicion include, but are not limited to the following:

- Physical signs and symptoms consistent with prohibited substance use.
- Evidence of manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- On-the-job behavior which indicates possible substance abuse or impairment.
- Occurrence of a serious or potentially serious accident that may have been caused by human error.

Reasonable suspicion determinations will be made by a City employee who has been trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his or her work performance due to prohibited drug use or alcohol misuse.

As soon as is practicable following a commercial motor vehicle accident, employees who could have contributed to the accident shall be tested for alcohol and controlled substances if:

1. The accident involved the loss of human life; or
2. The covered employee receives a citation under state or local law for a moving traffic violation arising from the accident.

If an alcohol test is required, it must be performed within two (2) hours following the accident. If a controlled substance test is required, it must be performed as soon as possible but no later than within 32 hours of the accident. A covered employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to such testing. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until completion of a post-accident alcohol test, or upon release by the Human Resources Director or City Manager. Any covered employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing or who fails to report to the collection facility within a reasonable time frame will be considered to have refused the test.

Safeguards and Assurances

Testing shall be conducted in a manner to assure the highest degree of accuracy and reliability, and using techniques, equipment, and laboratory facilities which have been certified by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended.

All testing results for prohibited drugs must be verified by the Medical Review Officer (MRO). The MRO is a licensed physician functioning independent of the City whose qualifications include a demonstrated knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual's confirmed positive drug result together with his or her medical history and any other relevant biomedical information. All testing results for alcohol must be verified by a qualified Breath Alcohol Technician (BAT)

Any employee may request that a representative be present in activities related to the collection of specimens and during administrative review and/or counseling sessions. The absence of such representation does not, by itself, negate or mitigate the requirement to provide specimens and/or attend such review and counsel in response to required drug and alcohol testing.

Federal regulations impose strict procedural controls and accounting mechanisms upon the collection site, processing laboratory, the MRO, and the City with respect to testing for prohibited drugs and alcohol. These procedures require the use of tamper-proof specimen containers for urine samples, employee certification of specimen "ownership," use of chain-of-custody documentation, regimented quality control standards including blank air testing (for EBT devices) and blind samples (for urine testing), equipment calibration testing, and specific certification and training standards. Only confirmatory testing results will be used as evidence of prohibited drug use or alcohol misuse. Testing which does not follow these criteria must be invalidated, or "canceled," and reported as a negative result.

As a further safeguard, any employee who questions a positive result of a required drug test may request the MRO to perform a second (separate) test of the original specimen. This test must be conducted at a different DHHS-certified laboratory and must utilize a split sample that was provided at the same as the original sample. All costs for such testing are paid by the employee unless the second test produces a negative result. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was beyond the control of the employee and the reason for such delay is acceptable to the MRO.

The application of this policy with respect to drug and alcohol testing does not abridge anything included in a union contract; nor does it infringe upon an employee's right to redress under grievance or other administrative or judicial proceedings.

Employee Assessment

Any covered employee who tests positive for the presence of prohibited drugs or alcohol must be evaluated by a Substance Abuse Professional (SAP) before returning to duty. A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving associated problems. Assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with The City of Wilton Manors.

If after a positive test result a covered employee is allowed to return to duty, the employee must properly follow the rehabilitation program prescribed by the SAP, pass return-to-duty drug and alcohol tests, and agree to be subject to unannounced follow-up tests for a period of at least 12 months, and possibly up to five (5) years, from the date of return to duty. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider.

No employee who has tested positive may re-enter the workforce without agreeing to a Last Chance/Rehabilitation Agreement. However, such an agreement is not an entitlement. This agreement may include, but is not limited to the following:

- A release to work statement from the Substance Abuse Professional, together with satisfactory evidence of a negative test for drugs and/or alcohol.
- A statement of agreement to comply with all prescribed treatment and aftercare requirements, and specified follow-up testing.
- A statement of expected work-related behavior.
- An agreement that violation of the Last Chance/Rehabilitation Agreement will result in separation from employment.

Consequences, Penalties, and Sanctions

Irrespective of possible criminal and/or civil proceedings which may arise as a result of prohibited drug use or alcohol misuse, the City of Wilton Manors reserves the right to apply administrative penalties and sanctions against an employee who violates any rule encompassed by this policy.

Minimum associated consequences of prohibited drug use and/or alcohol misuse are as follows:

Removal from duty (remainder of the day or work shift--minimum twenty-four (24) consecutive hours):

1. Reporting for or remaining on duty with a breath alcohol concentration of 0.02 or greater.
2. Consumption of alcohol within four hours of reporting or returning to duty.

Referral to a SAP and removal from duty: A positive drug test for a prohibited drug or a breath alcohol concentration of 0.04 or greater.

Dismissal: Violation under one or more of the following circumstances or conditions constitutes a severe affront to the safety and well-being of other employees and the general public, and is punishable as a major infraction of policy under "due cause" proceedings:

1. Engaging in the manufacture, distribution, dispensing, possession, and/or use of a prohibited substance on City property, in City vehicles, in uniform, or while on City business.
2. Refusal to submit to drug and/or alcohol testing, including the inability to provide adequate specimen or breath sample without valid medical explanation.

3. Leaving the scene of an accident without proper authority, resulting in the inability to conduct the drug and/or alcohol test.
4. Obstructive behavior, providing false information in connection with a test, or attempting to falsify test results through tampering, contamination, adulteration, or substitution of specimen samples.
5. Failure to comply with all prescribed treatment and aftercare requirements, or any required follow-up testing.
6. Failure to notify the City of Wilton Manors within five (5) days of any criminal drug statute conviction.

System Contact

Employees who have any questions regarding this policy or any other aspect of the City of Wilton Manors' prohibited drug and alcohol testing program should contact the Human Resources Director or the Risk Manager.

THE CITY OF WILTON MANORS, FLORIDA

CIVIL SERVICE RULES

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CITY OF WILTON MANORS, FLORIDA

CIVIL SERVICE RULES

Adopted by City Council

April 27, 1988

**Mayor, Tracy Stafford
Vice Mayor, Susan Olson
Council Member, John Fiore
Council Member Sandra Steen
City Manager, Wallace A. Payne
City Attorney, George Richardson, Jr.**

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CIVIL SERVICE RULES

RULE 1. GENERAL PROVISIONS

Sec. 1. Purpose of these rules

These rules set forth the principles and procedures that are to be followed by the City in its personnel program to the end that the City and its employees may have assurance that personnel will be dealt with on an equitable basis, and that the citizens of Wilton Manors may derive the benefits and advantages which can be expected to result from a competent staff of city employees.

Sec. 2. Positions covered by these rules

These rules shall apply to the positions and offices in the city service as set forth in Article XII, Section 3 of the Charter of the City of Wilton Manors.

Sec. 3. Approval of rules.

These rules shall be in force and effect when approved by the City Council and shall have the force and effect of law insofar as they apply to positions covered by said rules.

RULE II. DEFINITIONS

Sec. 1. Allocate

Allocate shall mean the act of assigning each position to its proper class.

Sec. 2. Class

Class shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

Sec. 3. Continuous service

Continuous service shall mean employment in the classified service which is uninterrupted except for authorized leave of absence, suspension or separation due to lay-off; however, time lost due to leave of absence, suspension or lay-off shall not be included in the determination of length of continuous service. Authorized leave of absence without pay shall be granted to any regular employee drafted into the armed services or called up in the reserve and in such event said leave of absence shall be included as part of continuous service.

Sec. 4. Total seniority and departmental seniority

Total seniority shall mean an employee's continuous service as hereinabove defined within the city. Departmental seniority shall mean the continuous service within the department of his present employment as otherwise hereinabove defined.

Sec. 5. Demotion

Demotion shall mean the assignment of an employee to a position in a lower class having a lower maximum salary than the position from which the assignment is made.

Sec. 6. Eligible

Eligible shall mean a person listed on an active eligible list.

Sec. 7. Eligible list

Eligible list shall mean a certified employment list, promotional list, re-employment list or reinstatement list.

Sec. 8. Employment list.

Employment list shall mean a list of persons who have been found qualified for initial appointment to a position in a particular class.

Sec. 9. Hearing

Hearing means a public hearing held after public notice, at which time any person with an interest shall have an opportunity to be heard.

Sec. 10. Regular position

Regular position shall mean any position vacant or filled which is designated as such by the budget or by the city manager.

Sec. 11. Position

Position shall mean a group of duties assigned to one person or job.

Sec. 12. Probationary employee

Probationary employee shall mean any employee who is serving his probationary period of six months prior to being regularly appointed to a regular full-time position and class in the classified service, except that sworn police officers and police aides shall serve a probationary period of twelve months.

Sec. 13. Promotion

Promotion shall mean the assignment of an employee to a position in a higher class having a higher maximum salary accompanied by a higher degree of responsibility than the position from which the assignment is made.

Sec. 14. Promotional examination

Promotional examination means an examination or group of examinations for a position in a certain class, admission to which is limited to employees in the classified service who hold permanent positions in another class.

Sec. 15. Promotional list

Promotional list shall mean a list of persons who have been found qualified by a promotional examination for appointment to a position in a particular class.

Sec. 16. Regular employee

Regular employee shall mean an employee who has been appointed to a regular full-time position in the classified service in accordance with the provisions of the rules after completing a probationary period. They shall also gain status in that class to which appointed.

Sec. 17. Status

Status is a condition acquired by a regular employee, giving rights, in the manner that rules set forth, to a class.

Sec. 18. Temporary employee

Temporary employee shall mean an employee holding a position other than regular, except as provided in the rules, which is of a temporary and seasonal, casual or emergency nature.

Sec. 19. Temporary position

Temporary positions shall mean all positions that are not designated regular positions.

Sec. 20. Vacancy

Vacancy shall mean a position, existing or newly created which is not occupied, and for which funds are available.

Sec. 21. Initial appointment

The employment of a person not currently a regular employee of the city and not on a re-employment list.

RULE III. ORGANIZATION FOR PERSONNEL ADMINISTRATION

Sec. 1. The City Council

The city council shall:

- A. Enact the personnel rules
- B. Enact the pay and job classification plan and all amendments thereto
- C. Enact the civil service rules and all amendments thereto

Sec. 2. The City Manager

The city manager shall:

- A. Be responsible to the City Council for the administration of the personnel system subject to these rules.
- B. Appoint, promote, transfer or remove, demote, suspend or discipline all department heads, administrative officers and employees subject to the provisions of these rules, excepting as otherwise provided by the Charter of the City of Wilton Manors.
- C. The city manager shall also be responsible to the city council for the following functions, which he may perform personally, or by assigning the same to a designated officer:
 1. Administer the provision of these rules.
 2. Develop such recruitment and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the city service.
 3. Prepare and recommend a classification plan and amendments to the classification plan so that it will reflect on a current basis the duties being performed by each employee in the city service and class to which each position is allocated.
 4. Administer the pay plan including the periodic review of salary and wage levels in the area to the extent that such levels affect city employment and the period investigation of factors affecting the economic level.
 5. Provide a system of checking payrolls, so as to determine that all persons in the city service have been properly appointed and are being paid in accordance with the pay plan.
 6. Provide for the establishment and maintenance of a roster of all employees in the city service.

7. Provide such forms and procedures as he may consider necessary, appropriate or desirable to carry out the personnel program.
8. Develop and establish cooperation with various department heads, such training and education programs for employees in the city service as conditions warrant.
9. Attend all meetings of the civil service board.
10. Prepare and recommend such rules or amendments to the rules as may be necessary or advisable to carry out the intent and purposes of the city personnel program.
11. Perform such other activities with reference to personnel administration not inconsistent with the city charter or these rules.

Sec. 3. The civil service board

There shall be a civil service board organized according to Article XII of the Charter of the City of Wilton Manors and the following:

- A. As specified by Article XII, Section 4 of the City Charter, the Civil Service Board shall select one of its members to be Chief Examiner who shall act as secretary to the board and shall also serve as the boards' presiding officer.
- B. Vacancies:
 1. In the event of a vacancy, by resignation or otherwise, of a seat held by a board member appointed by the city council, the city council shall appoint a new member to fill the unexpired term of the vacant seat.
 2. In the event of a vacancy, by resignation or otherwise, of a seat held by a board member selected by the employees, the city manager or his designee shall cause an election to be held within thirty (30) days after the vacancy occurs. At said election, the departments will each, within ten (10) days after the vacancy occurs, select one nominee by secret ballot in which the person receiving the highest vote will be the nominee for that department. Within twenty (20) days the election will be held and the employees of the administrative departments shall elect the nominee or nominees to serve for the unexpired term created by any vacancy or vacancies.
- C. Eligibility:
 1. Any regular full-time employee who has been continuously employed for a period of one year or more shall be eligible for election to the civil service board.
 2. Any regular full-time employee who has completed his/her probationary period shall be eligible to vote in any election called for the election of an employee member of the civil service board.
- D. Duties: It is the duty of the civil service board and it shall have the power to:
 1. Hear appeals of any member of the classified service in the method provided in these rules.
 2. Represent the public interests in the improvement of personnel administration in the city service.

RULE IV. POSITIONS INCLUDED IN PERSONNEL SYSTEM

Sec. 1. The city service

The city service shall comprise all offices and positions in the city employ. The city service is divided into the exempt and classified service.

A. Exempt Service

The exempt service shall include the following positions and levels, to wit:

1. Elected officials.
2. The city manager, if one is appointed, or acting city manager.
3. Assistant city manager.
4. The city attorney and assistant city attorneys.
5. Any position designated by the city council as exempt.
6. Consultants, counsel, architects, auditors, board and committee members, advisory boards and the like rendering temporary professional services for pay or not for pay.
7. All department heads and the city clerk.

B. Classified service

The classified service shall comprise all other positions now existing or hereafter created not specifically included in the exempt service.

Sec. 2. Status of employees in the city service

- A. All persons holding positions in the classified service on the effective date of these rules, and whose positions normally involve continuous year round full-time service, and who have served continuously their probationary period immediately prior to the date of adoption of these rules shall be considered to be regular employees and as such entitled to the rights, benefits, and privileges extended to such employees by the city charter and these rules.
- B. All persons holding positions in the classified service on the effective date of these rules, and whose positions normally involve continuous year round full-time service and who have not served continuously their probationary period immediately prior to the date of adoption of these rules shall be considered to be probationary employees and as such subject to the provisions of these rules relating to satisfactory completion of a probationary period.
- C. All persons holding positions in the classified service which do not involve continuous year round full-time service or continuous year round part-time service shall be considered as temporary employees.

Rule V. THE CLASSIFICATION PLAN

Sec. 1. The purpose

The classification plan provides a complete inventory of all positions in the city service and descriptions and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a range of duties and responsibilities and has the same meaning throughout the city service.

Sec. 2. Composition of the classification plan

The classification plan consists of:

- A. Class of positions which is established by grouping positions which are basically similar in the kind of work and level of difficulty and responsibility, which require similar experience and training at time of recruitment, and which may be

compensated fairly from within the same range of pay under similar working conditions.

- B. Class titles which are descriptive of the work performed and which identify each class.
- C. Written class specifications for each class of positions which contain a description of the nature of the work and of the relative responsibility of the position in the class, examples of work which are illustrative of duties of positions allocated to the class, preferred requirements in terms of knowledge, abilities and skills necessary for performance of the work, and a statement of experience and training desirable for recruitment into the class.
- D. An allocation list showing the class title of each position in the city service.

Sec. 3. Class title

Class titles shall be used in all personnel, accounting, budget, appropriation, and financial records. No person shall be appointed to, or employed in, a position in the classified service under a title not included in the classification plan. Titles used in the course of department routine to indicate authority, status in the organization, or administrative rank may continue to be used for such purpose.

Sec. 4. Class specification

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a whole definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed. Nothing contained in these rules shall prohibit the city manager and/or department heads from assigning temporary duties to personnel as may be appropriate to meet the needs of prompt service to the public (within the personnel available the city manager or department head shall assign said temporary duties to the most nearly compatible job description). However, if any such temporary duties appear to be needed regularly or frequently, then the classification plan and/or job description must be amended to accommodate the new duty.

Sec. 5. Maintenance of the classification plan

The city manager is charged with the responsibility for the proper and continuous maintenance of the classification plan so that it will reflect on a current basis the duties being performed by each employee in the city service and the class to which each position is allocated.

The city manager shall periodically review the classification of positions and, upon the basis of his investigation, he shall make appropriate and necessary amendments to the classification plan in the form of new classes, revisions of existing classes and the abolition of classes no longer required in the plan.

RULE VI. RECRUITMENT PROCEDURES

Sec. 1. Announcement of position opening

Public notice of job availability shall be given by publication in at least one daily newspaper of general circulation in the city and/or by posting announcement on the city hall bulletin board and in such other places and such other manner as the city manager may deem advisable.

Sec. 2. Filing of application.

All applicants for positions in the classified service must file written application on the form prescribed by the city manager. Amendments or corrections must be made within the time limit fixed by the city manager.

Sec. 3. Rejection of application

An application may be rejected when it is determined:

- A. That the application was not filed within the period specified or was not filed on the prescribed form.
- B. That the applicant has made a false statement of a material fact, or practiced or attempted to practice any fraud or deception in his application or test, or in attempting to secure appointment.

Sec. 4. Notice of rejection of application

Whenever an application or applicant is rejected, notice of such rejection and the reasons for the action shall be given to the applicant.

Sec. 5. Veteran's preference

Veteran's preference shall be applied in accordance with applicable state and federal law.

RULE VII. EXAMINATIONS

Sec. 1. Recruitment by examination

All appointments in the classified service shall be made according to merit and fitness. Merit and fitness shall be ascertained by competitive examinations or such other appropriate examination procedures as may be required. Examinations may be assembled or non-assembled, and may include written, oral, physical tests, psychological tests, performance tests, ratings of training and experience or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications or attributes which, in the judgment of the city manager, enter into a determination of the relative fitness of applicants. Promotional examinations shall take into consideration the quality and length of employment in addition to any or all of the above factors.

Sec. 2. Rating examinations

Appropriate professional personnel techniques and procedures shall be used in rating results of examinations. Final examination grades shall be expressed on a scale of 100 for maximum possible attainment and 70 the required passing grade for each segment of the examination. The final scores of successful competitors who have attained a passing score of 70 or above on each segment of the examination shall be rounded off to whole numbers according to the following: .50 and above, the next highest rating; below .50 the next lower rating; i.e., 81.51 equals 82 and 81.49 equals 81.

Sec. 3. Minimum grades on each section

Any applicant who fails to attain at least a minimum grade on any segment of a test shall be considered to have failed the examination and shall not be examined on any further parts, if any are planned.

Sec. 4. Notification of results

Each applicant shall have the right to make an inspection of his examination papers within 10 working days of the mailing of notification to the applicant.

Sec. 5. Promotional examinations

Vacancies in higher positions in the classified service shall be filled by the promotion of employees in the service whenever in the judgment of the city manager, it is in the best interest of the city to do so. When the determination is made that there will be a promotional examination, the city manager shall designate the lower class or classes to which the promotional examination is to be given.

Sec. 6. Announcement of promotional examinations

All promotional examinations shall be publicized at least two weeks in advance of the examination by posting announcements by the city manager on a bulletin board in the city hall and in such other places and in such other manner as is deemed advisable. Copies of all such announcements shall be furnished the departments affected.

Sec. 7. Identity of examinees concealed

The identity of all persons taking a competitive written test shall be concealed by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the written examination and continued until all test papers have been rated. Any papers carrying the name of the applicant or any other identifying mark, or any applicant who reveals his identification number shall be disqualified and the applicant so notified.

RULE VIII. ELIGIBLE LISTS

Sec. 1. Establishment of eligible lists

The city manager or his designee shall establish and maintain such eligible lists for the various classes of positions as are necessary to meet the needs of the service. Each such list shall contain the names of those persons who are deemed by virtue of the examination process to be qualified to perform the duties required in the specific class. Such persons shall be notified of their grade and eligibility status; all names on said list shall be in alphabetical order.

Sec. 2. Duration of lists

The term of eligibility of each eligible list, and the names appearing thereon, shall be for one year. Any such lists, excepting those lists established as a result of continuous non-assembled examination, which has been in force for more than six months, shall be deemed cancelled upon the establishment of a new eligible list for the same class of positions.

Sec. 3. Re-employment lists

A regular employee who has been involuntarily separated from the city service without fault or delinquency on his part shall have his name placed on a re-employment list for the same class of position he held at the time of his separation upon his written request. Such employee shall be eligible for re-employment for a period of one year from the date of separation.

Sec. 4. Removal of names from lists

The city manager may at any time remove the name of an eligible from an eligibility list for any

one or more of the following causes:

- A. A the request of the eligible
- B. Failure to respond to notice to appear for interview within the time limited in such notice.
- C. Declination of regular employment appointment
- D. Failure to notice the city manager of a change of address
- E. Appointment to a regular position through employment from a list for another class at the same or higher salary
- F. In the case of promotional lists, upon separation, other than layoff, from the city service.
- G. In any case where the city manager finds that an eligible is or has in any manner become disqualified for the class in which he is listed, in accordance with Rule VI, Section 5 of these rules.

Sec. 5. Restoration of names to eligible lists

Whenever any person's name is removed from an eligible list for any one or more of the causes mentioned in the preceding section, he shall immediately be notified thereof unless his whereabouts are unknown. Such person may, within five days from date of removal, make a written request to the city manager for restoration of his name to such list for the duration of his eligibility. The request shall set forth the reasons for the conduct resulting in removal of the name from the list and shall further specify the reasons advanced for restoration of the name. The city manager, after full consideration of the request, may restore the name to the eligible list or may refuse such request. The person shall be notified of the city manager's action.

RULE IX. APPOINTMENTS

Sec. 1. Procedure for filling vacancies

All vacancies in the classified service shall be filled by original appointment, promotional appointment, provisional appointment, re-employment, reinstatement, transfer or demotion. Whenever a vacancy is to be filled, the department head shall make written request upon the city manager for eligibles for appointment to the class of position for which the vacancy exists. If the position is a regular position, the city manager shall supply to the department head the appropriate lists or authorize some other kind of appointment as provided in these rules.

Sec. 2. Priority of Lists

Certification shall be made from existing lists in the following order of preference:

1. Re-employment lists
2. Promotional lists
3. Employment lists
4. Reinstatement lists

Reinstatement lists may rank before or after employment lists at time of certification by specific request of the appointing authority.

Sec. 3. Selection from certified list

Upon receipt of a valid request for an eligible to fill a vacancy, the city manager may supply to the requesting department head the names and addresses of those eligible. The department head shall submit to the city manager the names furnished him, together with his recommendations. The city manager is the final authority in filling any vacancy in the classified

service.

Sec. 4. Provisional appointment

Whenever there are urgent reasons for filling a regular position in a class for which appropriate lists or the required number of eligibles are not then available, the city manager may authorize the vacancy be filled by a provisional appointment. In such case, preference for provisional appointment shall be given first to persons whose names are on appropriate lists; secondly, to persons in the city service whom the city manager finds to be qualified; thirdly, to persons who have applied for appointment as regular employees and whom the city manager believes to be qualified. Provisional appointments shall be terminated at such time as the required certification and appointment can be made.

Sec. 5. Temporary appointment

Temporary appointments may be made of persons whose employment is expected to be of a seasonal nature or whose services are required for a special job or project and when it is no longer necessary at the close of the season or upon completion of such special job or project for which they have been appointed. Temporary appointments may also be made to fill vacancies resulting from regular employees on authorized leave of absence. Temporary employment confers no status.

Sec. 6. Transfer

A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications excepting that in no case shall an employee be transferred to a class having a higher maximum salary than the class from which the transfer is made, unless the employee is qualified in the new class. Transfers must be approved by the department head to which the transfer is made, the city manager and the employee concerned and shall be executed on the prescribed form.

Sec. 7. Demotion

- A. A position may be filled by the demotion of a regular employee in accordance with the procedure for demotion as outlined in Section 4 of Rule XI.
- B. An employee may also be demoted upon his own initiative with the approval of the city manager and department head concerned and shall receive status in this new class if he has status in present class.

Sec. 8. Probationary period

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the new employee to his position, and for rejecting any employee whose performance does not meet the required work standards. All appointments shall be probationary and subject to a probationary period of twelve months for sworn police officers and police aides and of six months for all other employees after appointment, including those positions filled through promotion. The city manager may grant status to persons appointed from a re-employment list without a probationary period. The department head shall make such periodic reports during an employee's probationary period as the city manager may require and shall notify the city manager at least fifteen calendar days prior to completion of the probationary period, whether the services of the employee have been satisfactory and whether he will

continue the employee in his position. Such notice shall be on the prescribed form and a copy shall be given to the employee. At any time during the probationary period, the city manager may remove an employee whose performance does not meet the work standards of the city. If an employee promoted to a higher class as a result of appointment from a promotional list is found unsuited for the work of the class during the probationary period, he shall be reinstated to a vacant position in the class from which he was promoted. If no vacancy exists, the name of such employee shall be placed on the appropriate re-employment lists.

Sec. 9. Medical examinations

Applicants for positions or for promotions in the city service shall be required to undergo a medical examination to determine physical and mental fitness to perform work in the position to which appointment is to be made. All employees of the city during their period of employment may be required by their department head with the approval of the city manager to undergo periodic medical examinations to determine their physical and mental fitness to perform the work of the position in which they are employed. Such periodic medical examinations shall be at no expenses to the employee. Determination of physical or mental fitness will be by a physician or physicians designated by the city manager. Applicants and eligibles determined to be physically or mentally unfit for service shall not be considered for appointment and/or promotion. An employee finally determined to be physically or mentally unfit to continue in the position in which he is employed may be demoted in accordance with these rules or separated from the city service.

RULE X. PROHIBITIONS, RIGHTS OF APPEAL AND GRIEVANCES

Sec. 1. Prohibitions

- A. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations or his/her race or sex.
- B. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- C. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment to a position in the classified service or an increase in or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.
- D. No employee in the classified service, no employee in the exempt service, and no member of the civil service board shall, directly or indirectly, solicit or take part in soliciting any assessment, subscription or contribution to any political party, committee or cause, of our from any employee in the classified service.
- E. Any member of the civil service board who shall be or become a member of any Wilton Manors or Broward County committee of a political party or an officer or member of a partisan political club located in Broward County or a candidate for nomination or election to any public office of Wilton Manors, or the County of Broward, shall be disqualified from sitting on the civil service board. This shall not be interpreted to prohibit such a person' rights as a citizen to express an opinion and case his vote on his town time.

- F. No person elected to public office in the City of Wilton Manors shall, during the term for which he was elected, be appointed to any position in the classified service.
- G. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of the charter and these rules, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provision of the charter and these rules.
- H. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.
- I. No employee, examiner, or other person shall deny, deceive, or obstruct any person in his right to examination, eligibility, certification or appointment under the charter and these rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.
- J. Any officer or employee who violates any of the provisions of this section shall forfeit his office or position

Sec. 2. Employee rights/grievance procedures

It shall be the policy of the City of Wilton Manors to provide a procedure for the presentation and mutual adjustment of points of disagreement which arise between employees and their supervisors, and to assure employees that their problems and complaints will be considered fairly, rapidly and without reprisal.

A. Policy

B. Purpose

The primary purpose of this grievance procedure is to determine what is right rather than who is right. Free discussion between employees and supervisors will lead to better understanding by both parties of practices, policies and procedure which affect employees. This will serve to identify and help eliminate conditions which may cause misunderstanding and grievances. Supervisors and employees alike must recognize the true purpose of the grievance procedure if it is to be of value in promoting the well-being of the organization.

C. Definition of a grievance

A grievance is a complaint that a rule or regulation of the personnel rules has been violated, misinterpreted, or misapplied to the detriment of the employee; such grievance may be appealed through Step C of the procedure. Grievances relating to suspension without pay, demotion or termination may be appealed through Step D.

D. Time factors

In the resolution of grievances, time is considered to be of the utmost importance. Accordingly, any grievance not submitted and/or processed by the grieving party in accordance with the time limits provided herein shall be considered conclusively abandoned and shall be barred, forfeited and forever foreclosed for all contractual and/or legal purposes and shall result in the forfeiture of all rights to arbitration. Any grievance no answered or processed by the City within the time limits provided below will automatically advance to the next higher step of the grievance procedure. Time limits may be extended only by written mutual consent of the parties.

E. Presentation of grievance

All grievances shall be presented in accordance with the following procedures:

Step A. The employee shall first take up his/her grievance with his/her immediate supervisor within five (5) working days of the occurrence of the event(s) which gave rise to the grievance. The first step of the grievance procedure shall attempt to adjust the grievance and shall respond thereto within five (5) working days.

Step B. Any grievance which cannot be satisfactorily settled with the employee's immediate supervisor shall be reduced to writing by the employee or his representative and shall next be taken up with the employee's department director. Such grievance shall be presented to the department director in writing within three (3) working days after the due date for the immediate supervisor's response. The grievance shall be signed by the employee and shall specify:

- (a) the date of the alleged events which gave rise to the grievance
- (b) the specific Article or section of the Civil Service Rules allegedly violated
- (c) a statement of facts pertaining to or giving rise to the alleged grievance
- (d) the names of any immediate witnesses to or parties involved in the alleged grievance
- (e) the specific relief requested.

The department director shall within five (5) working days after presentation of the grievance render his decision on the grievance in writing.

Step C. Any grievance which was referred to the department director and was not satisfactorily settled shall next be taken up with the city manager. Such grievance shall be presented to the city manager in writing within five (5) working days of the due date for submission of the department director's response in Step B above. The city manager shall, within seven (7) working days after presentation of the grievance, render his decision of the grievance in writing.

Step D. In the event a grievance processed through the grievance procedure has not been resolved at Step C above, either the employee or the City may request that the grievance be submitted to the Civil Service Board within five (5) working days after the city manager, or his designee, renders a written decision on the grievance. Any employee wishing to take an appeal to the Civil Service Board under these provisions shall submit such appeal in writing to the City Personnel Officer who shall be responsible for arranging the hearing which shall be held no later than thirty (30) days after receipt by the Personnel Officer of the request for hearing.

1. The city and the employee shall mutually agree in writing as to the statement of the grievance to be heard prior to the hearing, and the Civil Service Board thereafter shall confine their decision to the particular grievance thus specified. In the event the parties fail to agree on the statement of the grievance to be submitted to the Civil Service Board, the Civil Service Board will confine their consideration and determination to the written statement of the grievance presented at Step B of the grievance procedure. The Civil Service Board shall have no authority to substitute their judgment for that of management and/or to change, amend, add to, subtract from, or otherwise alter or supplement these Civil Service Rules or adopted personnel policies of the City.
2. Upon such appeal, the department director, the appealing employee with counsel, if desired, and the city manager shall have the right to be heard and to present

evidence, including witnesses. The moving party shall present its evidence first. At the hearing of such appeal, technical rules of evidence shall not apply. The civil service board shall have power to administer oaths, subpoena witnesses, and compel the production of books and all papers pertinent to the appeal, and shall do so upon the application of the employee or the city. Said hearing shall be held in the city council room at city hall, shall be a public hearing on any appeal. Four members shall constitute a quorum and a majority of those present shall concur in any decision. The civil service board shall make the final decision disposing of the appeal. At the conclusion of the hearing, the Civil Service Board shall find:

- a. that the appeal is denied and the management decision which is the subject of the appeal remains in full force and effect
- b. that the appeal is granted and the administrative decision appealed is reversed and cancelled.
3. Each party shall bear the expense of its own witnesses and of its own representatives for purposes of the Civil Service Board hearing. Any party desiring a transcript of the hearing shall bear the cost of such transcript unless both parties mutually agree to share said cost. The Civil Service Board's decision shall be final and binding.
4. Whenever the employee is satisfied with the disposition of the grievance by the City at any step of the grievance procedure, or if the grieving party does not process the grievance in accordance with specified time limits, processing of the grievance by the City will automatically stop. However, a grieving employee may not partially accept and partially reject a disposition of his grievance. Thus, for example, if an employee grieves a termination, and ordered reinstated without back pay at one of the steps of the grievance procedure, he may not accept the reinstatement and continue to grieve the loss of back pay. His only choice would be to accept the disposition of his grievance, or remain discharged and pursue the grievance further.

RULE XI. SEPARATION AND DISCIPLINARY ACTION

Sec. 1. Resignation

Any employee wishing to leave the city service in good standing shall file with his department head, at least two weeks before leaving, a written resignation stating the date the resignation shall become effective and the reason for leaving. Failure to comply with this procedure may be considered cause for denying such employee future employment by the city. Unauthorized absence from work for a period of three working days may be considered by the department head as a resignation. Department heads shall forward all notices of resignation to the city manager immediately upon receipt.

Sec. 2. Lay off

The city manager may lay off any employee in the classified service whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position or because of changes in organization; however, no regular employee shall be laid off while there are temporary, provisional or probationary employees serving in the same class or position for which the regular employee is eligible and available. Whenever the lay off of one or more

employees shall become necessary, the city manager shall notify the department head at least ten days in advance the names of the employees to be laid off in the order in which such lay off shall be effected. Such lay off shall be made within classifications of positions and departments when probationary and regular employees are involved. Temporary and provisional employees, irrespective of department, shall be laid off, in that order, prior to lay off of probationary or regular employees. The order of lay off shall be in reverse order of total continuous time served upon the date established for the lay off to become effective.

Sec. 3. Suspension

The city manager may for disciplinary purposes suspend a regular employee without pay for such length of time as the city manager considers appropriate but not to exceed sixty days in any twelve month period. A written statement of the reason for suspension shall be submitted to the department head and to the employee affected in each case, such statement to be submitted within 24 hours of the time the suspension becomes effective, excluding Saturdays, Sundays, or general holidays as provided by the rules or by city council authorization. A regular employee may be suspended by the city manager without pay for a longer period pending the investigation or trial of any charges against him. Such employee determined to be innocent of the charges against him shall be returned to duty with full pay for the period of suspension.

Sec. 4. Dismissal, demotions and suspension

Any employee may be dismissed, demoted or suspended by the city manager for cause upon recommendation of the department head. Although dismissals, demotions, or suspensions may be based on other causes, any one or more of the following shall be sufficient:

- A. Incompetence or inefficiency in the performance of duties.
- B. Conviction of a criminal offense
- C. Violation of any of the provisions of the charter or these rules
- D. Violation of any lawful official regulation, order or direction made or given by a superior officer.
- E. Intoxication while on duty, from whatever source, which affects or impairs the ability of the employee to carry out his duties; the possession, consumption or both of intoxicating beverages while on duty or while operating or using a city-owned vehicle; or the possession, sale, use or addiction to the use of marijuana, illegal narcotics or dangerous drugs while on duty or while operating or using a city-owned vehicle.
- F. Offensive, abusive conduct or language toward the public or fellow officer or employees.
- G. Negligence in the use of the property or funds of the city.
- H. Attempting to induce any officer or employee of the city to commit an act in violation of any lawful or official regulation.
- I. Hindering the regular operation of the department or division because of unexcused excessive absenteeism.
- J. Incapacity for the proper performance of duties because of a permanent or chronic physical or mental ailment or defect.
- K. Being absent without leave or failing to report after leave of absence has expired.
- L. Has received two (2) successive performance evaluations which are unsatisfactory.

RULE XII SAVING CLAUSE

If any section or part of a section of these rules is held by any court to be invalid or

unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.