



City of Key West
Employee Policies & Procedures Manual
January 2026

City of Key West Employee Policies & Procedures Manual

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SECTION 1: INTRODUCTION

1.1 ABOUT THE EMPLOYEE MANUAL

The City of Key West has prepared this Employee Policies & Procedures Manual (the “Employee Manual”) to acquaint you with the City’s employment policies and procedures and to provide highlights of certain benefits. The City’s employment policies and procedures were developed to ensure a positive, productive and caring workplace for the benefit of our employees.

This Employee Manual supersedes all previously issued manuals and any contrary policy statements or memos. This Employee Manual serves as a resource of personnel policies, rules, and benefits for all employees of the City of Key West. Should any employee have questions on the individual policies within this Manual, seek clarification from your immediate supervisor, manager, Department Director, and/or the Human Resources Department.

It is your responsibility to read this Employee Manual and adhere to the policies and procedures described herein, including any revisions or amendments adopted by the City.

The City Manager has the sole discretion to amend the Employee Manual or any other City-issued policy at any time, with or without notice. None of the provisions in this Employee Manual should be construed in any way as limiting or altering your status as an “at will employee,” or creating a contractual relationship between you and the City of Key West. (See Policy No. 2.1 in this Manual.)

The Employee Manual applies to all City of Key West employees, including employees covered by a collective bargaining agreement. In the event of a conflict between these policies and procedures and any collective bargaining agreement, City ordinance, state law, or federal law: the terms and conditions of the collective bargaining agreement or relevant ordinance or law shall apply.

1.2 ADMINISTRATION OF THE EMPLOYEE MANUAL

The City Manager has overall responsibility for the administration of the Employee Manual. The City Manager (or the City Manager’s designee) is responsible for clarification and interpretation of any of the policies and procedures in this Employee Manual. The City Manager has authority to modify, amend or rescind any part of this Employee Manual or any other City-issued policy at any time, with or without notice. The City Manager may, at any time, interpret the Employee Manual and develop procedural rules and other personnel policies. Based on the circumstances, the City Manager may waive the requirements of a policy or procedure.

The City Commission established the authority for the preparation and administration of this Manual in Section 4.04 of the City Charter, which describes the powers and duties of the City Manager.

The City of Key West, in accordance with the Key West Human Rights Ordinance and the spirit of inclusivity, respects each employee’s right to individually identify their gender. We have decided to make our handbook as inclusive as possible by using the pronoun “they” in place of gender-

specific singular pronouns. The use of they/their/them in the singular has gained acceptance in most major style guides.

SECTION 2: GENERAL EMPLOYMENT POLICIES

2.1 EMPLOYMENT AT WILL

Employment at the City is at will and not guaranteed for a definite period of time or for any purpose. Either the City or the employee may terminate the employment relationship at any time, with or without cause or prior notice.

The policies in this Employee Manual and any other policies issued by the Human Resources Department do not create, and shall not be construed as creating, a contractual relationship between the City and any employee. The at-will status of an employee can be changed only by a document titled “Employee Agreement” or “Bargaining Unit Agreement” signed and approved by the employee and the City Manager.

2.2 EQUAL EMPLOYMENT OPPORTUNITY

The City of Key West is committed to promoting and assuring equal employment opportunity for all current and prospective employees. It is the City’s policy not to discriminate against any employee or applicant based on his or her race, color, age, sex, national origin, religion, marital status, sexual orientation, disability, genetic information, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws in any of the following:

- All matters related to recruitment and advertising;
- All matters related to hiring and initial selection for employment; and
- All aspects of employment, including, but not limited to, compensation, promotion, demotion, transfer, lay-offs, corrective action, termination, leaves of absence, training opportunities and other terms and conditions of employment.
- All activities relating to employment, recruitment, testing, selection, upward/downward transfer, training, and termination shall be conducted in accordance with the Key West Human Rights Ordinance.

City employees, including, but not limited to, Department Directors, managers and supervisors do not have authority to engage in any conduct or activity which would constitute discrimination. **The City will not condone such behavior and those found in violation will be subject to disciplinary action, up to termination.**

PROCEDURE FOR REPORTING DISCRIMINATION

Any employee who feels that they have not been treated in accordance with this policy should promptly report the incident(s), either verbally or in writing following the chain of command: Supervisor, Department Director, Human Resources Director, Assistant City Manager, or City Manager. If the employee feels that they are being discriminated against by his or her superior, the employee should report the incident(s) to the Human Resources Director.

All allegations brought forward will be investigated by the Human Resources Director, or the Director’s designee. If the Human Resources Director is the subject of the report, the City

Manager (or the City Manager's designee) shall be responsible for the investigation in accordance with this policy. The City Manager shall review and approve recommended corrective actions.

All reportable methods will be investigated thoroughly by the Department of Human Resources. The reportee will be allowed to provide a statement (verbal or in writing) with a colleague should it be requested, represented union members should have a union representative present.

The following information should be included in the employee's written report: the date(s) of the incident(s), identity of the person taking the action, identity of any witnesses, and as many details about the incident(s) as possible. In order to further investigate, the City may request an employee who submitted a written report to attend an in-person meeting to provide additional details and information concerning the incident(s) identified in that report.

Any job applicant who has questions regarding this policy or believes that they have not been treated in accordance with this policy should contact the Human Resources Department.

INVESTIGATION AND CORRECTIVE ACTION

The City will investigate reports of discrimination promptly. The City will take prompt remedial action based on the specifics of the case to address any violation of this policy, including corrective action against any employee, which may include a warning, coaching, counseling, training, suspension or termination from employment depending on the circumstances surrounding the case and the employee(s)' history with the City. If the City's investigation does not disclose evidence of a violation of this policy, the City reserves the right to take preventative measures for future occurrences, which may include counseling and training.

An employee who feels that his or her report was not appropriately addressed or that they are still being subject to discriminatory conduct should immediately notify the City Manager or Assistant City Manager.

PROHIBITION AGAINST RETALIATION

The City prohibits and will not tolerate retaliation against employees who in good faith bring discriminatory conduct to the City's attention. There will be no retaliation for reporting discrimination or for cooperating in the City's investigation of the report. An employee responsible for retaliatory conduct will be subject to corrective action, up to and including termination. If an employee believes that they are being retaliated against in violation of this policy, the employee is encouraged to report the retaliation by using the same procedures discussed above for reporting discrimination.

PREVENTION

The City will continue to monitor the employees involved with the report to ensure a working environment free of discrimination. An employee with a question concerning this policy should contact the Human Resources Director or the City Manager's Office.

2.3 AMERICANS WITH DISABILITIES ACT

The City of Key West is committed to complying with all applicable provisions of the Americans with Disabilities Act as amended (“ADAAA”). It is the City’s policy not to discriminate against any qualified individual on the basis of disability in regard to recruitment, hiring, advancement, termination or any terms or conditions of employment.

Consistent with this policy of non-discrimination, the City will provide reasonable accommodations to an employee with a disability who is a qualified individual, as defined in the ADAAA, who has made the City aware of his or her disability, provided such accommodation does not constitute an undue hardship to the City. Any employee with a disability who believes that they need reasonable accommodation to perform the essential functions of the job should contact the Human Resources Director.

Any employee who feels that they have not been treated in accordance with this policy should contact the Department Director, Human Resources Director, Assistant City Manager or City Manager. The City prohibits and will not tolerate retaliation against any employee who requests reasonable accommodation or makes a good faith complaint under this policy.

Any job applicant who has questions regarding this policy or believes that they have been discriminated against based on a disability should contact the Human Resources Department.

The City of Key West is committed to diversity and inclusion in efforts to build on collaboration, innovation, creativity, and belonging. Our collective success depends on the robust exchange of ideas—an exchange that is best when the rich diversity of our perspectives, backgrounds, and experiences flourishes.

2.4 PREGNANT WORKERS FAIRNESS ACT (PWFA) AND REASONABLE ACCOMMODATION

The PWFA expands upon existing federal laws prohibiting pregnancy discrimination. Specifically, pregnancy discrimination is already prohibited by Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended by the Pregnancy Discrimination Act, which requires covered employers to treat employees affected by pregnancy, childbirth, or related medical conditions the same as other similarly situated employees. Additionally, the Americans with Disabilities Act (“ADA”) requires employers to provide reasonable accommodations to employees with certain conditions related to pregnancy if that condition qualifies as a disability, such as diabetes that develops during pregnancy. However, many other common pregnancy-related conditions are not covered under the ADA.

- **Current Pregnancy:** The City cannot fire, refuse to hire, demote, or take any other adverse action against a woman if pregnancy, childbirth, or a related medical condition was a motivating factor in the adverse employment action.
- **Past Pregnancy:** The City and its employees are prohibited from discriminating against an employee or applicant based on a past pregnancy or pregnancy-related medical condition or childbirth.
- **Potential Pregnancy:** The City and its employees may not discriminate based on an

employee's intention or potential to become pregnant.

- **Medical Condition Related to Pregnancy or Childbirth:** The City may not discriminate against an employee because of a medical condition related to pregnancy and must treat the employee the same as others who are similar in their ability or inability to work but are not affected by pregnancy, childbirth, or related medical conditions. The City and its employees may not discriminate against an employee because of her breastfeeding schedule.

If an employee needs a temporary change to how, when, or where she works due to pregnancy or related conditions, she may request an accommodation under this policy in writing or orally to their immediate supervisor. Any applicants may request an accommodation to the Hiring Manager during the interview process. The City will review each request for an accommodation on a case-by-case basis. Approval of such a request may be made so long as the accommodation requested is reasonable and will not create an undue hardship for the City. The following will be reviewed to make a determination of the accommodation request: the nature of the accommodation, the business needs of the City and its residents, the needs of the City's other employees, the City's operations, and the City's resources. If the employee disagrees with the determination, the employee may file a complaint through the employee complaint resolution process. The employee is responsible for maintaining open and constant communication with their immediate supervisor regarding the length of the accommodation and notifying once the accommodation is no longer necessary. If you have questions or concerns about your pregnancy or pregnancy accommodation, or if you believe you have been discriminated or retaliated against, report the matter immediately to the Human Resources Director.

2.5 HARASSMENT-FREE WORKPLACE

The City of Key West is committed to ensure that all employees are treated with dignity and respect and be able to work in an environment free of harassment. The City prohibits and will not tolerate harassment based on race, color, age, sex, national origin, religion, marital status, sexual orientation, disability, genetic information, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws.

City employees, including, but not limited to, Department Directors, managers and supervisors, do not have authority to engage in any conduct or activity which would constitute harassment. **The City will not condone such behavior, and those found in violation will be subject to disciplinary action, up to termination.**

SEXUAL HARASSMENT

Definition: Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature is considered to be sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or of creating an intimidating, hostile or offensive work environment.

Some of the more common examples of sexual harassment include, but are not limited to:

- Repeated unwelcome contact or touching.
- Repeated unwelcome and offensive sexual flirtations, staring or propositions.
- Continued and repeated abuse (verbal or written) of a sexual nature, such as sexually related comments or jokes, sexually suggestive comments, and requests for sexual favors.
- Continued and repeated graphic verbal or written commentaries about a person's body.
- Continued or repeated use (verbal or written) of sexually degrading words about a person or the person's body.
- Any of the above conduct that is conducted by voicemail, email, text message, instant message (IM) or other type of electronic communication.

The above list is not all inclusive and each situation will be considered in light of the specific facts and circumstances.

Sexual harassment refers to behavior that is not welcome, that is offensive both objectively and subjectively, that fails to respect the rights of others, that lowers morale, and that interferes with work effectiveness.

DISCRIMINATORY HARASSMENT

At the City of Key West, discriminatory harassment is defined as unwelcome verbal, written or physical conduct which is directed at a person because of his or her race, color, age, sex, national origin, religion, marital status, sexual orientation, disability, genetic information, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws, when:

- Such conduct has the purpose or effect of unreasonably interfering with the person's work performance; or
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Examples of conduct that can constitute discriminatory harassment in violation of this Policy include, but are not limited to:

- Repeated unwelcome jokes or comments (verbal or written) about a person's legally protected status (e.g., racial or ethnic jokes or comments).
- Continued and repeated use (verbal or written) of slurs, epithets, derogatory terms or comments reflecting stereotypes based on a person's legally protected status.
- Continued and repeated use (verbal or written) of disparaging or degrading words about a person based on his or her legally protected status.
- Any of the above conduct that is conducted by voicemail, email, text message, instant message (IM) or other type of electronic communication.

The above list is not all inclusive and each situation will be considered in light of the specific facts and circumstances.

PROCEDURE FOR REPORTING HARASSMENT

Any employee who feels that they have been harassed by any employee, elected official, outside vendor or member of the public should promptly report the incident(s), either verbally or in writing, to any of the following individuals: Department Director, Human Resources Director, Assistant City Manager, or City Manager. If the employee feels that they are being harassed by the Department Director, the employee should report the incident(s) to the Director of Human Resources, Assistant City Manager, or City Manager.

The City Manager, Assistant City Manager and Department Director shall promptly convey any report of harassment they receive to the Human Resources Director for investigation, unless the Human Resources Director is the subject of the report. If the Human Resources Director is the subject of the report, the City Manager (or the City Manager's designee) shall be responsible for the investigation of the report in accordance with this policy.

All reportable methods will be investigated thoroughly by the Department of Human Resources. The reportee will be allowed to provide a statement (verbal or in writing) with a colleague upon request. The following information should be included in the employee's written report: the date(s) of the incident(s), identity of the person taking the action, identity of any witnesses, and as many details about the incident(s) as possible. In order to further investigate, the City may request an employee who submitted a written report to attend an in-person meeting to provide additional details and information concerning the incident(s) identified in that report.

An employee should follow this same reporting procedure if they observe or have direct knowledge of harassment of another City employee.

THE CITY'S INVESTIGATION

The City will investigate all complaints of harassment promptly irrespective of the identity of the alleged harasser. The investigation will include, for example, interviews of relevant witnesses and inquiry into the specific conduct complained of and the number of times the conduct has occurred. In determining whether the alleged conduct constitutes harassment in violation of this policy, the City will consider the totality of the circumstances, the nature of the incident(s) and the context in which the alleged incident(s) occurred.

The City will keep information concerning the incident(s) confidential to the extent possible. The City will inform the alleged victim and the alleged harasser about the results of the investigation.

CORRECTIVE ACTION

If the investigation discloses evidence supporting the occurrence of an incident of sexual or discriminatory harassment, the City will take prompt remedial action based on the specifics of

the case and the employee's disciplinary history with the City to address any violation of this policy, including corrective action against any employee, which may include a warning, coaching, counseling, training, suspension or termination from employment depending on the severity. If the City's investigation does not disclose evidence of a violation of this policy, the City reserves the right to take preventative measures for future occurrences, which may include counseling and training.

An employee who feels that his or her report was not appropriately addressed or that they are still being subject to discriminatory conduct should immediately notify the Assistant City Manager or City Manager.

PROHIBITION AGAINST RETALIATION

Retaliation against persons who report or provide information about harassment or behavior that might constitute harassment is strictly prohibited. Any act of retaliation, including interference, coercion, and restraint, by a City employee or by one acting on behalf of the City, violates this policy and will result in appropriate disciplinary action, up to and including discharge.

If an employee believes that they are being retaliated against in violation of this policy, the employee is encouraged to report the retaliation by using the same procedures discussed above for reporting discrimination.

FOLLOW-UP AFTER INVESTIGATION

The City will continue to monitor the employees involved with the report to ensure a working environment free of discrimination and harassment. An employee with a question concerning this policy should contact the Human Resources Department.

2.6 OPEN DOOR POLICY

It is the City of Key West's policy to welcome and encourage employees' ideas, suggestions or concerns regarding the employee's job or the City's operations.

The City knows from experience that its success greatly depends upon the helpful thoughts and suggestions of its employees. Employees should bring ideas and suggestions to the attention of their supervisor, Department Director, Human Resources, Assistant City Manager, and/ or the City Manager.

Additionally, the City is interested in all employee concerns, no matter how big or small. The City believes in open and clear communication with its employees. In most situations, a discussion between the employee and the supervisor is the most effective way to deal with a concern or question. However, the employee may discuss any concerns or questions with a higher-level manager, up to the City Manager. All employees are highly encouraged to follow the chain of command; higher level management is accessible and welcome comments. It is the City's policy that any concerns or questions raised by an employee will be reviewed and resolved in a timely matter within budgetary constraints and operations. The City prohibits retaliation against any

employee raising concerns or questions pursuant to this policy.

2.7 EMPLOYEE DISPUTE RESOLUTION PROCEDURE

The dispute resolution procedure is a formal mechanism for non-represented employees and for issues not covered by collective bargaining agreements (CBA) to request review of a major disciplinary action (i.e., suspension or above) taken against the employee or of any other issue, concern or complaint involving the interpretation or application of City of Key West policies and procedures.

The steps of the procedure are as follows:

Step 1: The employee submits a written statement explaining the basis of the employee's dispute to his or her supervisor within ten (10) work days from the event(s) causing the dispute. The written statement shall contain the date, time, place and nature of the dispute and relief requested. Within ten (10) days of the receipt, the supervisor shall provide written notice to the employee of the result of the supervisor's review.

Step 2: If the employee does not believe that his or her dispute was satisfactorily resolved, the employee may submit a written request for review of the supervisor's decision. The request for review must be submitted to the employee's Department Director within five (5) working days from the employee's receipt of the supervisor's decision pursuant to Step 1, and must include a copy of the supervisor's decision. The Department Director shall provide a written response to the employee within ten (10) working days of receipt of the review request.

Step 3: If the employee does not believe that his or her dispute was satisfactorily resolved during Step 2, the employee may submit a written request for review of the Department Director's decision. The request for review must be submitted to the City Manager within five (5) working days of the employee's receipt of the Department Director's decision pursuant to Step 2, and must include copies of the decisions from the supervisor and Department Director. The City Manager (or the City Manager's designee) will meet with the employee within fifteen (15) days from receipt of the review request, and will provide a written response to the employee within fifteen (15) days after the meeting. The City Manager's decision shall be final and binding on all parties.

The supervisor, Department Director and City Manager shall provide copies of the employee's request(s) for review to the Human Resources Department.

If the employee does not feel comfortable discussing the dispute with his or her supervisor and/or Department Director, the employee may proceed directly to Steps 2 and 3.

An employee may withdraw a review request from the Dispute Resolution Procedure at any point in writing or by permitting the time requirements provided in this policy to lapse without taking the requisite action.

NOTE: The employee dispute resolution procedure timeframe for cases regarding discrimination and harassment does not apply. Any/all cases of discrimination and harassment shall be reviewed

and addressed as soon as possible. Please refer to Section 2.5 Harassment-Free Workplace for more information.

Requests for review of matters covered by a collective bargaining agreement are handled in accordance with that agreement and are not subject to the Employee Dispute Resolution Procedure.

Employees shall not have recourse through the Employee Dispute Resolution procedures for counseling or verbal warnings. Employees may however provide a timely written response to a written counseling.

Probationary period employees shall not have recourse through the Employee Dispute Resolution procedures (see Probationary Period Policy) on matters of discipline, termination for reasons of performance or otherwise, or layoff due to reduction in force. If a new hire's probationary period status is extended, so too does the lack of recourse to the employee dispute resolution process.

2.8 EMPLOYEE PROTECTION WHISTLEBLOWER ACT

It is in the best interest of the city to ensure that employees who have knowledge of unlawful activity, misfeasance or malfeasance by the city or independent contractors report such knowledge to the appropriate authorities for investigation and corrective action. In order to encourage employees to report such information without fear of reprisal, it shall be the policy of the city to prohibit adverse action against an employee for disclosing such information to an appropriate official or agency and to award such employees when the information they disclose leads to the city's recovery of public funds.

Recognizing that the state has adopted its own Whistleblower Act, F.S. § 112.3187 et seq. and that the state act provides for the adoption of local procedures for administrative enforcement, this policy should be interpreted consistently with the state act, as it may from time to time be amended.

Definitions.

The following words, terms and phrases, when used in this policy, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adverse personnel action means the discharge, suspension, transfer or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by the city.

City means and includes all City of Key West, Florida, departments under the city commission's legislative authority.

Employee means a person who performs services for, and under the control and direction of, the city for wages or other remuneration.

Independent contractor means a person, other than a federal, state or local government entity,

engaged in any business and who enters into a contract with the city.

Manager means the City Manager.

All other words or terms used in this chapter shall have the same meaning as such words and terms have under the state Whistleblower Act (F.S. § 112.3187 et seq.).

Actions prohibited.

- (a) The city shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this chapter.
- (b) The city shall not take any adverse action that affects the rights or interests of an employee in retaliation for the employee's disclosure of information under this chapter.
- (c) The provisions of this policy shall not be applicable when an employee discloses information known by the employee to be false.

Nature of information disclosed.

The information disclosed under this policy must include:

- (a) Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the city or independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or
- (b) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the city or an independent contractor.

To whom the information must be disclosed.

- (a) As a part of the city's administrative process, the information disclosed under this chapter must be disclosed to the city manager, or in the case where the city manager is the person being complained of, to the City Attorney.
- (b) Within a reasonable time after receiving a complaint, not to exceed thirty (30) days, the city manager or the City Attorney, in the case where the city manager is the subject of the complaint, shall acknowledge receipt of the complaint and thereafter, the city attorney may conduct an informal fact finding regarding any allegations under this section, only to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action under F.S. § 112.3187, has occurred, is occurring, or is to be taken. No finding by the city attorney shall be binding on the city manager or a subsequent impartial review board. The city attorney shall have the discretion to release any informal findings.
- (c) Within forty-five days (45) days, unless extended by the city manager or the City Attorney (where the city manager is the subject of the complaint), for good cause, a three (3) person impartial committee shall be assembled by the city manager or the City Attorney (when the city manager is the subject of the complaint) consisting of:
 - i) A resident of the city;
 - ii) A city department head that is not a part of the department that is the subject of the

- complaint; and
- iii) A city employee that is not a part of the department that is the subject of the complaint.

Neither the city manager, city attorney or city clerk may serve on the impartial panel that is authorized to handle whistleblower complaints only. The three (3) person impartial personnel panel shall be authorized to investigate allegations, to determine that an investigation is not necessary and/or to make a final determination regarding whether any violation has occurred. The impartial panel may also review rendered actions of management. The impartial panel shall advise the city manager of all necessary resources, including professional expertise, necessary to perform its work.

(d) The city will consider the administrative process that is set forth herein to be exhausted at such time that the recommendations of the impartial panel are reported to the city manager. However, nothing herein shall prevent matters from being reported to any other authorized agency when otherwise required by law.

(e) To facilitate the disclosure of information, the city shall establish a whistleblower process, including a form, for receiving confidential whistleblower complaints.

Employees and persons protected.

(a) This chapter protects employees who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by the city, any state agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act; who refuse to participate in any adverse action prohibited by this chapter; who disclose information to the city; or who are otherwise protected by the state Whistleblower's Act (F.S. § 112.3187 et seq.). The provisions of this chapter may not be used by employees while they are under the care, custody, or control of the state or county correctional system, or after their release from the care, custody or control of the state or county correctional system, with respect to circumstances that occurred during any period of incarceration.

(b) No remedy or other protection under this chapter applies to any person who has committed or intentionally participated in committing a violation or suspected violation for which protection under this chapter is being sought.

(c) An employee who provides false information pursuant to this section may be investigated and prosecuted pursuant to state statutes, including, but not limited to, F.S. §§ 837.06, false official statements; F.S. § 838.022, official misconduct; and F.S. § 837.05, false reports.

(d) It shall be an affirmative defense to any complaint brought pursuant to this chapter that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this chapter.

(e) The impartial panel set forth in section 50-103 may consider any pattern of conduct by persons making the whistleblower complaint.

(f) The impartial panel shall conduct a hearing only after notice to the complainant.

(g) The three (3) person panel may call witnesses, produce records, make findings of fact and conclusions of law and make recommendations for a final decision by the city manager or the city inspector general, in such case where the city manager is the subject of the complaint.

Remedies.

If a complaint is made within sixty (60) days after an alleged prohibited action pursuant to F.S. § 112.3187, a complainant shall have not more than sixty (60) days after receipt of a notice of termination of the investigation by the three (3) person impartial personnel panel set forth in section 50-103, to file a complaint in an appropriate court with jurisdiction over the matter.

Relief.

In any case brought under this chapter in which the three (3) person impartial panel set forth in section 50-103 finds that the employee has been discharged, disciplined, or subjected to other adverse personnel action in violation of this chapter, the city manager or city manager's designee may:

- (a) Reinstatement the employee to the same position held before the adverse action commenced or to an equivalent position, or award reasonable front pay as alternative relief.
- (b) Reinstatement the employee's fringe benefits and seniority rights, as appropriate.
- (c) Compensate the employee, if appropriate, for lost wages, benefits or other lost remuneration caused by the adverse action.

Existing rights.

This chapter shall not be construed to diminish the rights, privileges or remedies of any employee under any other law or rule or under any collective bargaining agreement that may exist.

Retroactive application.

Any complaints pending with the city at the time of enactment of this legislation shall have retroactive application as to the process to be followed herein.

Confidentiality of individuals disclosing information.

The protections of state law will be afforded to any individual who discloses information in compliance with this chapter to the local officials set forth in this chapter. The identity of such individuals shall be confidential and exempt from the provisions of the public records laws to the fullest extent permitted by, and in accordance with the law, including, but not limited to, the confidentiality requirements and exemptions set forth in F.S. §§ 119.0713 and 112.3188.

Outreach to employees and mandatory training.

The manager or designee shall provide training regarding this chapter to all new city employees hired after the effective date of the ordinance from which this article is derived as part of the initial city orientation. The city manager or designee shall also provide training regarding this article to all city employees from time to time.

2.9 UNION RIGHTS

The City recognizes the following unions:

- A) Police Benevolent Association (PBA)
- B) International Association of Firefighters (IAFF)
- C) International Brotherhood of Teamsters Union Local No. 769 Public Service Workers (Teamsters)
- D) International Brotherhood of Teamsters Union Local No. 769 Office Clerical Workers (Teamsters)

City employees have a right to belong to an appropriate bargaining unit, unless they are exempt as defined by the Fair Labor Standards Act (FLSA) or excluded from the Collective Bargaining Agreement (CBA) according to the Public Employees Relation Commission (PERC). Additional conditions of membership are described in each CBA.

An employee covered by a union shall be represented by that union in any grievance that involves matters covered by the CBA. Grievances in regard to such matters shall be filed in accordance with the appropriate CBA procedure. Matters not covered by the CBA may be filed in accordance with the City's grievance policy following consultation with appropriate union officers.

If there is a disagreement between the policies in this manual and those of a CBA, the CBA prevails. The City reserves the right to issue a directive, policy, or procedure to clarify any provisions of the CBA policy when such clarification is necessary

SECTION 3: WORKING AT THE CITY OF KEY WEST

3.1 CATEGORIES OF EMPLOYMENT

Full-time:	Any employee who works an average of at least 30 hours or more hours per week.
Part-time:	An employee who works an average of less than 30 hours per week.
Temporary:	An employee hired for a specified project or time frame.
Seasonal:	An employee hired either full-time or part-time during one or more defined seasons (e.g. Summer Seasonal employee).
Probationary:	A temporary employee hired to fill an open position for a for a six-month or one-year period with approval by the City Manager to become permanent.
Acting:	In the event of a vacancy in a Department Director position, the City Manager may appoint an existing full-time employee to be the Acting Department Director for a maximum of two (2) six-month periods. Any employee appointed to an acting position may receive a temporary salary increase of ten percent (10%) above his/her current salary, but in no case shall the temporary salary be more than the salary budgeted for the Department Director position.

Part-time, temporary, and seasonal employees do not qualify for all benefits. Probationary and acting employees do not qualify for benefits unless they are already existing full-time City employees.

In compliance with the Affordable Care Act (ACA), a part time employee shall become eligible for health benefits only, if they have an average of at least 130 hours of work per month during the initial measurement period or standard measurement period.

3.2 EXEMPT/NON-EXEMPT

The Fair Labor Standards Act divides all employees into two categories: exempt and non-exempt.

Exempt employees are classified as such if their job duties are exempt from the overtime provisions of the Act. Their salaries are calculated on an annual basis.

Non-exempt employees are eligible for overtime pay of not less than one-and-a-half times their hourly rate for any hours worked beyond 40 each week.

3.3 PROBATIONARY PERIOD

This policy was established to ensure that all newly hired, promoted, or transferred City of Key West employees are provided an probationary period of employment. The probationary period is considered a continuation of the employment selection process. It provides the City an opportunity to observe and evaluate the capacity of the employee, which includes the employee's ability to satisfactorily perform the essential functions of his or her job; and to observe and evaluate the employee's work habits and conduct, including attendance and the employee's relationship with coworkers and superiors.

During the probationary period, the new employee and the supervisor shall evaluate employment suitability in terms of skill, knowledge, performance, and compatibility. During this period, the employee shall be given the support and resources needed to learn and demonstrate the duties and competencies required in the new position.

DURATION

New Hire, Rehire and Promotions

Any probationary period for an employee shall be six (6) months for entrance, rehire, and promotional appointments. In the event the employee accepts a promotional opportunity position within the City before an initial probationary period is satisfactorily completed, the initial probationary period starts over at the time the employee begins working in the new position. Probationary period for Key West Fire and Police will be twelve (12) months.

Transfers

An employee who transfers to another department and has successfully completed his or her initial probationary period, shall be required to complete a six (6) month positional probationary period.

An employee who transfers to another position within his or her current department may serve an adjusted probationary period, which reflects the time completed in the position held prior to transfer.

Full Time Appointment

A part-time employee appointed to fill a full-time position in the same classification, may serve an adjusted probationary period, which reflects the time completed in part-time or temporary employment.

Absences During Probationary Period

Any cumulative absences during the probationary period in excess of ten (10) workdays will automatically extend the probationary period by the number of days absent regardless of whether the absence was with or without pay.

EVALUATION OF PERFORMANCE

During the first 30 days of the probationary period, the employee's supervisor should:

- a. Provide the employee with a copy of his/her job description and orient him/her to the position.
- b. Establish written performance expectations and goals for the position and identify criteria to be used to assess the employee's performance. Record goals for the probationary period on the performance evaluation form.

Throughout the probationary period the supervisor should meet regularly with the employee to discuss the employee's performance and provide constructive feedback. Every probationary employee must receive at least one (1) written evaluation during the probationary period.

Prior to the conclusion of the probationary period, the supervisor must determine if the new employee meets the required performance expectations for continued employment and complete an evaluation of the employee using the performance evaluation form. The supervisor will then meet with the employee to discuss the evaluation and the City's decision regarding continued employment.

UNSATISFACTORY PERFORMANCE

The City Manager may dismiss a probationary period employee at any time during an probationary period, if in the opinion and recommendation of the Department Director, the employee is unable or unwilling to perform the duties of the position satisfactorily or if the work habits of the employee and dependability do not merit continuance in the position.

A promoted or transferred employee that does not successfully complete the probationary period may be returned to their prior position if it is vacant, subject to approval from the Department Director and the City Manager. Probationary period employees shall not have recourse through the grievance process or Employee Dispute Resolution procedures (see Employee Dispute Resolution Policy) on matters of discipline, termination for reasons of performance or otherwise, or layoff due to reduction in force. If a new hire's probationary period status is extended, so too does the lack of recourse to the employee dispute resolution process.

EXTENSION OF PROBATION

A probationary period may be extended at the recommendation of the Department Director and must receive written approval from the City Manager before taking effect. The length of the extension must be no less than 30 days and no more than 90 days. The written notification of extension must be issued to the employee before the end of the original probationary period.

The notification must include:

1. A completed HRF-7 Performance Evaluation Form or an accompanying memorandum;
2. A clear justification for the extension, such as the need for additional time to assess performance, attendance, or conduct; and

3. Specific expectations or performance goals that define what will constitute successful completion of the extended probation period.

Both the probation extension notice, and the most recent evaluation must be signed and dated by the employee to confirm receipt and discussion. During the probationary extension, the City retains full rights to continue evaluating, reassigning, or dismissing the employee based on performance or conduct.

AT-WILL EMPLOYMENT NOT AFFECTED

Nothing in this policy is intended to alter the at-will status of any City employee. The City of Key West at all times retains the right to terminate the employment relationship at any time, with or without cause or prior notice.

3.4 TIMEKEEPING – INTENTIONALLY LEFT BLANK

3.5 ATTENDANCE AND PUNCTUALITY

Punctuality and regular attendance are essential to the proper operation of the City of Key West and employees are expected to be at work on all scheduled work days, during all scheduled work hours and to report to work on time. The City's hours of operation are Monday through Friday from 8:00 am to 5:00 pm. Unless otherwise designated employee workday is from 8am to 5pm. Work schedules shall be assigned or modified in accordance with department operations and special requests. All employee schedules shall be pre-approved by the Department Director or designee. If an employee will be absent, tardy or must leave prior to the end of regular work day, the employee must contact his or her supervisor or Department Director at least one (1) hour in advance of the employee's scheduled start time or end time, or as soon as reasonably feasible.

If an employee fails to provide reasonable notice to his or her supervisor or Department Director, the absence will be considered an unauthorized absence. Employees with a record of excessive tardiness or unauthorized absences will be subject to appropriate progressive disciplinary action, up to and including termination from employment. The only exception to this policy is a legitimate emergency which prevents an employee from providing prior notice.

If the employee fails to notify his or her supervisor or Department Director of absences for three or more consecutive work days, the employee will be considered to have voluntarily abandoned his or her job.

Tardiness can lead to disciplinary action, delayed or denied merit increase, or dismissal from employment. An employee who is tardy four times during a twelve-month period will be provided with written notice that a fifth tardy within a twelve-month period will result in a suspension of three days. An employee that is suspended for tardiness will receive notice at the time of suspension that a sixth occurrence of being tardy within a twelve-month period will be subject to dismissal of employment. The above steps will be followed within a time period of 12 consecutive months preceding the last tardy offense.

If an employee does not call in or does not call in within one hour after the start of shift, or leaves without permission after the start of the shift, will be marked as “absence without permission, without pay” (AWOL). An employee who is AWOL one time in a twelve-month period will be given notice that a second AWOL during a twelve-month period will result in suspension of three days. An employee suspended for AWOL will be notified that a third AWOL during a twelve-month period will be subject to dismissal of employment.

Anyone who leaves without permission after the start of their shift may be subject to greater discipline than that indicated above, depending upon the circumstances.

NOTE: Authorized leave under the City’s Family and Medical Leave Act (FMLA) policy or other leave policies, or under applicable state or local laws, will not be treated as excessive absenteeism or tardiness. See FMLA Section 7.1 for more details.

3.6 OVERTIME

Overtime is paid to non-exempt employees at a rate of one and one-half the employee’s regular rate of pay and shall be calculated in accordance with the Fair Labor Standards Act.

Non-exempt employees are eligible for overtime pay for all hours worked over 40 per work week. Employees shall be compensated as follows:

1. An hourly rate of at least the statutory minimum wage for all hours worked up to 40 hours per work week; and
2. One and one-half (1½) times the employee’s regular pay rate for all “actual hours worked” over 40 hours per work week.
3. Overtime is based on “actual hours worked”, therefore, vacation, sick, holiday, floating holiday and other such leaves will not be used in the computation of overtime worked.
4. In the event of a conflict between these policies and procedures and any collective bargaining agreement, City ordinance, state law, or federal law: the terms and conditions of the collective bargaining agreement or relevant ordinance or law shall apply.

It is the City’s policy to keep overtime work to a minimum and supervisors are responsible for planning and scheduling work assignments and projects so that they can be performed within the non-exempt employees’ regularly scheduled hours. All hours that exceed an employee’s regularly scheduled hours, including all overtime work, must be approved in advance by the employee’s supervisor and Department Director. If an employee works additional hours or overtime hours that are not approved by the supervisor and Department Director, the employee will be paid for those hours and the employee may be subject to corrective action. All non- exempt employees are expected to work additional hours or overtime when needed to meet the needs of the City. The City will provide as much advance notice as practicable for mandatory additional hours or overtime work. All overtime will be distributed equally among the employees within employees in the department with same classification. Refusal of an employee to work mandatory additional hours or overtime may result in corrective action, up

to and including, termination from employment.

3.7 CALL BACK TIME

If a full-time non-exempt employee is called back to work at a time outside normal working hours, the employee shall be paid for the actual time worked multiplied by one and one-half or a minimum of three (3) hours of the employee's regular rate of pay, whichever is greater, for each callback.

Time will start when the employee reports to work. This provision does not apply to situations where the employee is called in early for his/her shift or held over after the end of the regular shift (contiguous service).

Hours paid as call back that were not actual work hours will not be used in the computation of overtime worked. In the event of a conflict between these policies and procedures and any collective bargaining agreement, City ordinance, state law, or federal law: the terms and conditions of the collective bargaining agreement or relevant ordinance or law shall apply.

No employee is eligible for call back pay during a period of civil emergency as declared by the City Manager, Mayor, or Governor of the State of Florida.

3.8 REST AND MEAL PERIODS FOR NON-EXEMPT EMPLOYEES

NON-SWORN EMPLOYEES

- A. Rest Periods: Rest periods are paid breaks. The City permits non-exempt employees to take reasonable rest periods during the workday as permitted by the employee's work duties and as approved by the Department. An individual rest period shall not exceed 15 minutes in length.

Non-exempt employees are not required to punch out for rest periods. However, employees are expected to be punctual in starting and ending their breaks and may be subject to corrective action for tardiness. Employees on rest breaks may not interfere with other employees who are continuing to work.

- B. Meal Periods: The City provides non-exempt full-time employees with an unpaid 60-minute meal period and provides non-exempt part-time employees who work at least five hours per shift with an unpaid 30-minute meal break.

Minors 17 years of age or younger shall not be permitted to work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period.

Non-exempt employees must comply with timekeeping requirements when taking a meal period.

Non-exempt employees are not permitted to perform work during their meal period.

The minimum meal period is 60 minutes for full-time non-exempt employees and 30

minutes for part-time non-exempt employees. Non-exempt employees are required to take at least the minimum meal period applicable to their employment status, unless a shorter meal period is approved by the supervisor or Department Director.

SWORN EMPLOYEES

Non-exempt sworn personnel are permitted to take rest periods and one meal break of 60 minutes per shift, as permitted by the employee's work duties. Sworn employees are paid for this time and are not required to punch in or out from the City's timekeeping system for a meal period.

3.9 BREAKS FOR NURSING MOTHERS

The City supports breastfeeding mothers by providing reasonable break time for an employee to express breast milk for her nursing child for up to one (1) year after the child's birth.

For non-exempt employees, this break time is unpaid, and employees are required to punch out at the start of the break and to punch in upon returning to work. Non-exempt employees may elect to use their paid rest periods for the purpose of expressing breast milk, in which case, the employees do not have to punch out for the break. Non-exempt employees must schedule any break time to express breast milk with their supervisor.

Exempt employees are not required to punch out for break time to express breast milk.

Upon notice, the employee's Department Director or the Human Resources Department will provide the employee with a private area for the purpose of expressing breast milk.

3.10 POLICY PROHIBITING DEDUCTIONS FROM COMPENSATION OF SALARIED, EXEMPT EMPLOYEES

The City prohibits any improper deductions from the compensation of any exempt employee. A salaried exempt employee will regularly receive his or her full compensation, less applicable wage-related taxes and other deductions authorized by the employee or required by law, subject to the limited exceptions set forth below.

A salaried exempt employee's compensation will not be subject to reduction based on variations in the quality or quantity of the work performed by that employee. A salaried exempt employee will receive his or her full salary for any week in which the employee performs any work, without regard to the number of days or hours worked but will not be paid for any workweek in which they perform no work. No deductions will be made from any salaried exempt employee's compensation for absences occasioned by the City or by the operating requirements of the City's business. If the employee is ready, willing and able to work, deductions will not be made for time when work is not available.

EXCEPTIONS

The prohibition against deductions from the pay of a salaried exempt employee is subject to the following exceptions:

- Deductions from pay may be made when the employee is absent from work for one or more full days for personal reasons, other than sickness or disability.
- Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with the City's plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. Deductions from pay may also be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance there under.
- No deductions from pay will be made for absences occasioned by jury duty, attendance as a witness, or temporary military leave. An offset of any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that week may be made.
- Deductions from pay may be made for penalties imposed in good faith against an employee for violation or infractions of safety rules of major significance (i.e., those rules relating to the prevention of serious danger in the workplace or to other employees), if the City concludes in good faith after its investigation that the employee committed such violation.
- Deductions from pay may be made for unpaid disciplinary suspensions of one or more full days for violation of workplace conduct rules which are reflected in the City's written policies applicable to all employees (including, but not limited to, violation of the City's Equal Employment Opportunity, Americans With Disabilities Act, Harassment-Free Workplace, Workplace Violence and/or Drug-Free Workplace policies), if the City concludes after its investigation that the employee committed such a violation.
- Employees in their first or last weeks of employment may not be paid their full salary, but instead will be paid a proportionate part of the employee's salary for the time actually worked.
- Employees may not be paid their full salary for weeks in which they take unpaid leave under the Family and Medical Leave Act and instead, will be paid a proportionate part of their salary for time actually worked.

If a salaried, exempt employee believes that an unauthorized or improper deduction has been made from his or her salary or the salary of anyone they supervise, the employee should notify the City immediately by bringing the matter to the attention of the Department Director or the Human Resources Department.

The City is committed in good faith to comply with the Fair Labor Standards Act at all times. If the City concludes that the deduction was unauthorized or improper, the employee will be promptly reimbursed for any amount(s) incorrectly deducted. The City prohibits and will not tolerate retaliation against any employee who raises any concern under this policy.

3.11 DRESS CODE

Employee attire is a direct reflection on individual professionalism and the City's image and reputation.

The City requires employees to wear uniforms at all times while on duty. Employees are expected to wear their complete uniform as specified by their department. Uniforms are to be kept clean and in good repair at all times. Damage to or loss of uniforms or any part thereof is to be reported immediately to the employee's immediate supervisor. Uniforms shall be replaced as necessary due to wear and tear.

City employees who are not required to wear uniforms are expected to maintain a standard of dress appropriate to the City's business operations. While climate and custom permits a somewhat casual work attire, employees are required to maintain a neat, clean and professional appearance at all times.

Employees are prohibited from wearing items of clothing that display advertising (with exception to union insignias, city seal, and designer/manufacturer logos), or offensive illustrations or verbiage during the work shift.

Managers or supervisors are expected to inform employees when they are violating the dress code.

Listed below is a general overview of acceptable business wear as well as a listing of some of the more common items that are not appropriate for the office. Neither list is intended to be all-inclusive. Rather, these items should help set the general parameters for proper business wear and assist employees to make good judgments about items that are not specifically addressed.

1. Slacks — Cotton slacks are acceptable provided they are clean and wrinkle-free. Inappropriate items include sweatpants, wind suits, shorts of any kind, overalls, spandex or other form-fitting pants. Ripped, wrinkled, torn, or faded clothing is not acceptable.
2. Shirts — Dress shirts, sweaters and turtlenecks are acceptable. Inappropriate items include tank tops, sweatshirts, shirts with large lettering, logos or slogans, low cut shirts or blouses, halter-tops, tops with bare shoulders, see-through garments, and t-shirts unless worn under another blouse, shirt, or jacket.
3. Dresses and Skirts — Dresses and skirts, and split skirts at or below the knee are acceptable. Dress and skirt length should be no shorter than two inches above the knee. Mini-skirts and spaghetti-strap dresses should not be worn to the office.
4. Shoes – Acceptable for Women: High and mid-heeled shoes and sandals, and dressy flats and open toed shoes. Not acceptable for all employees: flip flops, flat sandals, athletic shoes (unless it is part of an assigned uniform) and over-accessorized sandals.
5. Personal hygiene — Hairstyles, make-up, nails, grooming of beards and mustaches,

and personal hygiene should be reasonable and in accordance with customary business practices. An employee's personal grooming and hygiene should reflect a clean and neat appearance and impression.

6. Business Casual - Business casual dress will be permitted on Fridays, except during specified and announced periods when casual days will be suspended. Some departments may require specific guidelines that differ from the business casual guidelines. Employees who must leave work to change clothes for business reasons will use personal time or vacation time to do so. When participating in professional meetings with customers or members of the public, the above business dress code shall be observed.

Business casual for Fridays is defined as follows:

- Casual shirts: All shirts with collars, business casual crewneck or V-neck shirts, blouses, golf and polo shirts. Examples of inappropriate shirts include T-shirts, shirts with slogans, tank tops, muscle shirts, camouflage and crop tops.
- Pants: Casual slacks and trousers and jeans without holes, frays, etc. Examples of inappropriate pants include shorts, camouflage, skin tight pants, and pants worn below the waist or hip line.

If an item of clothing is deemed to be inappropriate for the office by the employee's supervisor and/or the Human Resources Director, the employee may be sent home to change clothes. Non-exempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of their failure to comply with this policy. Violations of this policy may result in corrective action.

Supervisors or other management personnel can specify additional or alternative dress and grooming requirements for employees for safety reasons or based on the business needs of their departments (e.g. Parks and Recreation personnel).

Employees shall not purchase, consume or be under the influence of alcoholic beverages, while on duty or in City uniform, nor shall they consume or possess illegal substances while on duty, or in City uniform.

Any employee who requires an exception to the Dress Code based on a bona fide religious belief, ethnicity or disability, should contact the Human Resources Director to discuss a reasonable accommodation.

Retaliation against persons who require an exception to the Dress Code on a bona fide religious belief, ethnicity, or disability is strictly prohibited. Any act of retaliation, including interference, coercion, and restraint, by a City employee or by one acting on behalf of the City, violates this policy and will result in appropriate disciplinary action, up to and including discharge.

This organization is pledged to take positive action to assure that equal opportunity is granted to

all. Every member of our management team has a personal responsibility for the implementation of our Equal Employment Opportunity Policy. Every employee has an obligation to assist in maintaining a nondiscriminatory working environment.

3.12 OUTSIDE EMPLOYMENT

The purpose of this Policy is to provide guidelines regarding outside employment performed by any City of Key West employee. Outside employment is employment in outside work, including without limitation self-employment, consulting or contract labor, which involves activities or duties separate and apart from the employee's official assigned duties at the City of Key West and which may result in compensation to the employee beyond that provided by the City of Key West. City of Key West Employees may engage in outside employment with the approval of the City Manager and with the understanding that their primary duty, obligation and responsibility is to the City of Key West.

Procedure

All full-time and part-time City of Key West employees who engage in any outside employment must request permission from their department before engaging in outside employment. To obtain prior written approval, the employee must fill an *Outside Employment Approval* form (HRF-24) with their Department Director no later than ten (10) business days prior to accepting outside employment. The Department Director will then submit the form to the Human Resources office. The Human Resources office will submit the form to the City Manager for final approval.

The request shall state the name and place of employment, the maximum hours of work, the expected duties and work schedule, the date of hire, and the name and telephone number of a supervisor and/or the person to whom the employee shall report while performing outside employment duties or activities. A duplicate copy of the *Outside Employment Approval* form shall be returned to the employee providing information on whether the request has been approved or denied. Employees engaging in outside employment without the prior written approval of the City Manager may be subject to disciplinary action up to and including termination.

Guidelines

- Employees may not engage in any outside employment that creates a conflict of interest with their City employment or a justifiable impression that such a conflict of interest may exist.
- Employees may not engage in any outside employment related duties and/or activities on City time.
- Employees must avoid schedule conflicts and report to work with the City in the event of any conflict with their outside employment work schedules.
- Employees may not engage in any outside employment where City equipment, supplies, staff, facilities or material is to be used.

- Employees may not use confidential information obtained through their position as a City employee to benefit their outside employment or for any other purpose other than as required by their regularly assigned duties as a City employee.
- Outside employment may not interfere with the employee's performance of functions for the City of Key West.
- Employees who engage in outside employment may not use the City of Key West's name in such a manner that suggests institutional endorsement.
- The employee must keep his or her Department Director notified of any changes in outside employment status or duties.
- Absolutely no work shall be conducted by actions of contracting, performing, representing, or consulting within the City of Key West boundaries, directly or indirectly.

State Regulated Licensees

It is the intent of this policy to eliminate the perception and possibility that any State regulated licensee employed by the City of Key West is participating or engaging in business within the City boundaries. Furthermore, it is encouraged that the licensee places all their applicable licenses in inactive status while employed with the City.

If a State regulated licensed employee wishes to engage in an outside employment opportunity, the employee must notify the Department Director by completing an *Outside Employment Approval* available from either the Department Director's Office or Human Resource Department for each separate employment opportunity. The Department Director and the City Manager must approve the disclosure form prior to the employee engaging in any outside employment activities. When engaging in outside employment, the employee must observe the following conditions:

1. Absolutely no work shall be conducted by actions of contracting, performing, representing, or consulting within the City of Key West boundaries, directly or indirectly.
2. No work shall be contracted, performed, represented, or consulted outside of the City boundaries with any business entity or resident established within the City of Key West.
3. When engaging in outside employment, no business shall be conducted during City of Key West work hours. This would include using your personal or City issued communication device, computer, or any other office machine for transacting any outside business.

When engaged in an outside employment opportunity, the employee must always give priority to the City of Key West. As requested on the *Outside Employment Approval*, the employee must disclose any potential conflict(s) of interest when disclosing any outside employment opportunity. Actions or business affairs that may be interpreted as a conflict of interest and subject to disciplinary actions must be consulted with the City Manager prior to engagement. All State regulated licensed employees must have a signed copy of this policy in their personnel folder. Violation of any of the above-mentioned conditions may result in immediate termination of employment.

Responsibilities

A. Workers' Compensation/Disability Benefits

All injuries sustained during outside employment must be reported to the employee's supervisor prior to the next working day. An employee's failure to report an injury sustained during outside employment shall be grounds for disciplinary action up to and including termination of employment. Furthermore, employees engaging in outside employment shall be ineligible to receive workers' compensation or short term disability benefits under the City's workers' compensation or short term disability plans when illness, injury or disability results from outside employment.

B. Department Directors

Department Directors must assure adherence to this Policy and ensure that employees requesting approval of outside employment follow this policy and procedure.

3.13 EMPLOYMENT OF RELATIVES

A. PURPOSE

The City of Key West is committed to maintaining an environment in which employment, development, and career advancement take place in a professional atmosphere of mutual respect and trust. While the City respects the privacy of its members, we recognize that there exists the opportunity for the inappropriate use of power, trust or authority. Certain relationships in the work setting have the potential to compromise, or appear to compromise, the fairness and objectivity of employment decisions and the discharge of other professional duties. This policy is intended to promote employment decisions and conduct in the work setting that avoids a conflict of interest, appearance of favoritism, abuse of power, or potential for a hostile work or academic environment.

B. DEFINITIONS

The following words, terms and phrases, when used in this policy, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Employee" means every person engaged in any employment with the city under any appointment or contract of hire, express or implied, oral or written, for remuneration, including without limitation all full-time, part-time, seasonal, permanent and temporary employees.

"Public official" means an officer or an employee of the City in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment at the City. "Public Official" includes, but is not limited to, the City Manager, Assistant City Manager, Department Directors and any managers or supervisors who are delegated

authority to recommend individuals for appointment, employment, promotion, or advancement.

“Relative” means an individual who is related to the public official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, registered domestic partner, and child of a registered domestic partner.

C. RESTRICTIONS

After February 1, 2026, no relative of a public official or employee shall be employed by the city except in accordance with the terms of this policy.

D. EXEMPTION

All persons employed by the city on January 31, 2026, who then had existing relationships that would otherwise prohibit their employment by the city shall not be affected by the prohibition on employment contained in this policy.

E. RESTRICTIONS AND CONDITIONS

All persons who are protected by the exemption contained in Section D of this policy shall nevertheless be subject to the following restrictions and conditions on their continued employment:

1. Related persons employed as of January 31, 2026, may continue their employment in their respective department, subject to Department Director written approval and Human Resources concurrence, provided that no conflict of interest occurs, and the relationship is in compliance with Florida Statute 112.3135.

If transfer is required or recommended, it shall be within the sole discretion of the City to determine which relative-employee to transfer.

In the event that no such transfer is possible, or if such a transfer is not accepted by the employees, and if neither employee will resign, the City shall terminate the employment of one of the relative-employees. In that circumstance, it shall be within the sole discretion of the City to determine which relative-employee to terminate.

2. If any of the relatives were not then or are not presently in the same department or division, no such transfer or promotion to within the same department or division shall take place.
3. Recommendation for promotion, advancement, raise in pay or status, transfer, or anything other than cost-of-living increases. An employee working in the same

department as a relative that receives any such recommendation shall be subject to Department Director and Human Resources Director evaluation of proposed change and all relatives of the person subject to such change shall execute a written acknowledgement stating that they did not attempt to influence the change by any means whatsoever; and the acknowledgement shall remain in the personnel file of the subject employee.

4. Change of status. If two public officials or employees change their family relationships by marriage, adoption or other means, so as to come in conflict with the employment prohibitions of this policy, they shall come within section (E) of this policy.

F. COMPLIANCE

1. Department Directors are responsible for ensuring policy compliance, including monitoring changes in employee reporting relations after initial hire.
2. Employees have the responsibility to notify their supervisor or Department Director of any potential or existing relationship which falls under the definitions provided in this policy. Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including termination of employment.

3.14 FRATERNIZATION

The City recognizes that romantic relationships can create a conflict of interest (actual or perceived) or adversely affect work performance and employee morale, create concerns of favoritism, and potentially result in claims of harassment.

REPORTING RELATIONSHIPS

The City prohibits employees who have a romantic relationship to supervise (directly or indirectly) the other or to work in a position that has an audit or investigation function over the other, such as the Human Resources and Finance Departments and Internal Affairs. For purposes of this policy, a “romantic relationship” includes dating, sexual relationships, domestic partnerships, and employees who share the same household as a couple.

If a romantic relationship develops between a supervisor/manager and an employee, the supervisor/manager and employee shall promptly disclose the existence of the relationship to the City’s Human Resources Director. If a romantic relationship is suspected, it will be investigated.

If it is determined that there is a conflict of interest, the City will take action so that the employee will no longer be in a reporting relationship (direct or indirect) with the supervisor/manager. To do so, the City may require that the employees propose which one of them will transfer positions or departments. In the event that no such transfer is possible, or if such a transfer is not accepted by the City or the employees, and if neither employee will resign, the City may terminate the

employment of one of the employees. In that circumstance, it shall be within the sole discretion of the City to determine which employee to terminate. The City of Key West makes every attempt to retain personnel.

CO-WORKER RELATIONSHIPS

There is no prohibition against co-worker romantic relationships provided that the employees do not work in a position that has an audit or investigation function over the other, such as the Human Resources and Finance Departments and Internal Affairs. In that circumstance, the City may require that the employees propose which one of them will transfer positions or departments. In the event that no such transfer is possible, or if such a transfer is not accepted by the City or the employees, and if neither employee will resign, the City may terminate the employment of one of the employees. In that circumstance, it shall be within the sole discretion of the City to determine which employee to terminate.

3.15 COLLECTIVE BARGAINING AGREEMENTS

In the event of a conflict between a collective bargaining agreement covering any City employees and this Employee Manual or any other policy issued by the Human Resources Department, the applicable provision(s) of the collective bargaining agreement provisions shall take precedence.

3.16 EMPLOYEE WORK SPACE

The City provides offices and other work space, including but not limited to, desks and City vehicles, for use by employees for business purposes only. The City's employee work spaces are not private and are subject to inspection by the City at any time. Management may at any time inspect and review any and all files (hard copy or electronic), desks, drawers, filing cabinets, lockers, storage areas, compartments and all other areas of an employee's work space and their contents, with or without the employee's knowledge.

The City establishes a neat workspace policy in accordance with its values of efficiency and professionalism. As an expression of those values, all office areas, including employee work spaces and common areas, should be kept neat, orderly, and free of clutter. Before leaving the work area at the end of the workday, the City requires employees to organize their areas to secure work materials, including storing files inside desk drawers and cabinets.

3.17 EMPLOYEE RECORDS AND EMERGENCY CONTACT INFORMATION

Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying their department and the Human Resources Department of any changes, such as changes of address (even if temporary); telephone number; emergency contact(s); beneficiary; number of dependents; divorce; marriage; or any change of status not previously reported that was originally given at time of employment. This is the responsibility of the employee and failure to comply may result in loss of employee benefits and/or disciplinary action.

Annual Verification of personal contact information will be completed by Department Directors in May and submitted to the Human Resources Department prior to June 1 to ensure safe accountability of employees during Hurricane Season.

3.18 COMPLIANCE WITH THE PUBLIC RECORDS LAW

The Public Records Act, codified in Chapter 119, Florida Statutes, entitles any individual access to City public records. Public records are defined as [1] materials made or received by the City [2] in connection with official City business and used to [3] perpetuate, communicate or formalize knowledge of some type.

Examples of materials include papers, emails, electronic files, photographs, videos, text messages, and audio. If these materials are made or received by City employees, have a connection to City business, and were intended to communicate or formalize knowledge, any person may inspect or receive a copy of these materials.

EMPLOYEE OBLIGATIONS

An employee who receives a verbal or written request for public records must promptly respond based on the circumstances. For the inspection of records, this may entail compiling the requested records and providing an inspection site (i.e., a room). For copies, this will entail making legible photocopies or providing said records in electronic form.

City employees are required to store public records in their control in a manner such that they can be accessed. This may include the creation of a filing system (physical and digital). As such, **City employees must not destroy public records unless it is done so in accordance with law.**

If the request requires employees to spend more than 15 minutes to respond, a reasonable service charge may be imposed based on actual costs (e.g., if it takes a support staff member five (5) hours to compile a records request, the requestor may be charged 5 hours x the employee's total compensation hourly rate). A deposit may be required before resources are expended. For copies of standard papers, a cost of 15 cents a page may be imposed. Copying other materials (e.g., large maps, videos) may require the imposition of additional costs as determined by the City Manager.

The City of Key West Clerk supports all Public Records requests through the city webpage by selecting "Submit a Public Records Request" on the Office of the City Clerk page.

[About the Office of the City Clerk | Key West, FL](#)

EXEMPTIONS

The City will not provide public records to requestors if they are exempt and/or

confidential, as defined by law. Examples of exempt records include the social security numbers of all current and former City personnel, direct deposit records identifying banking institutions and account numbers, discrimination complaints and investigations (this exemption is temporary), and contact information of public safety employees, their spouses and/or children. Because the number of exemptions is voluminous, employees must contact a supervisor if they are unsure whether a record falls under an exemption.

VIOLATIONS

Florida law provides that a “knowing” violation of the Public Records Act is a criminal offense. All other violations are noncriminal, but punishable by fines. A violation of this policy may subject employees to discipline up to and including termination.

3.19 PAYROLL

Pay Period

The payroll period is biweekly, although each week stands alone for compensation purposes (FLSA work cycles may differ for employees covered by a CBA). Employees will receive their paycheck on Friday, for the pay period ending the previous Sunday, for a total of twenty-six (26) pay periods per year. The official workweek extends from 12:00 a.m. on Monday through 11:59p.m. on the following Sunday. If the payday falls on an official City holiday, employees will be paid on the preceding workday or other day as detailed in Section 9.1 Designated Holidays.

Payroll Deductions

Employee pay represents the full amount of earnings each pay period, minus the appropriate required federal deductions, such as federal withholding (income tax), social security, and Medicare taxes. The City deposits this deducted amount with the U.S. Treasury for credit on employee income tax calculations at the end of the year. Employees are responsible for completing a W-4 form properly and updating it when necessary. The City will provide Form W-2 showing total earnings for the year and the amount of taxes that have been withheld. Employees eligible to carry City benefits will have payments for these items deducted from their pay based on the completed benefit enrollment form. Each employee is responsible for confirming that deductions are correct and shall notify when there is a change in status that may impact benefit participation eligibility or deduction amounts.

Underpayment

If an employee is paid less than the compensation to which the employee is entitled or has been overcharged for coverage in an employee benefit plan, the City shall correct the situation by paying any funds due to the employee in the next payroll check after the proper determination and corrective calculations have been made and processed.

Overpayment

If an employee has been compensated above the appropriate pay rate or has not paid the proper deduction for coverage in an employee benefit plan, financial restitution is due the City. Generally, such restitution shall be made immediately by personal check to the City or by payroll

deduction from the next payroll check after the proper determination has been made. At the employee's option, restitution may be accomplished through payroll deduction over the same period of time as the employee received the overpayment.

Questions Regarding Employee Paychecks

The City takes every precaution to avoid errors in pay. However, if an error does occur inadvertently, the employee should inform his/her supervisor who will contact the Human Resources Department and determine whether an adjustment is appropriate. If the paycheck contains an error, an adjustment will be made as soon as feasible.

SECTION 4: STANDARDS OF CONDUCT

4.1 CONFLICT OF INTEREST

The City expects its employees to adhere to the highest ethical standards of conduct in performing their duties and to devote their best efforts to the interests of the City and its residents. Activities and dealings by employees that appear to create a conflict between the City and the employee are unacceptable. The City recognizes that employees can engage in activities outside of their employment which are private in nature and unrelated to the City's operations. However, no officer or employee of the City shall have any interest (financial or otherwise, direct or indirect), engage in any business transaction or professional or personal activity, or incur any obligation of any nature, which conflicts with the proper discharge of the employee's duties in the public interest, or which violates the State of Florida Code of Ethics for Public Officers and Employees (Chapter 112, Florida Statutes) and the City of Key West Code of Ethics (Resolution #08-214).

An employee must disclose any possible conflicts to the Department Director, Human Resources Director, Assistant City Manager, or City Manager. If an employee has any question whether an activity or proposed activity would create a conflict of interest, they should immediately contact their Department Director, Human Resources Director, Assistant City Manager, or City Manager.

Because of the potential for a conflict of interest, an employee must disclose at least 10 days prior or as early as practicable if they are a board member or holds a leadership and/or elected official position with any condominium association or homeowners' association for a community located within the City of Key West.

Employees are prohibited from meeting with any person required to register as a lobbyist pursuant to Section 2-773 of the City of Key West Code without verifying that the person has registered with the City of Key West's City Clerk.

Employees are to avoid any appearance of impropriety.

Violation of this policy will result in corrective action, up to and including termination from employment.

4.2 CODE OF CONDUCT

The City of Key West maintains a single high standard of integrity in all activities. High moral and ethical standards among public officials, both elected and appointed, and public employees are essential to gain and maintain the confidence of the public. It is the policy of the City of Key West to maintain an ethical and accountable local government which earns the public's full confidence for integrity. This policy governs the conduct of all City employees at all times.

The success of the City and our ability to provide meaningful, rewarding work depends upon the commitment of each employee to the Code of Conduct.

The City maintains confidence in its employees and in their honesty in all City related activities and relies on them to follow specified safety and operating procedures. City rules and regulations have been established in the best interest of the City and its employees. The City rules attempt to assure fair practices for all employees regardless of race, religion, color, sex, national origin, sexual orientation, age, marital status, disability, and status as a disabled or Vietnam-era veteran, and to maintain a safe and smoothly functioning work environment.

All employees with the responsibility and authority to supervise and direct employees under their control shall: administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; coach, counsel or discipline their subordinates as required under their departmental and/or City policies and procedures; and address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

PROHIBITED BEHAVIORS

Each employee is responsible for his or her compliance with the City's policies and procedures and applicable federal, state and local laws and regulations and will be held accountable for any violations, including appropriate corrective action.

The City has the right to discharge an employee immediately for infractions specified below. This sample list is **not all inclusive** and an employee may be disciplined or discharged without warning for a serious offense which is not listed below. The City also reserves the right to use discretion in determining appropriate disciplinary action when mitigating circumstances are present. The City may act in sole discretion and without advance notice except as limited by provisions of valid federal or state statutes. Nothing in this policy is intended to be or should be construed as being contractual in nature.

During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. Such leave must be pre-approved by the City Manager or his/her designee. The leave may be with or without pay and may be charged to available accrued leave if authorized by the City Manager. These policies shall apply to all employees unless an applicable collective bargaining agreement expressly provides to the contrary.

An employee found to have committed any of the below listed offenses will be subject to appropriate corrective action, up to and including termination from employment, including first offense situations. The list below is illustrative, not exhaustive.

- a. Conviction of a criminal offense, had adjudication of a crime withheld, or pled no contender (no contest) to a crime, including but not limited to robbery,

embezzlement, forgery, perjury, drugs, tax evasion, fraud, or any criminal offense involving dishonesty, breach of trust, or violence.

- b. Violation of the provisions of the Charter of the City of Key West, the Employee Manual, any other policy or procedure of the City of Key West, and/or ethical behavior. Act of incompetence or chronic inefficiency in the performance of assigned duties.
- c. Neglect of duty or loitering while on duty.
- d. Insubordination.
- e. Failure to carry out instructions.
- f. Deliberate misuse, destruction, or damaging any City property or the property of another employee.
- g. Misappropriation, theft, conversion, or removal of any City funds, City property, or the property of another employee without proper authorization.
- h. Unauthorized possession of firearms, explosives or weapons on City property in violation of the City's Workplace Violence policy.
- i. Receipt of any gift, favor or benefit or engagement in any conduct, activity, enterprise or outside employment that is inconsistent, incompatible or immoral, or in legal or technical conflict with your duties, functions and responsibilities as a City employee, or in violation of the State of Florida Code of Ethics for Public Officers and Employees (Ch. 112, Florida Statutes).
- j. Acts of employee showing lack of good moral character and good judgment resulting in an organizational impact.
- k. Unauthorized alteration of time records, failure to accurately record or report time worked, and working overtime without prior authorization.
- l. Absence without leave or failure to report for duty after an administrative leave, medical leave, suspension, or any other type of approved leave has expired; abandonment of position.
- m. Making false claims or misrepresentations to obtain sickness, disability, workers' compensation or any other benefits.
- n. Dishonesty or untruthfulness.
- o. Use or attempted use of political influence or bribery to secure an advantage of any manner.

- p. Tardiness and/or absenteeism in violation of the City's Attendance and Punctuality policy.
- q. Falsifying personnel or other City records, including, but not limited to, employment applications, accident records, work records, purchase orders, time and attendance records, or any other report, record or application.
- r. Refusal to testify before a judicial proceeding or any other investigating committee concerning a matter within the scope of the employee's job duties (except as permitted by law).
- s. Having been refused a surety bond, if required for employment.
- t. Failure to obtain or maintain any license or certification required for employment.
- u. Instigating or participating in a walkout, strike, unlawful picketing, slow-down, or other concerted stoppage of work.
- v. Having been involved in an excessive number of accidents resulting in injuries or property damage.
- w. Violation of the City's Drug-Free Workplace policy.
- y. Failure to notify immediate supervisors, not later than the next working day, when an employee has been arrested or when information has been filed by a prosecuting official against him/her for an offense or violation of law and/or when the employee is indicted by a Grand Jury. See Section 4.6 Employee Arrest or Charge.
- z. Failure to report to the City when employee's driver's license is revoked or suspended when the employee's position requires the operation of a motor vehicle.
- aa. Allowing hitchhikers or otherwise unauthorized persons to ride in City vehicles.
- bb. Acts of misconduct while on duty.
- cc. Violating a safety rule, departmental rule, City policy, or special orders.
- dd. Provoking or instigating a fight or fighting at any time on City property or while on duty.
- ee. Threatening, intimidating, coercing, or abusing fellow employees, supervisors or the public in the line of duty; behaving in a way that interferes with the cooperation of employees or impairs the efficiency of municipal service.
- ff. Use of profane, abusive or offensive language in the workplace or directed toward co-workers, elected officials, or members of the public.
- gg. Posting or removing any matter on bulletin boards or City property at any time unless

authorized.

hh. Unauthorized release of confidential information.

ii. Distributing or causing to be distributed, during normal working hours, written matter of any kind on City premises without proper authorization. The purpose of this provision is to prohibit interference by one or more employees with the work of other employees or with the operation of the City's business.

jj. Violation of federal, state or local law, including, but not limited to, City of Key West's Codes and Ordinances or the State of Florida Code of Ethics for Public Officers and Employees (Ch. 112, Florida Statutes).

kk. Gambling or engaging in any other game of chance during working hours, while in a City uniform or on City property.

ll. Failure to act through appropriate means and channels when witnessing and/or being aware of corruption, misconduct, or neglect of duty whenever discovered.

mm. Using a position of public trust to gain access to the media for the purposes of criticizing colleagues, other public officials, citizens, or staff, impugning their integrity or vilifying their professional beliefs.

nn. Using information gained confidentially in the performance of governmental duties as a means of making private profit.

oo. All City employees shall practice civility and decorum in their dealings with others. Belligerent, personal, derogatory, impertinent, slanderous, threatening, abusive or disparaging comments will not be tolerated. No shouting or physical actions that could be construed as threatening will be tolerated.

pp. Unauthorized absence from work for a period of three (3) or more work days will be considered as the employee's voluntary abandonment of his or her position.

qq. Conduct unbecoming a public employee.

rr. Engaging in any other actions which are determined by the City Manager to be a poor representation of the City of Key West and warrants corrective action.

Department Directors, managers and supervisors are expected to set an example and to enforce the Code of Conduct rules based on facts, uniformly, with fairness and impartiality.

4.3 CORRECTIVE ACTION

The City expects employees to perform their job duties in accordance with the law and the established performance and attendance standards for their positions, to conduct themselves appropriately in the workplace and to comply with City policies, including, but not limited to, the

employee code of conduct. Employees who do not satisfy the applicable performance, attendance and conduct expectations are subject to appropriate corrective action. The purpose of such corrective action is to identify and correct the issue, prevent recurrence, and improve the employee's job-related performance and workplace conduct.

The City's corrective action process generally will proceed in four steps:

1. Coaching and/or Verbal Warning
2. Written Warning
3. Final Warning and/or Suspension
4. Recommendation for Termination from Employment

This sequence for the corrective action process is recommended in order to grant employees the opportunity to correct any behavior or performance issues, but not mandatory. The City reserves the right to skip or repeat steps in the corrective action process based on the facts and circumstances of the individual situation. For certain offenses, a written warning, final warning or termination from employment may be the first corrective action step taken by the City.

Corrective action may also include a performance improvement plan, suspension (unpaid), demotion, reassignment, probation or other appropriate action, whether separate from or in combination with the steps listed above.

The determination of the appropriate corrective action step will be at the discretion of the Department Director following a recommendation from the employee's immediate supervisor/manager, with the exception of termination. Recommendation for termination shall be determined by the Department Director in consultation with Human Resources Director and presented to the City Manager for final approval. For employees reporting directly to the City Manager, the appropriate corrective action step will be at the discretion of the City Manager. If the City determines that suspension or termination is the appropriate corrective action, the City will follow the procedure described in the applicable sections of the Employee Manual (see Policy No. 4.4 and 13.3). For sworn personnel, this policy will also be administered in accordance with the collective bargaining agreement and Police Chiefs General Orders.

Nothing in this policy alters the at-will nature of an employee's employment with the City.

4.4 SUSPENSIONS

An employee may be suspended for up to thirty (30) calendar days without pay for violation of the Employee Code of Conduct or any other departmental or City policy, including but not limited to, the policies in the Employee Manual. An employee may request that the City Manager review the suspension pursuant to Step 3 of the Employee Dispute Resolution Procedure (see Policy No. 2.7). If the employee makes such a request, the suspension shall be stayed until the conclusion of the City Manager's review.

Where circumstances warrant, the City Manager, Assistant City Manager, Human Resources Director or responsible Department Director may immediately suspend an employee. If the Department Director and/or Human Resources Director suspends an employee, the Department

Director must notify the City Manager or Assistant City Manager immediately.

4.5 INTERNAL INVESTIGATIONS

The City may conduct internal investigations pertaining to security, employee conduct, alleged violation of the Employee Code of Conduct or any other departmental City policy or other work-related matters. Employees are required to cooperate fully with and assist in such investigations if requested to do so and are required to provide honest and truthful information. Refusal to cooperate in an investigation, providing dishonest or false information in an investigation, or retaliating against any employee who participates in an investigation may result in corrective action, up to and including termination from employment.

Where circumstances warrant, the City Manager may place an employee on administrative leave pending the City's investigation. Internal investigations may be conducted by the Police Department or outside investigative agency at the request of the City Manager.

4.6 EMPLOYEE ARREST OR CHARGE POLICY

As a condition of employment with the City of Key West, employees are required to notify their immediate supervisors, not later than the next working day, when an employee has been arrested or when information has been filed by a prosecuting official against him/her for an offense or violation of law and/or when the employee is indicted by a Grand Jury. This shall include, but not be limited to violation of probation, promise/notice to appear, injunction for any prohibited violent or threatening behavior, or moving traffic violations. Failure to notify shall result in appropriate disciplinary action, including termination of employment.

Under no circumstances may the employee report for duty without prior consent from the Department Director and Human Resources Director following an arrest/indictment, promise to appear, or conviction.

PROCEDURE

The City will conduct its own independent investigation taking into consideration the employee's testimony and will review any police report or other available documents. The City will evaluate each arrest/indictment on a case by case basis taking into consideration multiple factors including:

- The nature and severity of the alleged incident or crime,
- The totality of circumstances surrounding the incident,
- The employee's job responsibilities, job location, and potential interaction with employees and the public,
- Employment record of the employee (e.g., performance, length of service, etc.)
- Circumstances that adversely affect the staff member's attendance,
- The future potential for conflict that may arise,
- Any other factors the City, in its sole discretion, deems relevant.

If the employee pleads nolo contendere or guilty, enters into a plea agreement including pre-trial intervention or is tried and found guilty of any felonious charge and/or crime involving dishonesty or moral turpitude, the employee may be immediately terminated from City of Key West employment. In the event such person is tried and acquitted, or the information or indictment is dismissed or quashed, the affected employee's Department Director and the Human Resources Director will review his/her employment status to determine whether reinstatement or continuing employment is appropriate.

Employees arrested or indicted by a Grand Jury or on whom information has been filed by a prosecuting official for a felonious offense, a crime involving dishonesty or moral turpitude, or a charge that could be related to their work, will be placed on Administrative Leave without pay with approval of the City Manager or designee.

If an incident or charge is directly work related, or the offense is of a serious nature, nothing shall preclude the City from initiating disciplinary action independent of any judicial hearing or proceeding.

Employees are also required to notify the Human Resources Director of the outcome of all criminal drug statute or alcohol related criminal charges no later than their next scheduled work day after any change in status, including the notification of a conviction, a plea of guilty, an adjudication of guilt, a plea of nolo contendere, an adjudication withheld, an acquittal or a dismissal of the charges. A failure to report a drug or alcohol conviction to the City within the applicable time periods will result in immediate termination of the employee, unless good cause exists for the employee's failure to report the conviction to the City.

4.7 SOLICITATION/DISTRIBUTION

Solicitations of any type are not permitted by an employee on the City's premises when the employee is engaged in performing his or her work tasks. Any employee who does so and thereby neglects his or her work, or interferes with the work of others, will be subject to corrective action. Solicitations are not permitted at any time on the City's premises by persons not employed by the City.

Distributions of pamphlets, handbills, flyers, folders, or other materials by an employee in City premises are not permitted when the employee is engaged in performing his or her work tasks. Distributions, as described above, are not permitted by employees at any time in working areas. Any employee who violates this policy will be subject to corrective action. Distributions, as described above, are not permitted at any time on City premises by persons not employed by the City.

Employees may not post any notice or other literature on City property without prior approval by the City Manager, Assistant City Manager, or Human Resources Director.

Solicitation or distribution must not impede access in or out of the City's buildings or other premises, impede physical movement within the building or premises, or interfere with work being performed by the City's employees and public officials.

Any employee who observes a violation of this policy should report it immediately to the Human Resources Director.

4.8 GIFTS

It is the policy of the City that all employees are prohibited from soliciting or demanding any gift, favor or benefit from any vendor, registered lobbyist, individual, other employee, or entity related to one's employment by the City.

It is also the policy of the City that all employees are prohibited from accepting (either directly or indirectly) any gift, favor, or benefit in excess of \$100.00 from any vendor, registered lobbyist, individual, employee, or entity related to one's employment by the City. Additionally, no matter the value, an employee may not accept any gift, favor or benefit from any person or entity where there is a real or potential risk of compromise or conflict of interest, or which violates the State of Florida Code of Ethics for Public Officers and Employees (Chapter 112) or the City of Key West's Code of Ethics Ordinance.

Employees should take every step to avoid perception of impropriety and complete Form 9 Gift Disclosure (Appendix A)

4.9 ELECTIONS AND POLITICAL CAMPAIGNS

It is the policy of the City that all employees are prohibited from soliciting or accepting any political contribution in any City of Key West property, including City Hall, Police Department and the parks. Such prohibited solicitations include, but are not limited to, using City phones, faxes or computers to solicit contributions or personally approaching any person at any City of Key West property for the purposes of asking for or receiving a political contribution.

Employees are prohibited from providing services to a candidate for elective office during the employees' work hours for the City of Key West. For example, if an employee is at an event in his or her official capacity, the employee is prohibited from electioneering for a candidate at that event. This prohibition also applies to any employee that is or intends to become a candidate for elective office, either within the City or in another jurisdiction. In that circumstances, the employee is prohibited from campaigning for himself or herself during his or her work hours for the City.

4.10 EMPLOYEES PROHIBITED FROM SEEKING ELECTIVE OFFICE

Pursuant to City Ordinance, employees are prohibited from seeking elective office in the City of Key West, including Mayor, Commissioner or any other elective office created by Charter Amendment in the future. The term "seeking elective office" means qualifying as a candidate for City elective office pursuant to Part I, Article IV of the City Charter. If an employee seeks elective office, the employee must resign from employment effective the day that the employee qualifies as a candidate for City elective office. If an employee does not resign, the employee will be terminated from employment.

SECTION 5: COMPUTER AND ELECTRONIC RESOURCES

5.1 CITY COMPUTER SYSTEM, INTERNET, EMAIL, VOICEMAIL AND CELL PHONES

The City of Key West's computer system, internet, email, voicemail and City-issued cell phones are property of the City. It is the policy of the City of Key West that use of its computer systems (including desktop and laptop computers, network and software, computer aided dispatch (CAD)), internet, email, voicemail and City-issued cell phones (including smart phones and personal digital assistants (PDA) and iPads/tablet computers is limited solely to appropriate business use. Employees are not allowed to use the City's computer or voicemail systems or City-issued cell phones or iPads/tablet computers for their personal benefit or to store personal information on City computer systems.

Employees are strictly forbidden from installing software on any computer or other device connected to the City's network or computer systems without the express written permission of his/her Department Director. Failure to obtain appropriate approval shall result in corrective action, up to and including termination from employment. The intentional introduction of a computer virus, Trojan horse, or other malicious code is strictly prohibited and will result in termination from employment.

This policy reaffirms that City employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail, text or instant message, voicemail or other computer or electronic means of communication or storage, whether or not employees have private access or an entry code into the computer or voicemail system, or City-issued cell phone or iPad/tablet computer. Employees have no right to privacy in any matter, whether personal or business-related, stored in, created, received or sent through the City's email, internet, computer or voicemail systems or City-issued cell phones and iPads/tablet computers. The City reserves the right to monitor the use of its voicemail and computer systems and City-issued cell phones and iPads/tablet computers, including but not limited to e-mail, internet use, website history, call and text message history and history of materials, data and files downloaded or uploaded. The City also reserves the right to retrieve and read any text or other message composed, sent, or received using the City's email or computer systems or City-issued cell phones and iPads/tablet computers. Monitoring and retrieval may occur at any time without prior notice.

Employees using the internet are prohibited from transmitting any material or using the internet in violation of any federal or state law. This includes but is not limited to copyright infringement, engaging in discrimination or harassment, or the communication of unlawful materials. The City's internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction. Use of any City resources, including, but not limited to, the computer systems, email, internet or City-issued cell phones and iPads/tablet computers, for illegal activity is grounds for immediate termination from employment.

If an employee defeats or attempts to defeat security restrictions on the City's systems and applications, such actions will result in immediate termination from employment.

The City recognizes that brief and occasional personal use of e-mail and the internet is acceptable as long as it is:

- (1) not excessive or inappropriate,
- (2) is restricted to non-working time (i.e., during break time or meal periods),
- (3) does not violate any of the prohibitions listed in this Employee Manual,
- (4) not in support of a personal business venture,
- (5) has no video, graphic, picture, or massive attachments,
- (6) not a chain letter or transmission of unsolicited commercial mail ("spam"),
- (7) does not violate the law, and
- (8) does not interfere with the City's business operations or cause congestion, disruption, or impairment of the City's networks or systems.

The City reserves the exclusive right to determine whether any personal email use is inappropriate, excessive and/or violates this policy. Employees are expected to exercise professionalism in all business communications including those in electronic and voice format.

The City's Harassment-Free Workplace policy also applies to an employee's use of the City's computer system, internet, email, voicemail and City-issued cell phones and iPads/tablet computers.

The City expressly prohibits the following:

1. Discourteous communication to or about other persons, the City or other organizations.
2. Sending, receiving, printing, or posting offensive or harassing statements or language including remarks of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
3. Sending or soliciting sexually oriented messages or images including accessing any adult (pornographic) websites.
4. Issuing or forwarding chain mail and other frivolous messages.
5. Accessing gambling or hate group websites.
6. The circulating of jokes, comics or non-job-related computer graphics.
7. Personal/private employee blogging or personal/private use of such social media websites including, but not limited to, Facebook, Instagram, You Tube, and LinkedIn.
8. Soliciting donations, including charitable campaigns, except as specifically authorized or part of official City-sponsored events, i.e., blood drives, United Way, etc.
9. Dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.

10. Sending, receiving, printing, posting, or otherwise disseminating proprietary data, City logos or other confidential information of the City of Key West in violation of any policy or proprietary agreements.

Disciplinary action for violation of this policy may include, but is not limited to, termination, suspension, or transfer of the offending employee. In cases involving less serious violations, disciplinary action may consist of warning or reprimand. Remedial action may also include counseling, changes in work assignments, or other measures designed to prevent future misconduct. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the City and fellow employees.

When utilizing e-mail, etiquette is important. The strategies for effective e-mail communication are as follows:

- whenever possible, avoid communicating through e-mail on a sensitive subject that should be addressed in person;
- communicate confidential information in another form other than e-mail;
- check for accuracy and use correct grammar, spelling and punctuation;
- read all messages and respond regularly;
- avoid the use of typing a message in all capital letters;
- be careful not to use the 'Reply All' function when not intended, for e.g., system-wide distribution;
- ensure that messages are deleted or saved; the server should not be used to permanently store messages.

In addition, upon hire, all employees receive a copy of the Guidelines on Usage of Information Technology System and are instructed to read and understand its contents. Those Guidelines are binding on all employees. If you would like to obtain another copy of the Guidelines, please contact the Human Resources Department.

5.2 CITY CELLULAR PHONE POLICY (APPENDIX B)

5.3 TELEPHONE CALLS AND CELL PHONE USAGE

The City recognizes that cellular telephones can be very valuable in times of emergency and can enhance the operational effectiveness and efficiency of staff while away from the office. However, excessive use of cellular telephone devices during working hours can be distracting and interfere with employee productivity. As such, during working hours, employees are expected to limit personal calls as much as possible and instead make and take personal calls during non-

working hours (e.g., during break and lunch periods), except in those exigent circumstances that demand immediate personal use. Employees are similarly expected to limit texting during working hours so that it does not become a distraction while performing their job duties. Department Directors are expected to monitor the activities of their employees to ensure that they are not distracted by telephone calls, texting or other activities associated with or accessible via cellular telephones, including the use of social media.

During working hours, employees should not utilize their cellular telephones to: access the Internet for non-work related purposes; violate any of the City's Internet or email policies; visit or utilize social media; play games; watch movies or other televised programming; or engage in any activity prohibited by City policy, including, but not limited to gambling or accessing or distributing pornographic or discriminatory material.

Employees should be aware that the record of telephone calls made on their telephones may constitute public records if those calls concern official City business pursuant to the Florida Public Records Act, which defines public records as: "...documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance in connection with the transaction of official business by any agency." If a public records request is submitted for an employee's phone records, the employee should assist the City in identifying calls that were made in connection with official City business so that those records may be produced in response to the request.

Text messages sent or received by City employees in connection with official City business may be public records and subject to disclosure under the Florida Public Records Law. City employees are required to forward all text messages sent or received in connection with official City business to their City email address for record retention purposes. Failure to do so is a violation of this policy. Text messages regarding notifications to members of the public of City events or emergency situations may be sent by authorized City personnel only.

While operating a City vehicle and/or during the performance of City business (regardless of whether or not an employee is driving a City vehicle), employees are required to exercise caution, since the use of cellular telephones while driving presents a potential safety hazard. In order to promote safety and minimize liability, the following activities are prohibited while operating a City vehicle or any vehicle during the performance of City business:

- Making or answering telephone calls without a hands-free headset, Bluetooth device, or voice activated features available on the employee's phone;
- Sending or reading text messages, instant messages, BBMs, PIN messages or the like;
- Sending or reading email messages;
- Accessing the Internet;
- Using or accessing any telephone applications or "Apps";

- Playing games;
- Taking pictures or making video recordings;
- Recording voice notes or messages;

The foregoing list is not meant to be exhaustive, but is a mere representation of popular cellular telephone functions which are prohibited by the City while employees are operating a City vehicle and/or during the performance of Company business (regardless of whether or not the employee is driving a City vehicle).

Department Directors and managers are expected to serve as role models for their subordinates to ensure compliance with the provisions of this policy and should routinely remind employees of their obligation to comply with this policy.

5.4 BLOGGING AND SOCIAL NETWORKING

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City departments may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate. The City has an overriding interest and expectation in deciding what is “spoken” on its behalf on social media sites. This procedure establishes guidelines for the use of social media.

Personal Use

All City employees may have personal social media accounts/blogs. These accounts/blogs should remain personal in nature and be used to share personal opinions or non-work-related information. Following this outline helps ensure a distinction between sharing personal and City views.

City employees must never use their City e-mail in conjunction with any personal social media accounts/blogs.

The following guidance is for City employees, who decide to have personal social media accounts/blogs or who decide to comment on posts about official City business:

- Always state your name and, if relevant, role, when discussing City business.
- Use a disclaimer such as: "The postings on this site are of my own and don't reflect or represent the opinions of the City of Key West, for which I work."
- Always write in the first person and please consider that even anonymous postings on blogs/social media accounts can be traced.

- When participating in online communities, do not misrepresent yourself and any role you have within the City.
- Think twice before posting. You are personally responsible for the content you publish on blogs, Wikipedia or any other form of user-generated media. Please remember that postings on the internet, even if removed/deleted by a user, are either permanently archived or could be saved as screen shots by other users, meaning that everything you publish could be visible to the world permanently. If you are about to publish something that makes you even the slightest bit uncomfortable, review and reconsider. If you are still unsure and it is related to the City, talk to the Public Information Officer or Human Resources.
- Do not comment on work-related legal matters unless you have the legal approval by the City to do so.
- Respect your audience. Don't use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the City's workplace. You should also show proper consideration for others privacy and for topics that may be considered objectionable or inflammatory (like religion or politics).
- Personal grievances and/or comments that compromise or disrupt the efficient operation of the Administration are discouraged.
- Refrain from speech containing obscene or sexually graphic or explicit material, images, acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias.
- Think about consequences. Imagine you are sitting in a meeting and a vendor brings out a printout of a colleague's post that states "City of Key West sucks to work for, I hate this place." Be conscious of what you post, remember: Using your public voice to trash or embarrass your employer, your client, your co-workers or even yourself is not acceptable.
- Be aware that others will associate you with your employer when you identify yourself as such. Please ensure that your Facebook, Linked-in, Instagram or YouTube profiles and related content are consistent with how you wish to present yourself.
- Do not create a link to the City's website.
- Do not use the City's Seal, logo, other intellectual property, or proprietary graphics, or any copyrighted materials.

Employees are responsible for what they post online. Employees who engage in blogging or social networking on the Internet should be mindful that their postings, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

Professional Use

All official City-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with the City's communications procedure, practices and expectations. Employees must not use official City social media sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

City employees should be mindful that inappropriate usage of official City social media sites can

be grounds for disciplinary action. If social media accounts are used for official City business, the entire City site, regardless of any personal views, is subject to best practices guidelines, and standards.

Only individuals authorized by the City may publish content to a City web site or City social computing technologies.

Approval and Registration

All City social media sites shall be (1) approved by the Public Information Officer and (2) published using approved social networking platform and tools.

Any new social media accounts and/or pages must be requested through the Public Information Officer.

The Public Information Officer will review the request for a new social media page and determine if there is a need for it.

The Public Information Officer will have administrative authority to all pages which are associated with the City.

In an effort to maintain consistent messaging and overall city branding, Boards, and City Committees are not permitted to create social media accounts. We urge all boards and committees to work with their liaison to submit social media content to be shared through the city's appropriate social media platforms.

Oversight and Enforcement

Employees representing the City through social media outlets or participating in social media features on City websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in City social media sites, blogs, or other social media features.

Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms. City employees recognize that the content and messages they post on social media websites are public and may be cited as official City statements. Social media should not be used to circumvent other City communication policies, including news media procedure requirements. City employees may not publish information on City social media sites that includes:

- Confidential information
- Copyright violations

- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

Records Retention

Social media sites contain communications sent to or received by the City and its employees, and such communications are therefore Public Records pursuant to the Public Records Act, Chapter 119 of the Florida Statutes. These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video). The Communications Department shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible.

Furthermore, retention of social media records shall fulfill the following requirements:

- Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.
- Social media records are maintained in an authentic format *along* with complete metadata.
- Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- Each employee who administers one or more social networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed.

Public Records Law

City social media sites are subject to applicable public records laws. Any content maintained in a social media format related to City business, including communication posted by the City and communication received from citizens, is a public record. The Communications Department is responsible for responding completely and accurately to any public records request for social media content.

If an employee needs clarification on any aspect of the procedures, he/she should contact the Human Resources Department. Failure to comply with the Social Media procedure outlined above may result in disciplinary action.

NOTE: Nothing in this policy is intended to prohibit or discourage employees from engaging in speech as citizens on matters of public concern, or to prohibit or discourage employees from engaging in any protected activities under the Public Employee Relations Act (F.S. Chapter 447, Part II).

SECTION 6: SAFETY AND SECURITY

6.1 CITY IDENTIFICATION

All employees of the City of Key West shall carry with them a City issued photo identification card (ID card). Employees must present their ID card for entry to the City during periods of emergency or when necessary to identify themselves to residents when conducting City business. Employees who lose their ID card need to report it as soon as possible. The ID card must be returned to the City upon termination of employment.

All employees will be issued and must wear and visibly display photo identification cards as provided by the City. Identification cards must be worn in a manner that allows the identification of an employee by photo, first and last names and position title. This ID card may also provide access to areas through keyless entry.

Employees forgetting or misplacing their identification card will not be given a temporary card. Temporary ID cards are not permitted.

DEFINITIONS

Employee:

For the purpose of this policy, staff member shall refer to full time, part time, seasonal employees, and interns.

Employee ID card:

The official City identification card for all employees issued by Human Resources.

SECURITY

To ensure the safety of our employees, all visitors must check in the 1st floor reception desk. All visitors must be escorted to secure areas. Upon completion of their meeting, visitors must be escorted back towards the main elevators. At no time visitors are to be left alone in the conference rooms or allowed to wander.

If any visitor is observed without a visitor identification badge, it is the employee's responsibility to escort the visitor to the switchboard operator for sign in.

REQUIREMENTS

1. Because the policy and procedures described herein are intended to provide for the safety and security of City employees, all employees are expected to fully comply with all provisions of this policy. Any employee who is found to be in violation of this policy may be subject to disciplinary action.
2. The Department of Human Resources will provide all new staff members with a copy of this policy at the time of new hire orientation.
3. All employees of the City of Key West will be issued a photo identification card. The

Human Resources Department will be responsible for authorizing the issuance of the ID card.

4. All employees are required to wear the ID while working in their official capacity. ID cards are to be prominently worn so the photo is clearly visible to others. Employee must carry the ID card at all times during work hours or when acting in an official capacity.
5. The ID card will be provided with a clip for each employee to wear the ID card. The ID card shall not be altered or defaced with pins, stickers, decals, etc.
6. Employees are responsible for safeguarding their own ID card. Any lost or damaged ID card should be reported immediately to the employee's supervisor, who is responsible for reporting the lost or damaged ID to Human Resources.
7. In an event that an employee forgets their ID card, the employee's supervisor must be notified at the start of the work shift.
8. New ID cards will be issued at no cost to the employee who receive a transfer, promotion, demotion, name change or any change of title.
9. Any lost ID card that is found should be returned to the Human Resources Department, 2nd Floor, City Hall.
10. Upon suspension, an employee must turn in their ID card to their supervisor pending return to work.
11. Upon termination or retirement, an employee must turn in their ID card to the Human Resources Department.

6.2 VEHICLE ASSIGNMENT, USE, OPERATION, MAINTENANCE, ACQUISITION AND DISPOSAL POLICY

The purpose of this policy is to outline obligations and expectations of employees that utilize City vehicles. These policies and procedures apply to all City-owned or leased motor vehicles utilized for official City business. Assignment of a City vehicle is a privilege, not a right of an employee.

These policies and procedures are designed as minimum requirements and do not prohibit City departments from establishing and enforcing more stringent requirements. City departments shall establish necessary procedures to ensure compliance with established policies and procedures.

VEHICLE CATEGORIES

A. City Vehicle, Not Taken Home (Excludes Key West Police vehicles)

Vehicles assigned to employees to be used only for daily City business during the work shift(s) which are not to be taken home.

B. City Vehicle, Taken Home in Specific Circumstances

City vehicles shall be taken home only when necessary to improve responsiveness and effectiveness or during emergency or other specialized situations. Employees who are authorized to drive City vehicles home on a regular basis may be required to leave their City vehicles with their Department Director or the Fleet Maintenance Manager when on vacation or on extended sick leave. At the City Manager's discretion, administrative employees may be provided a vehicle allowance or a take-home vehicle. Final

determination of whether a take-home vehicle is assigned rests with the City Manager.

C. Pool Vehicle

- i. Employees that do not have an assigned vehicle and have a need to utilize a vehicle while on duty, will be assigned a pool vehicle to use during working hours.
- ii. A Pool Vehicle Issue/Return Form shall be filled each time an employee utilizes a pool vehicle. The form shall be properly completed and submitted to the employee supervisor to ensure the vehicle is returned in the same condition prior to initial operation.

DRIVER ELIGIBILITY AND USAGE

Only authorized drivers are eligible to drive a City vehicle. Prior to driving a City vehicle, the driver shall sign the Use of City Vehicles Acknowledgement and Consent Statement (Appendix 1). A copy of the signed Acknowledgement Statement shall be kept in the employees personnel file in the Human Resources Department. Employees that do not sign the Acknowledgement Statement are NOT authorized to drive a City vehicle.

A. Driver Eligibility and Usage

In order to be eligible to drive a City vehicle, the employee must have a valid driver's license with a good driving record, and the appropriate endorsements for the class of vehicle driven. The driver's license must be in the employee's possession at all times while driving a City vehicle.

B. Driver Record Review

The driving record of each authorized driver will be reviewed by the City during the pre-employment process. In addition, the City will continuously monitor employees' Motor Vehicle Records (MVR) to ensure that City drivers maintain a good driving record.

C. Permissible Use of City Vehicles

1. City vehicles are to be used only to conduct official City business. Whenever possible, trips should be planned to coincide with other authorized trips in order to utilize vehicles efficiently. Vehicle maintenance requests for out of City trips shall be submitted 5 days prior to the trip date to ensure the proper vehicle inspection and maintenance is completed with enough time.
2. Employees shall not operate a City vehicle for the purpose of conducting a private business or enterprise, or any other personal use. However, it is recognized that the minimum amount of personal use during the course of a scheduled shift, to include meal and bathroom breaks, are permitted (as determined by the employee's supervisor).
3. City vehicles shall not be driven beyond City limits unless authorized by the Department Director.
4. Passengers in City vehicles are limited to persons being transported in connection with City business or other City employees.

5. Smoking or tobacco use in City vehicles is strictly prohibited.
6. 24-hour vehicles shall be requested by the Department Director and shall be approved by the City Manager's Office.

D. Safety

All drivers shall operate City vehicles in compliance with the Motor Vehicle Laws of the jurisdiction in which the vehicle is being driven and in a manner that reflects attention for safety and courtesy towards the public.

- a. An authorized driver shall operate a City vehicle in accordance with any driver license requirements or restrictions, such as corrective lenses, daytime only, etc.
- b. The driver of a City vehicle shall take every precaution necessary to ensure the safety of passengers. No person may ride in a City vehicle unless properly restrained by a seat belt. It shall be the driver's responsibility to ensure that all passengers are properly restrained.
- c. All traffic and parking laws are to be obeyed. Posted speed limits are not to be exceeded nor is the vehicle to be operated above safe driving speeds for road conditions.
- d. The driver of a City vehicle shall take every precaution to ensure the safety of the vehicle and its contents. The driver shall lock the vehicle and take the keys except in those instances when a commercial parking garage requires the keys be left with the vehicle.
- e. Reading, emailing, or texting is prohibited while driving or at traffic lights.

E. Violations

1. Employees are expected to obey all motor vehicle laws as well as City policies and procedures on vehicle usage (e.g. seat belts, fueling and cell phone usage).
2. Drivers charged with a moving violation while driving a City vehicle shall notify their supervisor immediately.
3. Any and all penalties or fines associated with traffic or parking infractions are the responsibility of the driver.

F. Accident Reporting

Authorized drivers who are involved in an accident involving a City vehicle shall report the accident to their supervisor immediately, even if no other vehicle is involved or there are no apparent injuries or vehicle damages.

The supervisor and employee shall follow established guidelines as noted in Workers Compensation and Accident/Injury Reporting policies and procedures. Supervisors should immediately contact Risk Manager.

All damages shall be reported to the Fleet Maintenance Division for inspection and recording.

G. Use of Drugs and Alcohol

Employees are not permitted, under any circumstances, to operate a City vehicle or a personal vehicle for City business when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any City vehicle at any time or operate any personal vehicle while on City business while using or consuming alcohol, illegal drugs or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication or intoxication.

ASSIGNMENT OF VEHICLES

- A.** It will be the responsibility of each Department Director to determine the number of vehicles necessary for the department to carry out its job duties and responsibilities.
- B.** Each Department Director must forward a completed Motor Vehicle Request Form (MVRF) to the Fleet Maintenance Division to be reviewed by the Fleet Maintenance Manager for each proposed new vehicle requested, or any change to an existing vehicle. This form must be filled out in its entirety and include the Department Director's signature.
- C.** The Fleet Maintenance Division will review each new vehicle request and evaluate if the equipment or the type of vehicle requested will meet the intended operational need. If the requesting department disagrees with the determination of the Fleet Maintenance Division, the City Manager shall make the final determination.
- D.** Once a vehicle assignment is approved, the Fleet Maintenance Division shall record and update the fleet database as necessary. A copy of the approved MVRF shall be returned to the originating department.
- E.** A Vehicle Inspection Form (VIF) shall be completed when new vehicle is received and when a vehicle is placed on the replacement list. In addition, each department shall carry a monthly cosmetic vehicle inspection.

CITY USE OF ELECTRONIC TRACKING TECHNOLOGY

- A.** City employees may, in the course of employment, be required to drive and/or ride in a City vehicle equipped with Electronic Tracking Technology. The City may use Electronic Tracking Technology at the discretion of the City Manager, or designee, and in the ordinary course of business. The City Manager hereby delegates authority to the Public Works Director to determine the City vehicles in which Electronic Tracking Technology will be installed, to establish record keeping systems for data collected through Electronic Tracking Technology.
- B.** The City may utilize data collected through Electronic Tracking Technology as part of a disciplinary investigation or discipline of its employees pertaining to the issue or abuse of

their vehicles, inappropriate use of time, speeding or other misconduct.

C. Responsibilities

1. Data collected using Electronic Tracking Technology is used by the City to further business purposes. Employees operating City vehicles shall have no expectation of privacy regarding the information that results from such monitoring.
2. The Public Records Act may require that the City disclose specified public records. In response to requests for such disclosure, it may be necessary to examine Electronic Tracking Technology records to determine whether they are public records that are subject to disclosure. Additionally, the City may be required to produce information obtained from Electronic Tracking Technology pursuant to a court order, subpoena, or statute.
3. Presence of Electronic Tracking Technology does not relieve employees of their responsibility to inspect their assigned vehicle before each tour of duty and immediately report any damage or mechanical failure, including damage to the tracking device, to their supervisor.
4. Employees are prohibited from altering or attempting to alter or disable Electronic Tracking Technology in City owned or leased vehicles.

MARKINGS VEHICLE (EXCLUDE UNMARKED POLICE VEHICLE)

All City vehicles shall bear permanently attached official City of Key West seals, Department description, vehicle number, lettering, and/or markings. Magnetic or removable City of Key West seals or markings are not acceptable. Employees removing and/or making alterations to permanently affixed seals will be subject to disciplinary action.

- A. Stickers, decals, or personalized license plates of any kind shall not be added to any City vehicle without written authorization from the City Manager.
- B. No additional or add-on equipment or accessories shall be installed or added to any City vehicle without the expressed written consent of the using Department Director and the Fleet Maintenance Division (EX: GPS, Light, Rack, ETC).

CARE AND MAINTENANCE

- A. Authorized drivers shall keep City vehicles clean and presentable to the public. Authorized drivers of City vehicles shall report any mechanical defects to their Supervisor (or directly to Fleet Maintenance Division) immediately so the vehicle can be scheduled for repair.
- B. Employees are expected to provide reasonable care and custody of the vehicle. Employees must report any vehicle damage, theft, or accidents to their supervisor immediately. Employees are expected to fully cooperate with the City in any accident/incident investigation. Failure to do so could result in disciplinary action, including but not limited to the loss of City vehicle usage privilege.
- C. In addition to complying with the preventative maintenance schedule, employees are also

responsible for performing periodic checks of tires pressure (every two weeks), fluid levels, perform interior vacuum and for reporting any mechanical problem immediately upon detection. For employee convenience, an Air and Vacuum Machine will be available in the Police Station and on the third floor of the City Government Center Parking garage.

- D. The Fleet Maintenance Division will provide for a local vendor to perform cleaning services for on the road vehicles (sedans, vans, pickup trucks etc.) at the vendors place of business.

VEHICLE ACQUISITION AND REPLACEMENT

The Fleet Maintenance Division shall be responsible for determining the most cost-effective purchase of all fleet vehicles and equipment considering vehicle price, maintenance, repair, operating costs and resale value.

The Fleet Maintenance Division shall be responsible for developing and implementing a retirement schedule based on a replacement software analysis.

Replacement policy shall factor age, mileage, hours of use and maintenance costs as criteria for vehicle replacement. Replacement may be also justified due to availability of new technology that will reduce overall costs or improves fuel efficiency.

All vehicle replacements are subject to funding availability. The Fleet Maintenance Division will create a Vehicle Replacement program for each department.

The Fleet Maintenance Division shall advise the corresponding Department Director in writing of the recommendation that the vehicle should be retired from service.

Departments that are in need of purchasing additional vehicles must identify their department's funding and obtain endorsement from the Fleet Maintenance Division for said purchase(s).

The Fleet Maintenance Division shall be responsible for purchasing, registering, adding or removing vehicles from the insurance policy through the Finance Department.

Vehicle Acquisition Process:

- A. City Departments shall request a meeting with the Fleet Maintenance Division to discuss vehicular needs.
- B. The Fleet Maintenance Division will discuss the department needs and will propose the best vehicle option based on expressed needs, cost, and potential re-sale value. The Fleet Maintenance Division will provide vehicle details and cost.
- C. The City Department will request Commission Approval for vehicle purchase.
- D. The City Commission will review / approve / deny the Department's request.
- E. The Department will request a purchase Order through Finance Dept. (Procurement Division)
- F. The Fleet Maintenance Division will receive the requested purchase order directly from Finance Dept.
- G. The Fleet Maintenance Division will purchase, receive, and inspect the new vehicle.

- H. The Fleet Maintenance Division will complete the Fixed Asset form.
- I. The Fleet Maintenance Division, in coordination with the Procurement Division, will add the new vehicle to the insurance list.
- J. The Fleet Maintenance Division will register the vehicle and will get the license tag.
- K. The Fleet Maintenance Division will coordinate the installation of the City decals and safety lights.
- L. The Fleet Maintenance Division will install the fuel fob.
- M. The Department will receive the new vehicle from Fleet Maintenance Division.

VEHICLE UTILIZATION

- A. The Fleet Maintenance Division will review vehicle utilization based on software analysis at least once per year. This process will identify City vehicles that are underutilized on a consistent basis for a period of time.
- B. Meetings will be held with each Department to discuss under-utilized vehicles assigned to their department and to evaluate the need for the vehicle.
- C. In the event the using department and Fleet Manager cannot reach consensus on the need for a vehicle, the using Department Director, Fleet Maintenance Manager, and the City Manager shall work together to resolve the situation.

VEHICLE DISPOSITION

Any Department that will no longer use a vehicle must immediately notify the Fleet Maintenance Division for transfer of Disposal. A Vehicle Inspection Form will need to be completed and signed.

Upon the Fleet Maintenance Division's recommendation that a vehicle should be retired, the Fleet Maintenance Division will inspect and repair the vehicle prior to being sold at auction, insuring best resale price. The Fleet Maintenance Division and Procurement Division will coordinate the Auction process.

REVOCATION OF CITY VEHICLE USE AND PRIVILEGES

Any employee who deliberately and/or willfully violates and/or circumvents the standards and procedures described within this policy shall be subject disciplinary action.

6.3 SAFETY MEASURES

The safety of every City of Key West employee is a matter of prime importance. The City strives to provide safe working conditions for all employees and to observe all applicable State and Federal Safety requirements. No employee will knowingly be required to work in any unsafe manner. Safety is every employee's responsibility and all employees are expected to do everything reasonable and necessary to keep the City a safe place to work. Employees should immediately notify a supervisor of potential accidents or hazardous conditions.

Each department shall communicate that department's safety rules and procedures to the employees. Employees are responsible for reading these rules and for knowing and complying with the department's rules as well as any workplace safety rules or procedures adopted by the City.

6.4 ACCIDENT REPORTING

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor, Risk Management, and the Human Resources Department. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to disciplinary action, up to and including termination of employment.

ACCIDENTS INVOLVING CITY EQUIPMENT OR VEHICLES

Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit to the supervisor, Risk Management and to Human Resources.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

City of Key West employees are the most critical element in creating and maintaining a healthy and safe work environment.

6.5 WORKPLACE VIOLENCE POLICY

This policy outlines the City's policy regarding violence in the workplace and establishes guidelines and expectations regarding minimum standards of conduct in the work environment.

The objective of this policy is to ensure the highest standard of health and safety for all employees, residents, vendors, contractors, and the general public, and those acting for them

(hereinafter referred to as employees and business partners), and to provide for the efficient and effective operation of the City.

Acts or threats of physical violence, including intimidation, harassment and/or coercion, that involve or affect the City while conducting City business on or off property will not be tolerated. This prohibition against threats and acts of violence applies to all persons employed by or otherwise involved in City operations.

Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- Verbal Harassment: Verbal threats and violence toward persons or property that include, but are not limited to intimidating, threatening, vulgar, profane, or hostile language towards others, disparaging or derogatory comments or slurs, exaggerated criticism, name calling or belittling behavior, and threat to destroy City or employee property.
- Physical Harassment: Acts of physical harm directed towards an individual such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person or using, threatening or implying the use of any offensive weapon or any article or object that could be used as such, vandalism, arson, sabotage, intentional property damage, and any other inappropriate behavior that violates the City's values and code of conduct.
- Visual Harassment: Derogatory or offensive posters, cartoons, publications, drawings, images, pictures or items displayed or sent through any form of digital/electronic format.
- Mandatory Reporting of Arrests/Convictions: See Section 4.2 Prohibited Behaviors for more details.

Any violation of the above policy will result in immediate termination.

PROHIBITED ITEMS ON CITY PROPERTY

The following items are prohibited on City property (including parking areas and in City vehicles): all types of firearms (see "NOTE" below), switchblade or other knives, dangerous chemicals, explosives including blasting caps, chains, brass knuckles, or other items carried or used for the purpose of injuring or intimidating others.

NOTE: Nothing in this policy is intended to prohibit an employee from possessing any legally owned firearm if the firearm is locked inside a private motor vehicle in a parking lot and when the employee is lawfully in such areas. In addition, the City will not terminate or otherwise discriminate against an employee who exhibits a firearm on the City's premises for a lawful defensive purpose.

EXCEPTION FOR LAW ENFORCEMENT PERSONNEL

This policy does not prohibit certified law enforcement personnel from carrying firearms furnished by the City of Key West provided that the use of the firearm complies with applicable departmental guidelines and regulations. Law enforcement personnel should consult with their supervisors regarding the proper use and storage of their weapons and must act responsibly

when in possession of a firearm.

REPORTING WORKPLACE VIOLENCE

It is the shared obligation of all employees to individually and jointly act to prevent or defuse actual or implied violent behavior at work. All City employees are responsible for notifying management of any threats or acts of violence which they may have witnessed, received, or been apprised that another person has witnessed or received. Even without an actual threat, employees should alert management to any behavior they have witnessed which they regard as threatening or violent. Employees are responsible for making this report regardless of the nature of the relationship between the targeted individual and the individual who initiated the threat or threatening behavior.

REPORTING PROCEDURE

All reports of threats or acts of violence should be made verbally or in writing to the Department Director, the Human Resources Director, Assistant City Manager or City Manager. It is recommended that employees follow the chain of command when reporting incidents and concerns, however, the senior management team maintains an open door policy. No employee who in good faith reports real or potentially violent behavior will be subject to retaliation based upon their report.

An employee who applies for or obtains a protective or restraining order that lists one or more City locations as being protected areas shall provide the Human Resources Director and the City Attorney a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order that is made permanent.

6.6 SMOKE-FREE WORKPLACE

In its commitment to providing a safe, healthy, and comfortable workplace for all employees, the City maintains a smoke and tobacco-free environment. No smoking or other use of tobacco products (including, but not limited to, cigarettes, vapes, cigars, snuff, electronic cigarettes, or chewing tobacco) is permitted in any City workspace (indoor and outdoor) or in vehicles owned, leased, or rented by the City.

Compliance with the smoke-free workplace policy is mandatory for all employees. Employees who violate the policy are subject to corrective action, up to and including termination from employment.

Any employee who observes a violation of this policy should report it immediately to the Human Resources Director. Violation of this policy may result in termination.

6.7 DRUG AND ALCOHOL FREE WORKPLACE POLICY

The City recognizes that substance abuse is a problem on the job for all of us, as well as a social problem. The City believes that the abuse of alcohol and use of illegal drugs endangers the health

and safety of the abusers and all others around them. It also leads to decreased productivity, high turnover, and decreased morale. Therefore, the City has committed to creating and maintaining a drug-free workplace.

The City's Drug-Free Workplace Program and Policy is intended to comply with Florida Workers' Compensation Drug-Free Workplace Program, sections 440.101-44.102, Florida Statutes, and the rules adopted by the Agency for Health Care Administration.

GENERAL POLICY STATEMENT

The City will not tolerate the use of illegal drugs or alcohol while working or while on City property, including the parking lots, as well as any job site to which employees are assigned. This prohibition includes the possession, use, distribution, or sale of illegal drugs or alcohol. All employees are prohibited from reporting to or being at work or on City of Key West property, including parking lots, while under the influence of illegal drugs or alcohol.

Employees who are found to be under the influence of illegal drugs or alcohol, or who violate this Policy in other ways are subject to corrective action, up to and including termination from employment. Because of the serious nature of those violations, each individual case will be thoroughly investigated to determine the appropriate course of action.

The City will test, at its own expense, all job applicants who are extended an offer for illegal drug or alcohol use as outlined in this Policy. A positive drug test can lead to withdrawal of an offer of employment for job applicants. In addition, the City will test, at its own expense, *any* current employee for illegal drug or alcohol use if a reasonable suspicion exists that the employee is in violation of this Policy, post-accident or injury, pursuant to a fitness-for duty examination, and as a follow-up procedure to any drug or alcohol treatment program. The City may also conduct random drug testing, and testing required by federal law for employees who operate commercial motor vehicles. Any positions that carry a firearm, perform life threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with controlled substances, work with confidential information or documents pertaining to criminal investigations, a job assignment that requires an employee security background check pursuant to section 110.1127, Florida Statutes, or a high risk life threatening job may be tested for illegal drugs and alcohol on a routine basis. All drug testing will conform to the requirements of this Policy and to applicable state and federal law. Please note that consumption of drugs within states legalizing their use does not alter this Program or exempt employees from adhering to this Policy. Employees should review section 440.102, Florida Statutes, which discusses the requirements to comply with, and their rights under, Florida's Drug-Free Workplace statute.

The City reserves the right to retest any employee and/or applicant that received a positive-dilute or negative-dilute result. Refusal to conform to the additional drug test may result in immediate termination or disqualification from the recruitment process.

DEFINITIONS

Legal Drug includes prescribed drugs and over-the-counter drugs which have been legally

obtained and are being used solely for the purpose for which they were prescribed or manufactured.

Illegal Drug includes any drug (a) which is not legally obtainable; (b) which may be legally obtainable but has not been legally obtained; (c) which is being used in a manner or for a purpose other than as prescribed. NOTE: Nothing in this Policy precludes the appropriate use of legally prescribed and over-the-counter medication.

Special-risk position means a position that is required to be filled by a person who is certified under chapter 633 (Fire Prevention and Control) or chapter 943 (Law Enforcement) of the Florida Statutes.

Mandatory-testing position means a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check pursuant to section 110.1127, Florida Statutes, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

PRE-EMPLOYMENT TESTING

Employees and applicant will be subjected to the following types of drug tests:

1. Job Applicant Testing

a. "Mandatory-testing position"¹ All applicants for safety sensitive positions with the City will be drug tested and must pass a 9-panel or 10-panel drug test before they are hired as an employee and before completing the City's orientation process. The applicants whom the City intends to hire will be given a conditional offer of employment and requested to submit to a drug and/or alcohol test. Refusal to submit to the drug and/or alcohol test or a positive confirmed test result will result in rejection of the applicant for employment at that time. The City may choose not to perform applicant alcohol testing for some classifications.

b. Job applicant drug testing does not require authorization from a City official or representative.

No applicant for employment who is currently alcohol and drug-free will be denied employment or otherwise discriminated against solely because of such individual's prior abuse of alcohol or drugs, prior treatment for alcohol or drug abuse, or status as a recovering alcoholic or drug addict. It is the current abuse of drugs or alcohol which prevents employees from properly performing their jobs that the City will not tolerate. Any applicant who tests positive or who refuses to undergo testing will not be employed by the City and may not reapply for at least two (2) years from the date the City receives notice of the failed drug test.

ACTIVE EMPLOYEE TESTING

A. Reasonable Suspicion Testing. Employees will be required to submit to drug and/or alcohol testing at a laboratory chosen by the City if there is reasonable suspicion of substance abuse. Circumstances that could be indicators of a substance abuse problem and considered reasonable suspicion are:

- Direct observation of alcohol or drug abuse during work hours or on City premises.
- Apparent physical symptoms of being under the influence of a drug or alcohol.
- Significant deterioration of work performance that is not attributable to other factors.
- Abnormal conduct or erratic behavior while at work.
- A report of drug use provided by a reliable and credible source.
- Evidence that an individual has tampered with a drug test during his or her employment with the City of Key West;
- Information that an employee has caused, contributed to, or been involved in an accident or injury while at work; or
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on Key West's premises or while operating a City of Key West vehicle, machinery, or equipment.

If, in the opinion of a supervisor, manager or Department Director, reasonable suspicion exists to believe that any employee may be abusing or under the influence of illegal drugs or alcohol, the supervisor, manager or Department Director must promptly notify the Human Resources Department and submit in writing the circumstances leading to the conclusion that reasonable suspicion testing is justified. The Human Resources Department, in conjunction with the applicable employee's management, will make the determination on whether to request the employee to submit to a drug test.

Upon request, a copy of any documentation concerning the basis for the reasonable suspicion testing will be provided to the employee. Documentation regarding the conclusion that reasonable suspicion testing is justified and any related conversations between management and the Human Resources Department shall be kept confidential to the extent possible.

Nothing herein shall prevent the City from immediately terminating any employee selling or otherwise soliciting illegal drugs or providing or selling alcohol to any other person during working hours. All terminations are approved by the City Manager following a recommendation from the Department Director and Human Resources Director.

The City also reserves the right to ask any employee to submit to drug testing under the following conditions:

- B. Fitness for Duty. An employee may be required to submit to a drug test as part of routinely scheduled employee fitness-for-duty medical examination that is either part of the City's established policy or that is scheduled routinely for all members of an employment classification or group.
- C. Post Accident or Injury. All employees are subject to drug and/or alcohol testing after a work-related vehicular accident, after an accident or injury involving a City-owned vehicle, and after an accident or injury which causes injury to the employee or to any other person or damage

to any property. Employees who are off duty and are involved in a vehicular accident or injury involving a City owned vehicle shall immediately submit to drug and/or alcohol screening.

If, because of the accident, an employee is unable to submit to drug testing immediately, the employee will authorize the release of any medical reports or documentation regarding the presence of illegal drugs or alcohol in the employee's body at the time of the accident to the Medical Review Officer. Refusal to agree to this release will result in termination of the employee.

- D. Random Drug Testing.** The City may conduct random drug and alcohol testing of all safety sensitive positions. Human Resources will notify the randomly selected employee and schedule the appointment for immediate testing. Employees on authorized leave of absence will not be tested and employees who are absent for the day will be required to test on their next scheduled workday with no in advance notice provided.

Employees in the following categories are subject to random, unannounced drug and/or alcohol testing:

- Certified Firefighters and Sworn Police Officers: Public safety positions are subject to random drug testing pursuant to the procedures set forth in the Police Department and Fire Department Policies and Procedures. The illegal use of a controlled substance by a certified firefighter or a police officer sworn to enforce the law is a criminal act that directly threatens the integrity and effectiveness of the Fire and Police Departments. Certified firefighters and sworn police officers who test positive for illegal drugs in a random test are subject to discharge.
 - Commercial Drivers: Employees subject to the drug and/or alcohol testing requirements of the Department of Transportation are subject to random drug and alcohol testing. Drug and/or alcohol use by employees in safety-sensitive positions is dangerous, illegal, and could result in or contribute to on-the-job accidents, motor vehicle accidents, and personal injury to City employees and the public. Covered commercial drivers who test positive for illegal drugs and/or alcohol in a random test are subject to termination.
- E. Follow-Up Drug Testing:** As a condition of continued employment, all employees who were referred to the Employee Assistance Program or who enrolled in a drug or alcohol abuse program shall take follow-up drug and/or alcohol tests on a random, periodic basis for at least two (2) years after the referral or enrollment. Advance notice of the follow-up testing will not be given to the employee. This testing is only applicable to those employees who report their abuse prior to being asked to take a test. The City reserves the right to waive follow-up testing in the event an employee voluntarily submits to an Employee Assistance Program or drug or alcohol abuse program.

Except to the extent modified by other City policies or collective bargaining agreements, follow-up testing may be authorized by Department Director, his or her designee or by Assistant City Manager or City Manager.

Failure to submit to the required drug test is grounds for discharge or suspension without pay from employment.

DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE DRIVERS

In addition to the policies and procedures set forth above, any City employee connected with the operation of commercial motor vehicles will be subject to drug and alcohol testing as required by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. App. §§ 2714-2717 (1993), and by all applicable procedures and regulations promulgated by the Department of Transportation and the Federal Highway Administration, as well as any additional policy adopted by the City pursuant to those federal laws and regulations. In cases where the requirements of both federal and state drug and alcohol laws and regulations and/or the City's Drug-Free Workplace Policy may be applicable, the requirements of federal drug and alcohol laws and regulations will control if a conflict arises between federal law and regulations and the requirements of state law or the City's Drug-Free Workplace Policy.

POSSESSION OF ILLEGAL DRUGS AND ALCOHOL ON PREMISES

An employee who possesses, uses, distributes, or sells illegal drugs or alcohol while working or while on City property, including the parking lots, even if off duty, is subject to corrective action, which may include termination from employment, even for the first offense.

POSITIVE DRUG TEST RESULTS

Any employee or job applicant who receives a positive confirmed drug test result may contest or explain the results to the Medical Review Officer within five (5) working days after written notification of the positive test results. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive test result back to the City. The employee or job applicant may contest the drug test pursuant to Florida law or to rules adopted by the Agency for Health Care Administration.

LOSS OF WORKERS' COMPENSATION BENEFITS

If an employee is injured in the scope of his or her employment and drug tests or other medical evidence indicates the presence of illegal drugs or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical or other benefits available under the Florida Workers' Compensation Statute (section 440.101 (2), Florida Statutes). This penalty is in addition to any other penalties that might apply either under this policy or under applicable law.

CONFIDENTIALITY STATEMENT

All information, interview, reports, statements, memoranda and drug-free test results through the City's drug testing program will not be made part of any personnel records and will be treated as confidential to the extent required by law, except as consented to by the employee or applicant, or if placed at issue by the employee in any legal, administrative or other proceeding to determine compensability of a workers' compensation claim.

Medical and insurance records, if any, shall be preserved in the same confidential manner as all other medical records. Program participation records shall be maintained by the Department of Human Resources.

USE OF PRESCRIPTION AND NON-PRESCRIPTION MEDICATIONS

All employees or applicants may consult with the testing laboratory or the Medical Review Officer for technical information regarding the effects of prescription and non-prescription medications on drug testing.

Each tested individual shall report, on a confidential basis to the Medical Review Officer, the use of prescription or non-prescription medications both before and after being tested.

A form will be provided to each individual to list such medications. This form should only be filled out at the collection facility, not at the City. Additionally, such medications may be disclosed orally to the Medical Review Officer after being tested, if contacted by the Medical Review Officer.

The individual must not disclose such medications or provide the form requesting such information to any City employee.

The City has provided at the end of this Policy a list of the most common medications by brand, common and, if applicable, chemical name, which may alter or affect a drug test.

CONSEQUENCES OF REFUSING A DRUG TEST OR TREATMENT

- A. Refusal to Cooperate – Job Applicants. Any person receiving a conditional offer of employment who refuses to submit to drug and alcohol testing, or who provides a false sample, or alters, adulterates, taints, tampers, or otherwise interferes with drug testing collection, samples, or analysis is immediately disqualified from employment by the City.
- B. Refusal to Cooperate – Employees. Any employee who refuses to submit to drug and alcohol testing when required will be terminated from employment. Any employee who provides a false sample, or alters, adulterates, taints, tampers, or otherwise interferes with drug testing collection, samples, or analysis, will be immediately terminated from employment.
- C. Refusal to Accept Treatment or Failure to Rehabilitate. Any employee who rejects a treatment program offered through the Employee Assistance Program, or who leaves a treatment program prior to being properly discharged by the program will be immediately terminated from employment with the City. This sanction applies regardless of whether the City referred the employee to the treatment program or Employee Assistance Program or whether the employee voluntarily sought treatment.
- D. Participation in Employee Assistance or Rehabilitation Program. The City wishes to make every effort to rehabilitate its employees who may be experiencing drug or alcohol

problems. To this end, the City will not retaliate in any manner against an employee who is referred to an Employee Assistance Program (EAP) or treatment program, or who voluntarily refers him or herself to the Employee Assistance Program or submits totreatment in a drug or alcohol abuse program. Use of the Employee Assistance Program is the employee's full financial responsibility. Any employee who is undergoing a rehabilitation program is encouraged to contact the Human Resources Department for more information and resources.

EMPLOYEE ASSISTANCE PROGRAMS AND LOCAL DRUG REHABILITATION PROGRAMS

The following "crisis information centers" will provide information regarding employee assistance programs and local alcohol and drug rehabilitation programs available to employees:

Key West/Lower Keys

WesCare Center for Mental Health
1205 Fourth Street
Key West, FL 33040
(305) 292-6843

DePoo Chemical Dependency Unit
1200 Kennedy Drive
Key West, FL 33040
(305) 294-5531 ext. 8330

Marathon/Middle Keys

Guidance Clinic of the Middle Keys
3000 41st Street, Ocean
Marathon, FL 33050
(954) 537-0211

Tavernier/Upper Keys

Care Center for Mental Health
92140 Overseas Highway
Tavernier, FL 33070
(305) 662-8118

Other available resources include:

1-800-344-2666	Al-Anon
1-800-527-5344	American Council on Alcoholism
1-800-622-2255	National Council on Alcoholism
1-800-662-HELP	Substance Abuse and Mental Health Services Administration
1-800-967-5752	Drug-Free Workplace Helpline

Employees may obtain further information regarding available drug and alcohol assistance and rehabilitation by contacting the Human Resources Director or the City's Employee Assistance Program.

DUTY TO NOTIFY LABORATORY OF LEGAL ACTION CONCERNING TEST RESULTS

It is each applicant's or employee's responsibility to notify the City and the Drug Testing laboratory of any administrative or civil action brought pursuant to section 440.101, Florida Statutes.

Employees and applicants should review any applicable collective bargaining agreements or contracts for additional information on their rights. Florida employees may have a right to appeal to Florida's Public Employees Relations Commission or applicable court for violations of Florida's Drug-Free Workplace Program.

DRUG TESTING INFORMATION

The drug test is a 10-panel drug screen test. You may be tested for any or all of the following:*

Alcohol: Beer, Wine, Liquor, Distilled Sprints, Malt Beverages, etc.

Amphetamines: Speed, Uppers, Biphetamine, Desoxyn, Dexedrine, etc.

Cannabiniods: Marijuana, Hashish, Hash, Hash Oil, Pot, Joint, Reefer, Spleaf, Roach, Grass, Weed, etc.

Cocaine: Coke, Blow, Snow, Flake, Crack, ect.

Opiates: Heroin, Codeine, Morphine, Opium, Dover's Powder, Paragoric, Parepectolin, etc.

Phencyclidine: PCP, Angel Dust, Hog, ect.

Methaqualone: Not legal by prescription

Barbiturates: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Traid, ect.

Benzodiazepines: Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax, ect..

Methadone: Dolophine, Metadose, ect.

Propoxyphene: Darvocet, Darvon N, Dolene, etc.

The City reserves the right to expand or otherwise modify the number or types of drugs tested at any time. The City will provide employees with sixty (60) days written notice of any expansion or modification of the drugs tested under this Policy.

OVER THE COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST

A list of some of the common medications by brand name or common name, and if applicable, chemical name, which may alter or affect a drug test, are listed below. Due to the large number of brand names and the marketing of new products, this list is not all-inclusive. Employees and job applicants should review this list prior to submitting to a drug test.

Alcohol: All liquid medications containing ethyl alcohol (ethanol). Please read the label for

alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

Amphetamines: Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex

Cannabinoids: Marinol (Dronabinol, THC)

Cocaine: Cocaine HCl topical solution (Roxanne)

Phencyclidine: Not legal by prescription

Methaqualone: Not legal by prescription

Opiates: Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), CS Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-Organidin, etc.

Barbiturates: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

Benzodiazepines: Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

Methadone: Dolophine, Methadose

Propoxyphene: Darvocet, Darvon N, Dolene, etc.

Brand Name

Anusol Suppos
Anusol Suppos HC
Aristocort Cr. Oint./Kenalog
Atarax
Bactrim/Septra
Benadryl
Betadine Oint./Efodine
Betalin-S
Cardizem
Calan/Isoptin
Colace
Compazine
Decadron/Hexadrol
Demerol
Diabeta/Micronase
Dramamine
Dulcolax
Ecotrin
Elavil/Endep
Erythrocine
Esidrix/Hydrodiuril
Isoptin/Calan
Isordil
Kayexalate
Kenalog cr/oint./Aristocort
K-lor
Larotid
Lasix
Lomotil
Micronase/Diabeta

Generic Name

Hemorrhoidal Inserts
Hemorrhoidal Inserts HC
Triamcinolone
Hydroxyzine HCL
Trimethoprim, Sulfamethoxazole
Diphenhydramine
Povidone Iodine Oint.
Thiamine
Diltiazem
Verapamil
Docusate Sodium
Prochlorperazine
Dexamethasone
Meperidine
Glyburide
Dimenhydrinate
Bisacodyl
Enteric Coated Aspirin
Amitriptyline
Erythromycin Stearate
Hydrochlorothiazide
Verapamil
Isosorbide Dinitrate
Polystyrene Sulfonate Sodium
Triamcinolone
Potassium Chloride 20mg Powder
Amoxicillin
Furosemide
Diphenoxylate, Atropine
Glyburide

Motrin/Rufen
 M.S.
 Mycolog/Mytrex
 Mycostatin/Nilstat
 Nilstat/Mycostatin
 Nipride
 Noctec
 Normodyne-Trandate
 Norpramine/Pertrofan
 Parafon Forte
 Pen VK/V-Cillin K
 Peri-Colace
 Persantine
 Pertrofana/Norpramine
 Phenergan
 Pitocin
 Polycillin
 Procardia
 Pronestyl
 Prostaphlin
 Proventil/Vantolin
 Pyridium
 Robaxin
 Robinul
 Rufen/Motrin
 Septra/Bactrim
 Solu-Medrol
 Soma
 Sumycin
 Surfak
 Tambocor
 Therogran
 Theragran-M
 Theragran Hematinic
 Thorazine
 Tonocard
 Urscholina/Duvold
 Valium
 Vibramycin
 VistarII Injection
 VistarII Capsules

Ibuprofen
 Morphine Sulfate
 Nystatin, Neomycin, Gramicidin, Triamcinolone
 Nystatin
 Nystatin
 Nitroprusside
 Chloral Hydrate
 Labetalol Hydrochloride
 Desipramine
 Chlorzoxazone, Acetaminophen
 Penicillin VK
 Docusate Sodium, Casanthranol
 Dipyrindamole
 Desipramine
 Promethazine
 Oxytocin
 Ampicillin
 Nifedipine
 Procainamide
 Oxacillin
 Albuterol
 Phenazopyridine
 Methocarbamol
 Glycopyrrolate
 Ibuprofen
 Trimethoprim/Sulfamethoxazole
 Methylprednisolone
 Carisoprodol
 Tetracycline
 Docusate Calcium 240 mg.
 Flecaïnide
 Therapeutic Multivitamin
 Therapeutic Multivitamin with Minerals
 Therapeutic Hematinic Vitamin
 Chlorpromazine
 Tocainida Hydrochloride
 Bethanechol
 Diazepam
 Doxycycline
 Hydroxyzine HCl
 Hydroxyzine Pamoate

*Cutoff levels to be used in testing are those established by Standard Industrial Drug Panel 10

The City's MRO is:
 Dr. Seth Portnoy
 3300 University Drive #903
 Coral Springs, FL 33065
 Phone: 954-341-2525

The City's certified MRO is subject to change and is dependent upon which MRO the City contracts to perform MRO services.

DRUG SPECIMEN COLLECTION SITE

As of the effective date of this policy, the specimen collection site for the City is:

Key West Urgent Care
1501 Government Road
Key West, FL 33040
Phone: 305-295-7550

Lower Keys Medical Center
Emergency Department
5900 College Road
Key West, FL 33040

This drug collection site is subject to change and is dependent upon which facility the City contracts as its drug specimen collection site.

TESTING LABORATORY

Quest Diagnostics
3175 Presidential Dr.
Atlanta, GA 30340
Phone: 800-877-7484

Testing of specimens for the presence of illegal drugs and/or alcohol is performed by the following laboratory, which is licensed by the Florida Agency of Health Care Administration:

This testing laboratory is subject to change and is dependent upon which facility the City contracts as its testing laboratory.

METHODS OF TESTING

1. Tests for the presence of illegal drugs will use urine specimens.
2. Tests for the presence of alcohol will use blood specimens.
3. A split sample testing shall be taken by the drug specimen collection site. The primary specimen will be tested by the testing laboratory. The split specimen will be sealed and reserved in case of appeal.

*Cutoff levels to be used in testing are those established by Standard Industrial Drug Panel 10

REHABILITATION PROCEDURES FOR MANDATORY-TESTING AND SPECIAL-RISK POSITIONS

An employee in a safety sensitive and special risk position who enters a voluntary substance abuse rehabilitation program shall be assigned to a position other than a safety sensitive and special risk position, or if such a position is not available, shall be placed on a leave of absence while the employee is participating in the program. The employee shall be required to use his or her accrued paid leave time (vacation and sick time, PTO or compensatory time) during any approved leave.

An employee in a special-risk position shall be discharged for the first positive confirmed test result if the drug confirmed is an illicit drug under Section 893.03, Florida Statutes. A special-risk employee who is participating in a substance abuse program shall not be allowed to continue to work in a safety sensitive or special-risk position, but (if available) may be assigned to a position other than a safety sensitive/special risk or placed on leave while the employee is participating in the program. The employee may be eligible for a leave of absence while participating in the

program. The employee shall be required to use his or her accrued paid leave time (vacation and sick time, PTO or compensatory time) during any approved leave.

REPORT OF DRUG CONVICTIONS

Employees shall notify of any drug or alcohol related criminal charges in accordance with Employee Arrest or Charge policy requirements. Arrest for a drug or alcohol offense shall be considered Reasonable Suspicion allowing the City to test the arrested employee for the presence of alcohol or illegal drugs.

Employees are also required to notify the Human Resources Director of the outcome of all criminal drug statute or alcohol related criminal charges no later than their next scheduled work day after any change in status, including the notification of a conviction, a plea of guilty, an adjudication of guilt, a plea of nolo contendere, an adjudication withheld, an acquittal or a dismissal of the charges. A failure to report a drug or alcohol conviction to the City within the applicable time periods will result in immediate termination of the employee, unless good cause exists for the employee's failure to report the conviction to the City.

The City shall take appropriate action with respect to an employee who is charged or convicted of a violation of a criminal drug statute or alcohol related offense, which action may include transfer to a non-safety sensitive or non-special risk position and/or corrective action, up to and including termination of employment.

EMPLOYEE RESPONSIBILITIES

An employee who voluntarily, or as a condition of continued employment, enters a drug or alcohol treatment and/or rehabilitation program must participate and complete recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program shall be responsible for payment for the treatment and/or program to the extent not covered by medical insurance provided by the City of Key West. If the employee fails to comply with the treatment and/or the program, the employee shall be terminated.

6.8 EMPLOYEE REPORTING PROCEDURES DURING DISASTER OPERATIONS

The City's employees must be prepared at all times to respond to disaster situations that may affect the residents of the City. In order to accomplish this goal, the City's administrative staff has developed a Hurricane Preparedness and Recovery Plan. During disaster operations, it is imperative that all City employees follow the guidelines outlined in the plan. In addition, all City employees should make advance plans for the safety of their families and personal property and be prepared to respond to the disaster threat well ahead of the general public.

City employees are required to report for duty during disaster operations as directed by their Department Director. The Department Director will assign duties to the employees as outlined in the Hurricane Preparedness and Recovery Plan. All employees called to duty shall be given a specific reporting time, allowing for reasonable time to make arrangements for the safety of family and personal property. Employees may also be recalled to duty based upon the type and

severity of the emergency. Failure to report for duty without prior leave approval from the Department Director shall result in termination of employment. After reporting to work, employees are prohibited from leaving their assigned post unless approved by the Department Director.

During a hurricane watch, all employees should make arrangements for the safety of family and personal property. If possible, family members should relocate to a safe area to avoid the effects of the approaching storm.

Employees directed to report for duty during a hurricane warning should bring appropriate personal supplies to enable them to effectively perform their duties for at least three days of operations. The following personal supplies should be assembled and brought in by personnel when reporting for duty: Extra uniforms, t-shirts, socks, underwear, shoes, toiletry articles (toothbrush, toothpaste, deodorant, soap, shampoo, razor and shaving cream), rain gear, City of Key West Identification Card, prescribed medications, mosquito repellent, and any other necessary items.

SECTION 7: LEAVES OF ABSENCE

7.1 FAMILY AND MEDICAL LEAVE OF ABSENCE

This policy is adopted to comply with the federal Family and Medical Leave Act as amended (FMLA). The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

The City will administer this policy in a uniform, non-discriminatory fashion in accordance with all applicable laws, including but not limited to, the Americans with Disabilities Act. To the extent permitted by law, FMLA and any family/medical leave provided under state or local law will run concurrently.

Any questions not covered by this policy should be directed to the Human Resources Department.

WHO IS ELIGIBLE FOR FMLA LEAVE?

An employee is eligible for FMLA leave if they have worked for the City of Key West for at least twelve (12) months and for at least 1,250 hours of service during the twelve-month period immediately preceding the commencement of the leave.

An employee who does not meet the eligibility criteria for FMLA leave may be eligible for leave under the City's Personal Leave or other leave policies. Please contact Human Resources for more information.

REASONS FOR FMLA LEAVE AND COMPUTATION OF LEAVE PERIOD

A. An eligible employee may take up to a total of 12 workweeks of unpaid FMLA leave during a 12-month period for one or more of the following:

- The birth of a child, or placement of a child with you for adoption or foster care.
- Your own serious health condition.
- You are needed to care for your spouse; child; parent due to his/her serious health condition.
- Because of a qualifying exigency arising out of the fact that your spouse; son or daughter; parent is on covered active duty or call to covered active duty status with the Armed Forces.
- You are the spouse; son or daughter; parent; next of kin of a covered servicemember with a serious injury or illness.

Computation of the 12-Week Period: An eligible employee is entitled to 12 workweeks of FMLA leave in a rolling 12-month period for one or a combination of the FMLA circumstances listed above, measured backward from the date an employee uses any leave under this policy. Each time an employee takes FMLA leave, the remaining FMLA

leave entitlement would be any balance of the 12 workweeks which has not been used during the immediately preceding 12 months. For example, if an employee takes eight (8) weeks of FMLA qualifying leave during a rolling 12-month period, an additional four (4) weeks of FMLA leave could be taken during the same 12-month period.

- B. Military Caregiver Leave: An eligible employee may take unpaid leave for up to a total of 26 workweeks in a “single 12-month period” to care for a covered servicemember with a serious injury or illness, if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

Computation of the 26-Week Period: An eligible employee may take up to 26 workweeks of leave during a single 12-month period. This single 12-month period is measured forward from the date of the employee’s first use of FMLA leave to care for a covered servicemember and ends 12 months after that date. This leave is applied on a per covered servicemember, per injury basis, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

During the single 12-month period, the employee is entitled to a combined total of 26 workweeks of leave for the employee’s leave to care for a covered servicemember and leave for any other FMLA qualifying reason, as listed above. Leave for any other FMLA qualifying reason is limited to 12 workweeks, even if the employee takes less than 14 workweeks of leave to care for the covered servicemember.

C. Restrictions on FMLA Leave.

1. Birth, Adoption or Foster Care Placement. An employee may not take FMLA leave for the birth, adoption, or foster care of a child if 12 months have passed since the birth, adoption, or placement of the child. An employee may not take FMLA leave on an intermittent or reduced schedule basis for the birth, adoption or foster placement of a healthy child without prior written approval of the City.
2. Spouses Working for the City of Key West: A married couple who both work for the City of Key West and who are both eligible for FMLA leave may be limited to:
 - (a) *a combined total of 12 workweeks of leave during any 12-month period* if the leave is taken for the birth, adoption or foster care placement of a son or daughter, or to care for the employee’s parent with a serious health condition
 - (b) *a combined total of 26 workweeks of leave during any single 12-month period* for leave taken to care for a covered servicemember with a serious illness or injury and any other FMLA qualifying reason. These limitations apply even if the partners are employed at different City of Key West worksites.

NOTE: The parents may each take 12 weeks of FMLA leave if they are needed to care for their newborn, adopted or foster child who has a serious health condition, provided that either party has not previously exhausted their FMLA entitlements during the applicable

12-month FMLA leave period.

EMPLOYEE NOTICE FOR FMLA LEAVE

When an employee provides notice of the need for leave, the employee must provide sufficient information for the City to determine whether the leave qualifies as FMLA leave. If the employee fails to do so, the City may deny the leave. Calling in “sick” without providing more information will not be considered sufficient notice to trigger FMLA leave. If the employee has previously taken FMLA leave and the employee seeks another FMLA leave for the same FMLA-qualifying reason, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. Likewise, if the employee has been previously approved for FMLA leave for more than one qualifying reason, the employee’s notice must specify which FMLA-qualifying reason supports the employee’s current request for leave.

Foreseeable Leave: An employee must provide the City’s Human Resources Director at least 30 days’ advance written notice before FMLA leave or other leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. When planning medical treatment, the employee must consult with the City and make a reasonable effort to schedule the treatment so as not to unduly disrupt the City’s operations, subject to the approval of the health care provider. The employee must also advise Human Resources as soon as practicable (e.g., on the same day or next business day) if the dates of a scheduled leave change or were initially unknown.

Unforeseeable Leave and Leave for a Qualifying Exigency: When an employee’s request for FMLA leave is not foreseeable or is due to a qualifying exigency (regardless of how far in advance such leave is foreseeable), the employee must provide notice (verbal or written) to his or her Department Director or the Human Resources Director as soon as is practicable under the facts and circumstances of the particular case.

If the employee does not comply with the notice and procedural requirements listed above, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied depending on the facts of the particular case. An employee must respond to any inquiry by the City as to the reasons for providing less than 30 days notice for foreseeable leave.

NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES

When an employee requests FMLA leave, or when the City acquires knowledge that an employee’s leave may be for an FMLA-qualifying reason, the City will notify the employee of his or her eligibility to take FMLA leave and his or her rights and responsibilities for taking FMLA leave. An employee has an obligation to respond to the City’s questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to comply with this requirement may result in the denial of FMLA leave.

CERTIFICATION REQUIREMENTS

A. Certification of Health Care Provider for a Serious Health Condition

When requesting leave based on a serious health condition of an employee or covered family member, the employee must give the City a certification of a health care provider that includes all information required by the FMLA. (The certification forms are available from the Human Resources Department) Alternatively, the employee may provide an executed authorization or release allowing the City to communicate directly with the health care provider.

If the medical certification is incomplete or insufficient, the City will specify the deficiencies in the certification and the employee will have a reasonable opportunity to provide the information necessary to make the certification complete and sufficient. The City may directly contact the health care provider for purposes of clarification and authentication of the medical certification after the employee has the opportunity to cure any deficiencies. This contact will be made by the Human Resources Department, a health care professional, or a management official, but not the employee's direct supervisor. In compliance with HIPAA Medical Privacy Rules which apply to the health care provider, the City will obtain the employee's permission to clarify individually identifiable health information directly with the health care provider. If the employee does not provide the City with such authorization, and does not otherwise clarify the certification, the City may deny the taking of FMLA leave.

1. **Additional Medical Opinions:** If the City has reason to doubt the validity of a medical certification, it may require an employee to obtain a second opinion from a health care provider designated by the City at the City's expense. If this second opinion differs from that provided by the employee's physician, the City may require the opinion of a third health care provider (at the City's expense), designated jointly by the City and the employee. The third opinion shall be final and binding. Upon request, the City will provide the employee with a copy of the additional opinion(s).

Pending the receipt of the additional opinion, the employee will be considered as provisionally entitled to FMLA. If the additional opinion does not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the City's established leave policies.

2. **Annual Medical Certification and Recertification:** If the employee's need for leave due to the employee's own serious health condition or the serious health condition of the employee's covered family member lasts beyond a single year, the City may require that the employee provide a new medical certification in each subsequent leave year. The City may also request recertification of such leave during the leave in accordance with the applicable FMLA requirements. The employee has the same obligation to participate in the annual certification and recertification process as in the initial certification process.

B. Certification for Leave Taken because of a Qualifying Exigency

When requesting leave for a qualifying exigency, the employee must provide a certification that includes all the information requested by the FMLA and a copy of the covered military member's active duty orders or other documentation of a call to active duty status and dates of service. The City may verify the basis for the qualifying exigency in accordance with the FMLA. A copy of the required certification form may be obtained at the Human Resources Department.

C. Certification for Leave Taken to Care for a Covered Servicemember (Military Caregiver Leave)

When requesting leave to care for a covered servicemember with a serious injury or illness, an employee must provide a certification completed by an authorized health care provider of the covered servicemember that includes all the information required by the FMLA, or alternatively, a copy of any "invitational travel orders" (ITOs), or "invitational travel authorizations" (ITAs) issued by the military to any family member (regardless of whether the employee is named). An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA and if the employee needs leave beyond the time specified in the ITO/ITA, the employee must complete a certification form to cover the remainder of the leave period. The City may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill servicemember. It is the employee's responsibility to provide the City with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

D. Consequences of Not Providing the Certification or Curing Deficiencies

If an employee does not submit a certification or does not cure the deficiencies in a certification, the leave is not a FMLA-qualifying leave. If the absences do not qualify as leave under the City's other leave policies, the absences ordinarily will be treated as unexcused absences and may result in corrective action up to and including termination of employment.

DESIGNATION OF FMLA LEAVE

When the City has enough information to determine whether the employee's requested leave qualifies as FMLA, it will provide written notice to the employee as to whether the leave will be designated and counted as FMLA leave. Where appropriate, the City may retroactively designate leave as FMLA leave upon notice to the employee or upon agreement with the employee.

INTERMITTENT OR REDUCED SCHEDULE LEAVE

An employee may take FMLA leave on an intermittent or a reduced schedule if medically necessary (and such medical need can best be accommodated through an intermittent or reduced leave schedule) because of the employee's or family member's serious health condition, or to care for a covered servicemember with a serious injury or illness. Leave due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule basis.

If an employee needs intermittent or reduced schedule leave for planned medical treatment for the employee, covered family member or covered servicemember, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations. In this situation, the City reserves the right to transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of FMLA leave. The alternative position will have equivalent pay and benefits as the previous position, but may not have equivalent duties.

The employee's FMLA entitlement is reduced by the amount of leave taken during the applicable period. The employee is responsible for tracking his or her individual intermittent leave time taken. Failure to accurately record intermittent leave time, or recording non-FMLA absences as intermittent FMLA leave, may result in corrective action, up to and including termination of employment.

REPORTING TO THE CITY WHILE ON LEAVE

An employee on FMLA leave or any other type of leave for medical or health reasons may be required to report on a periodic basis regarding his or her status and intention to return to work. If circumstances change and the employee needs either more or less leave, the City requires that the employee provide the City with reasonable notice (i.e., within two (2) business days) of the changed circumstances, where foreseeable. The Human Resources Department will inform the employee how often the employee must report to the City while on leave.

RELATIONSHIP BETWEEN FMLA LEAVE PAID LEAVE TIME

The City requires that the employee use his or her accrued paid leave time (sick time and vacation or PTO) during FMLA leave. After the employee exhausts his or her paid leave time, the remainder of the employee's FMLA leave will be unpaid with the exception of any temporary disability benefits under the Florida Workers' Compensation Law or short-term disability benefits.

- A. Workers' Compensation Injury: If the employee is injured on the job and the injury qualifies as a serious health condition under the FMLA, the City requires that the time off for the injury be counted against the employee's FMLA leave entitlement. The City and the employee may agree to have the employee's unused, accrued paid leave time (sick time and vacation or PTO) supplement the employee's temporary disability benefits under the Florida Workers' Compensation Law where those benefits only provide replacement income for a portion of an employee's regular pay or salary. The employee is not required to use any paid leave time while receiving temporary disability benefits.

NOTE: If an employee receives supplemental pay from the City during any portion of his or her FMLA leave for a workplace injury (see Policy No. 7.3 Workers' Compensation Leave of Absence), the employee may not use paid leave time to supplement the employee's temporary disability benefits under the Florida Workers' Compensation Law.

- B. Short Term Disability: If the employee is eligible for and is using the City's short-term disability plan for a serious health condition, the City requires that the time off taken under the disability plan be counted against the employee's FMLA leave entitlement. The City and the employee may agree to have unused, accrued paid leave time (sick time and vacation or PTO) supplement the employee's short-term disability benefits where the benefits only provide replacement income for a portion of an employee's regular pay or salary. The employee is not required to use any paid leave time while receiving benefits under the City's short-term disability plan and the employee is not required to apply for short-term disability benefits to take FMLA leave.

ACCRUAL OF SENIORITY AND PAID LEAVE TIME WHILE ON FMLA LEAVE

The employee will not accrue any seniority or paid leave time (sick time and vacation or PTO) while on unpaid FMLA leave. Accrual of any seniority and paid leave time will resume upon return to active employment. The taking of FMLA leave will not result in the loss of any paid leave time that the employee accrued prior to the date on which FMLA leave started except to the extent such paid leave time is used during FMLA leave.

BENEFITS WHILE ON FMLA LEAVE

The City will continue to pay its portion of the employee's group health and dental insurance premiums while the employee is on FMLA leave. The employee is responsible for making arrangements with the City's Human Resources and Finance Departments to pay the employee portion of group health and dental insurance premiums and the costs of any other elected insurance coverage in an amount equal to the amount the employee would have paid via payroll deduction, no later than the first day of the month. If FMLA leave is foreseeable, the employee may pre-pay the required premium by withholding this additional amount from his or her paycheck prior to the start of FMLA leave. If FMLA leave is taken with paid leave time (sick time and vacation or PTO) or with supplemental pay from the City (see Policy No. 7.3 Workers' Compensation Leave of Absence), the premiums will be deducted from the employee's paycheck during FMLA leave as a regular payroll deduction. Failure to make timely payments will result in discontinuation of coverage.

If the employee does not return to work after his or her FMLA leave, the employee's group health plan coverage will end, and the employee will receive a separate notice that provides details about COBRA coverage.

It is the employee's responsibility during FMLA leave to add a spouse or new dependent child(ren) to the group health plan in a timely manner if such coverage is desired.

RETURN TO WORK

To return to work from a FMLA leave for his or her own serious health condition, the employee is required to provide a fitness for duty certification from the employee's health care provider on or before the day the employee returns to work. The fitness for duty certification must address

the employee's ability to perform the essential functions of his or her position as listed in the job description. If the employee is released to return to work with any medical restrictions, the fitness for duty certification should specify those medical restrictions and the expected duration of the restrictions.

The employee must pay any costs associated with the completion of the fitness for duty certification (including the costs of the applicable health care provider) and the employee is not entitled to be paid for the time or travel costs spent to obtain the certification.

If the employee fails to provide a timely fitness for duty certification, the City may delay the employee's restoration to employment until the completed fitness for duty certification is provided. If the employee does not produce the certification, the employee may be terminated from employment.

An employee who fails to return to work within three (3) days after the expiration of his or her approved FMLA leave will be treated as a voluntary resignation, absent a request and authorization for an extension of leave or an accommodation under the Americans With Disabilities Act (ADA). Any such request must be submitted in writing to the Human Resources Department at least two (2) weeks prior to the expiration date of the employee's approved FMLA leave of absence, or as soon as reasonably practicable after determining the basis for the extension request. The effective date of an employee's voluntary resignation will be the third day following the expiration of his or her FMLA leave.

REINSTATEMENT

When the employee timely returns from FMLA leave, they will be restored to the position held when FMLA leave started, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if they had been continuously employed during FMLA leave.

TRANSFER/PROMOTION ELIGIBILITY

An employee is not permitted to apply for a transfer and/or promotion during his or her FMLA leave unless mutually agreed by the employee, the employee's Department Director, and the City Manager.

OUTSIDE EMPLOYMENT DURING FMLA LEAVE

An employee on FMLA leave may not work at another job during the duration of the leave when such outside employment is inconsistent with the FMLA leave approved by the City. An employee on leave must notify his or her Department Director and the Human Resources Department if they are employed in another position with an outside employer. Failure to disclose this information may lead to corrective action.

DEFINITIONS

The City adopts the definitions of the FMLA, as amended. This policy lists some of the commonly used definitions.

- A. “Serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves one of the following:
1. Inpatient Care: An overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care. “Incapacity,” for purposes of the FMLA means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from.
 2. Absence Plus Treatment: A period of incapacity of more than three consecutive, full calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves: (a) Treatment two (2) or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or (b) Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider. For purposes of the FMLA, “treatment by a health care provider” means an in-person visit to a health care provider, and the initial (or only) treatment visit must take place within seven (7) days of the first day of incapacity.
 3. Pregnancy: The state of carrying a developing embryo or fetus within the female body.
 4. Chronic Conditions Requiring Treatments: A chronic condition which: (a) Requires periodic visits at least twice a year for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 5. Permanent/Long-term Conditions Requiring Supervision: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's disease, a severe stroke, or the terminal stages of a disease.
 6. Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care

provider or by a provider of health care services under orders of, or on referral by, a health care provider, for: (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than three (3) consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

- B. “Son or Daughter” means a biological, adoptive, foster or stepchild, a legal ward, or a child of a person standing in loco parentis (guardian).
- C. “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter (as defined above). This term does not include the employee’s parents “in law.”
- D. “Intermittent Leave” is leave taken in separate blocks of time due to a single qualifying reason rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. A “reduced leave” schedule is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday.
- E. “Qualifying Exigency” includes leave for one or more of the following arising out of the fact that the spouse, son, daughter, or parent of the employee is a servicemember on covered active duty (or has been notified of an impending call or order to covered active duty):
 - 1. Short-notice deployment (up to seven (7) calendar days).
 - 2. Attending certain military events and related activities, such as official ceremonies or programs related to the servicemember’s active duty status or to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are relative to the servicemember’s active duty status;
 - 3. Certain childcare and related school activities such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, or attending certain meetings at a school or a daycare facility if they are necessary due to circumstances arising from the active duty or call to active duty or the covered family member;
 - 4. Making or updating financial and legal arrangements to address a covered military member’s absence while on active duty or call to active duty status or to act as the covered military member’s representative before a federal, state or local agency for the purposes of obtaining or arranging or appealing military service benefits while the covered military member is on active duty or a call to active duty status;

5. Attending counseling provided by someone other than a health care provider for oneself, for the covered military member, or for the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
 6. Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during the period of deployment.
 7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member.
 8. Any other event that the City and the employee agree is a qualifying exigency.
- F. "Covered Active Duty" means - (i) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (ii) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.
- G. "Covered Servicemember" means - (i) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (ii) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

For additional information regarding employee rights and responsibilities under the family medical leave act (FMLA), visit WWW.WageHour.DOL.GOV.

7.2 PARENTAL LEAVE

PURPOSE

The City of Key West will provide up to four (4) 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 run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after

the effective date of this policy.

ELEGIBILITY

In order to be eligible for paid parental leave an employee must meet the following criteria:

- Have been employed by the City of Key West for at least twelve months.
- Have worked at least 1,250 hours during the twelve-month period preceding the leave.
- Be a full-time, regular employee not covered by a collective bargaining agreement (temporary employees and interns are not eligible for this benefit).

If both parents work for the City, each is entitled to a four week leave period, and they may take their parental leave period concurrently, subsequently, or in any other combination they wish.

QUALIFYING REASONS

Paid Parental Leave under the terms of this policy is available to eligible employees for one or more of the following qualifying reasons:

- The birth of child/children of the employee, or to care for the newborn child/children (within 12 weeks of birth);
- The placement of a child/children with the employee for adoption or foster care, or to care for the newly placed child/children (within 12 weeks of placement).

AMOUNT, TIME FRAME AND DURATION OF PAID PARENTAL LEAVE

- Eligible employees will receive a maximum of four weeks of paid parental leave per birth, adoption or placement of child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the four week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than four weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- Paid parental leave may be taken by day or week during the first 12 weeks after the birth, adoption, or foster care intake of the child or children.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Any unused paid parental leave will be forfeited 12 weeks after the birth, adoption, or foster care intake of the child or children.
- Upon termination of the individual's employment at the City, they will not be paid for any unused paid parental leave for which they were eligible.

COORDINATION WITH OTHER POLICIES

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- After the paid parental leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA leave (if applicable) will be compensated through employee's accrued sick, vacation or personal time. Upon exhaustion of accruals, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- 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.
- If a City holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.
- If the employee is on paid parental leave when the City offers administrative leave, that time will be recorded as paid parental leave. Administrative leave will not extend the 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.

REQUEST FOR PAID PARENTAL LEAVE

- Employees seeking paid parental leave must provide their Department Director and the Human Resources Department at least thirty (30) days advanced notice before the leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care. If thirty (30) days' notice is not practicable, notice must be given as soon as practicable.
- 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.
- Employees seeking paid parental leave shall complete the Parental Leave Request form, Request for FMLA form, and Certification of Health Care Provider form and submit them to the Human Resources Department, stating the reason for the request, and the 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 parental leave.
- 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.

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 five (5) business days absent extenuating circumstance, as to whether or not the leave will be designated as paid parental leave, and provide the employee with notice detailing the specific expectations of the employer and explaining any consequences of a failure to meet these obligations.

7.3 GRANDPARENT LEAVE

An employee may take leave to care for a grandparent with a serious health condition on the same terms and conditions as leave is permitted under the Family and Medical Leave Act to care for a parent with a serious health condition. (See Policy No. 7.1 Family and Medical Leave of Absence)

An employee is eligible for leave under this policy if they are employed by the City for at least twelve (12) months and for at least 1,250 hours of service during the twelve-month period immediately preceding the commencement of leave.

For purposes of this policy, “grandparent” means any grandparent of an employee for whom the employee has assumed primary financial responsibility.

NOTE: If the grandparent stood in loco parentis to the employee when the employee was a child (see Policy No. 7.1 Family and Medical Leave of Absence, the employee’s leave will be governed by the City’s FMLA policy.)

7.4 WORKERS’ COMPENSATION LEAVE OF ABSENCE

PURPOSE

To provide an authorized leave of absence from work to eligible employees who incur a compensable work-related injury or illness, as determined by the City’s Workers’ Compensation insurance carrier. This policy further applies to those claims that are conditionally compensable during the 120-day investigation period under Florida law. This policy sets forth the conditions for the integration of state-mandated Workers’ Compensation benefits with a leave of absence offered by the City. This policy does not cover absences for claims that are not accepted as compensable or claims that are denied pursuant to the 120-day investigation period under Florida law.

This policy does not preclude the City from terminating an employee for reasons unrelated to this policy.

The City will administer this policy in a uniform, non-discriminatory fashion in accordance with applicable laws, including but not limited to, the Americans With Disabilities Act and the Family

and Medical Leave Act.

ELIGIBILITY

This policy applies to all part-time and full-time employees beginning on the first day of employment. A part-time or full-time employee who is absent from work for more than three (3) consecutive days due to a work-related injury or illness will be placed on a Workers' Compensation leave of absence, provided that the employee satisfies the requirements for this leave.

LEAVE DURATION

The length of an employee's Workers' Compensation leave of absence will be the period of time that the employee is medically unable to work or that the employee has temporary work restrictions that the City is unable to accommodate at that time. The employee's ability to work and work restrictions shall be determined by the authorized Workers' Compensation health care provider, however the City reserves the right to obtain an independent medical examination (IME) to verify the employee's status.

The maximum length of leave under this policy is twenty-four (24) weeks in a rolling 12-month period measured backward from the date that the employee uses any leave under this policy.

Any request for an extension of leave will be reviewed by the City's Human Resources Director in conjunction with the City Manager, Assistant City Manager and/or Department Director and in accordance with the Americans with Disabilities Act ("ADA"), as amended.

RELATIONSHIP TO THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

If the employee's work-related injury or illness qualifies as a "serious health condition" under the FMLA and the employee is eligible for FMLA leave, the employee's Workers' Compensation leave of absence will run concurrently with the employee's FMLA leave. In this circumstance, the employee's leave will be administered in accordance with the provisions of this policy and the City's Family and Medical Leave of Absence policy (See Policy No. 7.1)

COMPENSATION DURING LEAVE FOR PART-TIME EMPLOYEES

A part-time employee's Workers' Compensation leave of absence is unpaid, except to the extent that the employee receives temporary disability benefits from the City's Workers' Compensation insurance carrier in accordance to Florida Law.

COMPENSATION DURING LEAVE FOR FULL-TIME EMPLOYEES

- A. Leave Is Twelve Weeks or Less. A full-time employee's Workers' Compensation leave of absence for twelve (12) weeks or less is unpaid, except to the extent that the employee receives temporary disability benefits from the City's Workers' Compensation insurance

carrier or uses accrued paid leave time as provided below.

If the employee receives temporary disability benefits and the leave qualifies for FMLA leave, the employee may elect to use his or her accrued paid leave time (sick time and vacation or PTO) during weeks 1 through 12 of the leave in an amount up to the amount of the employee's regular pay or salary. (See Policy No. 7.1 Family and Medical Leave of Absence)

If the employee does not receive temporary disability benefits during this time, the employee is required to use his or her accrued paid leave time (sick time and vacation or PTO) during the leave.

- B. Leave During Weeks Thirteen to Twenty-Four. If a full-time employee's Workers' Compensation leave of absence continues for thirteen (13) to twenty-four (24) weeks and the employee receives temporary disability benefits during this time, the employee may be eligible for a supplemental pay benefit from the City. The City will pay the difference between the temporary disability benefit amount and the eligible employee's regular pay or salary during weeks 13 through 24 of the employee's leave. The employee may not use any accrued paid leave time (sick leave, vacation or PTO) during the time that they receive supplemental pay from the City under this policy.

If the employee sustained a work-related injury or illness as a result of the employee's violation of the City's policies or procedures or misconduct as determined by the City Manager, or did not timely report the work-related injury or illness, the employee is not eligible for the supplemental pay benefit. If the employee is not eligible for the supplemental pay benefit, the employee is required to use his or her accrued paid leave time (sick time and vacation or PTO) during the leave.

If the employee does not receive temporary disability benefits, the employee is required to use his or her accrued paid leave (sick time and vacation or PTO) during weeks 13 through 24 of the leave.

BENEFITS WHILE ON LEAVE

The City will continue to pay its portion of the employee's group health and dental insurance premiums while the employee is on an authorized leave of absence under this policy. The employee is responsible for making arrangements with the City's Human Resources and Finance Departments to pay the employee portion of group health and dental insurance premiums and the costs of any other elected insurance coverage in an amount equal to the amount the employee would have paid via payroll deduction, no later than the first day of the month. If the Workers' Compensation leave is taken with the employee's paid leave time (sick time and vacation or PTO) or the employee receives supplemental pay from the City, the premiums will be deducted from the employee's paycheck during the leave as a regular payroll deduction. Failure to make timely payments will result in discontinuation of coverage.

RETURN TO WORK

An employee is required to provide a fitness-for-duty certification from a health care provider to the Human Resources Department on or before the day the employee returns to work. The fitness for duty certification must address the employee's ability to perform the essential functions of his or her position as listed in the job description. If the employee is released to return to work with any medical restrictions, the fitness-for-duty certification must specify those medical restrictions and the expected duration of the restrictions.

The Florida Workers' Compensation Uniform Medical Treatment/Status Reporting form (referred to as a "DWC-25 form") completed by the authorized workers' compensation health care provider satisfies the requirement of a fitness-for-duty certification under this policy, provided that the completed form addresses the employee's ability to perform the essential functions of his or her position as listed in the job description. If the completed DWC-25 form does not address the employee's ability to perform the essential functions of his or her position, the employee must submit a separate fitness-for-duty certification from a health care provider with that information. **Employees are encouraged not to leave the office of the authorized workers' compensation health care provider without receiving their completed DWC-25 form.**

If the employee fails to provide a fitness-for-duty certification on or before his or her return to work, the City may delay the employee's restoration to employment until the certification is provided to the City. If the employee does not produce the certification within the time period specified by the City, the employee may be terminated from employment.

SUPPLEMENTAL PAY FOR THERAPY OR MEDICAL TREATMENT SESSIONS

If a full-time employee receives medical treatments or therapy for the work-related injury or illness after his or her return to work, the employee may be eligible for a supplemental pay benefit from the City. The City will pay the full-time employee at his or her regular rate of pay for up to one (1) hour per session to participate in physical, occupational, or other therapy or to attend a medical treatment prescribed by a health care provider for the employee's work-related injury or illness. This compensation will be paid for a maximum of 36 therapy or medical treatment sessions for the same injury or illness and the sessions must occur within 24 weeks from the date of the employee's injury or illness. The full-time employee must be an active employee (i.e., not on a leave of absence) on the date of the medical treatment or therapy sessions to be eligible for this supplemental pay benefit.

FAILURE TO RETURN TO WORK

An employee who fails to return to work within three (3) days after the expiration of his or her approved Workers' Compensation leave of absence will be treated as a voluntary resignation, absent a request for an extension of leave or an accommodation under the ADA. Any such request must be submitted in writing to the Human Resources Department at least two (2) weeks prior to the expiration date of the employee's approved Workers' Compensation leave of absence, or as soon as reasonably practicable after determining the basis for the extension request. The effective date of an employee's voluntary resignation will be the third day following the expiration of his or her leave of absence under this policy.

REINSTATEMENT

If the approved Workers' Compensation leave is for twenty-four (24) weeks or less and the employee has been released to work by an authorized Workers' Compensation health care provider to perform his or her essential job functions, the City will return the employee to the employee's former position or to the same department and classification in which the employee was working prior to the leave of absence, or a substantially equivalent position. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if they had been continuously employed during a Workers' Compensation leave of absence.

If the employee has reached maximum medical improvement and is released to return to work, but is unable to perform the essential functions of his or her position (either with or without a reasonable accommodation), the employee may request an alternative position within his or her physical and vocational capabilities. Such a request should be submitted as far in advance of the employee's scheduled return to work date as is practicable under the facts and circumstances of the s possible. The City will evaluate any such request in conjunction with its staffing and departmental needs and in accordance with the City's ADA policy.

The employee will be deemed to have voluntarily resigned his or her employment if the employee: (1) does not accept the City's job offer for his or her return to work within the time specified by the City; or (2) does not return to work on an agreed date at the end of this leave, unless the employee is entitled to take additional time off under applicable law (e.g., FMLA) or is authorized to take additional leave under the City's other leave policies or in accordance with the Americans with Disabilities Act. An employee's failure to accept the City's job offer to return to work may affect his or her impairment benefits under Florida law.

NOTE: Sworn police officers and sergeants should contact the Human Resources Department for information concerning the duration of a leave of absence for a workplace injury and the supplemental pay benefit currently applicable to those positions.

7.5 MILITARY LEAVE

The City will grant military leave to all eligible full-time and part-time employees who are performing or have performed military service in accordance with applicable federal and state laws. Benefits, seniority, and reinstatement will be in accordance with applicable laws. Employees seeking military leave should contact Human Resources for further details concerning notice requirements, appropriate documentation, amount of leave, benefits, and reinstatement rights.

FLORIDA NATIONAL GUARD SERVICE LEAVE

An employee who is a member of the Florida National Guard shall, upon presentation of a copy of the employee's official orders issued pursuant to Chapter 250, Florida Statutes, to the Human Resources Department, be granted leave during periods in which the employee is ordered to active state service by the Governor of Florida. The first thirty (30) calendar days of leave for

each period of active state service shall be with pay. Employees may elect to be paid their accrued vacation and sick time or paid time off (PTO) for any active state service time in excess of 30 calendar days.

MILITARY RESERVE AND NATIONAL GUARD TRAINING LEAVE

An employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or a member of the National Guard shall, upon presentation of a copy of the employee's official orders to the Human Resources Department, be granted leave with pay for a maximum of 240 working hours per calendar year (January-December) during which the employee is ordered to active or inactive duty training. Employees may elect to be paid their accrued vacation and sick time or PTO for any training time in excess of 240 working hours.

ACTIVE MILITARY SERVICE LEAVE

Upon presentation of the employee's official orders to the Human Resources Department, the City shall grant leave with pay to an employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or a member of the Florida National Guard and is ordered to active military service. The first thirty (30) calendar days of leave for each period of active military service shall be with pay. Employees may elect to be paid their accrued vacation and sick time or PTO for any active military service time in excess of 30 calendar days in an amount necessary to bring the employee's total salary, inclusive of his or her base military pay, to the level the employee earned at the time called to active duty.

Supplemental pay benefits may be extended beyond 30 days at the sole discretion of the City Manager.

7.6 JURY DUTY AND WITNESS LEAVE

JURY DUTY

A full-time employee who is summoned to Jury Duty by a court of competent jurisdiction shall be granted time off with pay provided the employee provides a copy of the summons to his or her supervisor at least five (5) work days prior to commencement of service as a juror. Any employee who is released from Jury Duty and has a half a day or more of regularly scheduled work time remaining, shall report to work as soon as possible. Proof of time served on Jury Duty shall be required.

WITNESS IN A LEGAL ACTION

If an employee is required to act as a witness or is deposed in a legal action at the request of the City or where the employee has been subpoenaed to testify on behalf of the City or concerning City business, the employee will receive compensation at the applicable rate of pay (straight or overtime). This shall include appearances that are contiguous to their regularly scheduled shift.

Employees who are called back to work after being relieved of duty or required to appear in court

regarding official duties on their normal day off shall receive compensation in accordance with the City's Call-Back policy.

An employee is required to notify his or her Department Director as soon as practicable after receiving a subpoena or other notice to attend any judicial proceeding involving the City.

An employee may use his or her accrued vacation, personal leave, or personal time off (PTO), in accordance with the City's policies, to act as a witness at trial or deposition or to attend proceedings in connection with a personal or non-City related legal action, or in connection with a personal matter of another employee. If the employee has previously exhausted his or her accrued vacation or PTO time, the employee may apply for an unpaid leave of absence. The employee must submit documentation of the proceedings, including any notice or subpoena compelling the employee's appearance at deposition, hearing or trial.

7.7 BEREAVEMENT LEAVE

Upon approval of the Department Director, a full-time employee may, upon request, be granted up to three (3) working days of leave with pay in the unfortunate event of a death in his or her immediate family, or up to five (5) working days of leave with pay to attend the funeral or memorial services of an immediate family member outside the State of Florida. The employee's immediate family shall be defined as the employee's spouse, father, mother, step-parents, natural, step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents, brother-in-law and sister-in-law, grandparents-in-law, registered domestic partner, and child of a registered domestic partner.

The bereavement leave must be taken consecutively, and the employee must attend the funeral of the deceased family member to be eligible for bereavement leave. If an employee needs time in excess of that provided in this policy, they may request accrued vacation time, sick time, or PTO with the approval of their Department Director. The City reserves the right to request all pertinent information including deceased relative's name, relationship of the employee to the deceased, the name and address of the funeral home, and the date of the funeral. Documentation such as a death certificate, or other documentation on the deceased may be required for approval of the leave.

7.8 VOTING

Employees are encouraged to exercise their right to vote outside of their scheduled working hours. As such, all full-time employees as defined herein may be granted up to one hour of leave during polling hours in order to vote in federal, state or local elections, both primary and general elections. This time off shall be granted provided that it does not increase staffing cost or decrease departmental efficiency.

Employees must request time off for voting in writing or via e-mail at least five (5) business days in advance to the Department Director or designee. The request for leave must clearly state that the employee needs leave in order to vote.

7.9 DOMESTIC AND SEXUAL VIOLENCE LEAVE OF ABSENCE

The City provides leave from work to employees who require time off to deal with the issue or effects of domestic or repeat violence or sexual violence, and to conform to the Miami-Dade County Domestic Leave and Reporting Ordinance and Florida Statutes § 741.313.

ELIGIBILITY

To be eligible for domestic violence leave, an employee must have been employed by the City for at least ninety (90) days and for at least three hundred and eight (308) hours of service with the City during the previous ninety (90) days.¹

To be eligible for sexual violence leave, an employee must have been employed by the City for three (3) or more months.

REASONS FOR LEAVE

- A. Domestic Violence Leave. Eligible employees who are victims of domestic violence are entitled to a total of thirty (30) work days of unpaid domestic violence leave during any twelve (12) month period for one or more of the following:
 - 1. To obtain or receive medical and/or dental assistance for a medical and/or dental problem resulting from domestic or repeat violence, including obtaining such services for the employee's family or household member;
 - 2. To obtain and receive legal assistance relating to domestic or repeat violence, including but not limited to criminal prosecution, injunction for protection, protective order, divorce, custody of children, and child support;
 - 3. To attend court appearances relating to domestic or repeat violence, including but not limited to criminal prosecution, injunction for protection, protective order, divorce, custody of children, and child support;
 - 4. To attend counseling or support services, including counseling or support services for dependent children;
 - 5. To make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
 - 6. To make any other arrangements necessary to provide for the safety and well-being of an employee subject to domestic or repeat violence.
- B. Sexual Violence Leave. Eligible employees who are victims of sexual violence are entitled to a total of 5 days of sexual violence leave for the purposes outlined in paragraphs A.1-6 above.

¹ An employee who has worked for the City for at least 3 months, is only eligible for 3 days of domestic violence leave under Florida law.

REQUEST FOR LEAVE

An employee seeking domestic or sexual violence leave must provide the City with written notice of his or her request for leave as far in advance of the desired leave as possible. The request should be submitted to the Human Resource Department. If the need for leave is not foreseeable, the employee must provide notice (verbal or written) as soon as is practicable under the facts and circumstances of the particular case and in accordance with his or her department's procedures for unforeseeable absences.

The City requires that the employee use his or her accrued paid leave time (sick time and vacation or PTO) during their leave. After the employee exhausts his or her paid leave time, the remainder of the employee's leave will be unpaid with the exception of any temporary disability benefits under the Florida Workers' Compensation Law or short-term disability benefits. All leaves of absence in excess of ten (10) business days or two (2) weeks must be approved by the City Manager.

Except in case of imminent danger, an employee must submit a personnel action form (PAF) to his/her immediate supervisor or the Human Resources Director for approval along with sufficient documentation of the act of domestic or sexual violence.

An employee may take domestic or sexual violence leave intermittently or on a reduced leave schedule and the City will account for the leave in ¼ hour (15-minute) increments. However, if an employee requests an intermittent leave or reduced leave that is foreseeable based on a planned schedule, the City may require that such employee transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits, and better accommodates recurring periods of leave.

Domestic or sexual violence leave may be taken in addition to family leave under the City's Family and Medical Leave Act policy (See Policy No. 7.1) provided that the employee qualifies for FMLA leave.

CERTIFICATION AND CONFIDENTIALITY

A request for domestic violence or sexual violence leave must be supported by certification issued by an authorized person such as a health care provider, attorney of record, counselor, law enforcement agency, clergy, domestic violence advocacy agency, domestic violence center or domestic violence shelter. The certification will be sufficient if it indicates that the employee is being subjected to domestic or repeat violence, or sexual violence, and needs time off to attend to one of the aforementioned matters.

To the extent possible, information regarding the employee's request for leave under this policy will be kept confidential.

If the employee took leave to obtain or receive medical and/or dental assistance for him/herself, the employee must provide a fitness for duty certification from the employee's health care provider in order to return to work. The City will specify the information that must be provided on the fitness for duty certification. The employee must pay the cost of obtaining the fitness for duty certification and the employee is not entitled to be paid for the time or travel costs spent to obtain the certification. If the employee fails to provide such a certification before the leave ends, the City may delay the employee's restoration to employment until the fitness for duty certification is provided to the City. If the employee never produces the certification, the employee may be terminated from employment.

EMPLOYMENT AND BENEFITS PROTECTION

The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.

Upon his or her return to work from a domestic or sexual violence leave, the employee shall be entitled to: restoration to the position of employment held by the employee when leave commenced; or restoration to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. However, an employee taking domestic violence leave for five (5) days or less will be restored to the same position held by the employee at the time leave commenced.

An employee on domestic or sexual violence leave must periodically report to the Human Resources Department on the status and intention of the employee to return to work.

PROHIBITION AGAINST RETALIATION

The City prohibits discrimination or retaliation against any employee for exercising his or her rights under this policy. If an employee believes that they are being retaliated against, the employee must report the retaliation to the Human Resources Department.

DEFINITIONS

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

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

Sexual violence means sexual violence, as defined in Florida Statutes § 784.046, or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence. Florida Statutes § 784.046 defines “sexual violence” to mean any one incident of: (1) sexual battery; (2) a lewd or lascivious act, committed upon or in the presence of a person younger than 16 years of age; (3) luring or enticing a child; (4) sexual performance by a child; or (5) any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the State Attorney.

7.10 PERSONAL LEAVE OF ABSENCE

The City provides an opportunity for eligible employees to request a leave of absence for personal reasons.

ELIGIBILITY

An employee is eligible for a personal leave of absence if they:

- i. is employed full-time
- ii. has been employed for at least 90 days
- iii. is in good standing at the time of the leave.

The City defines “good standing” as an employee who has not received any corrective action or other formal discipline, a performance improvement plan or unsatisfactory performance evaluation during their employment (for employees employed between 90 days and 12 months) or within the previous 12-month period (for employees employed 1 year or longer).

Part-time, temporary, and seasonal employees may be considered for a personal leave of absence on a case by case basis. Temporary and substitute employees do not qualify for a personal leave of absence, unless they are already existing full-time City employees.

POLICY

Eligible employees may request a personal leave of absence for reasons not covered by the City's other leave policies. Examples of reasons for a personal leave of absence may include, but are not limited to, the following:

- Absences due to the employee's own health condition if the employee does not qualify for leave under the City's Family and Medical Leave of Absence policy or has exceeded the time permitted by that policy.
- Absences due to the employee's work-related injury or illness if the employee has exceeded the time permitted by the Workers' Compensation Leave of Absence policy.
- Absences due to the continued serious health condition of the employee's spouse, son, daughter, parent or grandparent (beyond the time permitted by the City's Family and Medical Leave of Absence and Grandparent Leave policies).
- Other personal reasons as approved by the City.

Approval of a personal leave of absence is at the sole discretion of the Department Director. Any personal leave of absence, whether paid through use of accruals or unpaid, in excess of ten working days in a fiscal year must be approved by the City Manager. In deciding whether to approve a personal leave of absence, the City will consider the employee's request (including the reason and length of the leave) and the staffing and operational needs of the City for the period of the requested leave.

PROCEDURE

An employee must provide the City with at least 30 days advance written notice of his or her need for a personal leave of absence if the request for leave is based on foreseeable circumstances. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be necessary, or because the need for leave was unforeseeable, the employee must provide notice (verbal or written) as soon as practicable and in accordance with his or her department's procedures for an unforeseeable absence.

The employee's request for a personal leave of absence should be submitted to his or her Department Director. The employee should include any documentation supporting his or her leave request.

CERTIFICATION OF HEALTH CARE PROVIDER

If the employee requests leave due to a work-related injury or illness or due to the serious health condition of the employee or the employee's spouse, son, daughter, parent or grandparent, the employee must provide a completed certification of a health care provider. The certification must include a description of when, why and for how long the employee requires a leave of absence and be in the format of the certification form provided by the City. The certification must be completed by the treating health care provider.

The certification of health care provider must be submitted to Human Resources by the employee at the time of the request for leave, unless it is not practicable under the circumstances to do so despite the employee's diligent, good faith efforts. In such circumstances, the employee must submit the certification as soon as practicable

COMPENSATION DURING LEAVE

The City requires that the employee use his or her eligible unused accrued paid leave time (sick vacation, holiday, or PTO) during a personal leave of absence. After the employee exhausts his or her eligible paid leave time, the remainder of the employee's personal leave of absence will be unpaid, unless the employee receives disability benefits under an insurance policy or through the State of Florida.

The employee may be paid administrative leave at the sole discretion of the City. In no instance shall administrative leave exceed 20 weeks.

OUTSIDE EMPLOYMENT DURING LEAVE

An employee on a personal leave of absence may not work at another job during the duration of the leave if such outside employment is inconsistent with the leave of absence approved by the City. An employee on leave must notify his or her Department Director and the Human Resources Department if they are employed in another position with an outside employer. Failure to disclose this information may lead to revocation of the employee's leave from the City and corrective action.

RETURN TO WORK

To return from a leave for his or her own serious health condition, the employee must provide a fitness for duty certification from the treating health care provider on or before the day the employee returns to work. The certification must address the employee's ability to perform the essential functions of his or her position as listed in the job description. If the employee is released to return to work with any medical restrictions, the fitness for duty certification should specify those medical restrictions and the expected duration of the restrictions.

If the employee fails to provide a fitness for duty certification on or before his or her return to work, the City may delay the employee's restoration to employment until the certification is provided to the City. If the employee does not produce the certification within the time period specified by the City, the employee may be terminated from employment.

REINSTATEMENT

When the employee returns from a personal leave of absence within the time approved by the City, the City will attempt to restore the employee to the former position or to the same department and classification in which the employee was working prior to the leave of absence,

or to an equivalent position. The City may not provide reinstatement to an employee who exceeds the amount of leave time initially approved by the City.

If the employee is released to return to work but is unable to perform the essential functions of his or her position (either with or without a reasonable accommodation), the employee may request an alternative position within his or her physical and vocational capabilities. The City will evaluate any such request in conjunction with its staffing and departmental needs and in accordance with the City's ADA policy.

The employee will be deemed to have voluntarily resigned his or her employment if the employee: (1) does not accept the City's job offer for his or her return to work within the time specified by the City; or (2) does not return to work on an agreed date at the end of this leave, unless the employee is entitled to take additional time off under applicable law (e.g., FMLA) or is authorized to take additional leave under the City's other leave policies or in accordance with the Americans with Disabilities Act.

7.11 ADMINISTRATIVE LEAVE

Administrative leave is a leave of absence from work with pay. The City may place an employee on administrative leave where circumstances warrant as determined by the City Manager (or the City Manager's designee). If an employee has been notified of an ongoing investigation, proposed suspension, or possible termination of employment, the employee may be placed on administrative leave between the notice and the effective date of the action. Any employee placed on Administrative Leave may not engage in their job duties or conduct City business until they are formally granted authorization by the City Manager or the City Manager's designee to return to work. City-issued identification cards, equipment and devices may be held temporarily by their Department Director (or designee) or the Department of Human Resources for the duration of the administrative leave.

Administrative leave may also be granted to provide time off with pay to exempt employees who have worked in excess of their normal work schedule. Any such leave is discretionary and must be recommended by the employee's supervisor and approved by the Department Director in accordance with this policy.

All other issuance of administrative leave not covered in this policy must be approved by the City Manager (or the City Manager's designee).

7.12 UNPAID ADMINISTRATIVE LEAVE

Unpaid administrative leave is a leave of absence from work without pay. The City may place an employee on unpaid administrative leave if an employee has been charged with a criminal offense (on or off the job) that affects the employee's relationship to the job, fellow workers, or the reputation of the City.

Unpaid Administrative leave may also be utilized for employees found to be physically or mentally unfit for duty. Employees placed on unpaid administrative leave may use accrued annual leave or compensatory time in lieu of taking unpaid leave.

SECTION 8: BENEFITS FOR ALL FULL-TIME EMPLOYEES

8.1 EMPLOYEE INSURANCE BENEFITS

The City offers group insurance coverage for all full-time employees and their dependents (at a cost). The group insurance plan consists of group health coverage, dental, vision, life and accidental death and dismemberment insurance coverage.

Full time employees are eligible for insurance benefits on the 1st of the month following 60 days of employment.

Insurance benefit information and the applicable employee premiums may be obtained through the Human Resources Department.

8.2 DOMESTIC PARTNERSHIP

I. PURPOSE

To establish a policy and procedure concerning the extension of certain employment benefits to employees in domestic partnerships and their dependents.

II. DEFINITIONS

A. "City employee" means any employee who is not included in the bargaining unit for collective bargaining purposes and any employee who is included in a bargaining unit whose collective bargaining representative has agreed to domestic partner benefits through the bargaining process.

B. "Domestic Partner" means: (1) Individuals who are defined as such pursuant to the City of Key West Code of Ordinances, Article V, Sec. 38-295, and who have registered the domestic partnership in accordance with Article V, Sec. 38-292 of the City of Key West Code of Ordinances. (2) Individuals whose relationship has been formalized in another locality, state, or country through a marriage, civil union, domestic partnership, or the like that is authorized by law in that jurisdiction but that is not recognized under Florida law.

III. ELEGIBILITY

In order to qualify for City of Key West benefits, an employee must register the domestic partnership with City Clerk's office and shall contain the names and addresses of the applicants who shall swear or affirm under penalty of perjury that each partner:

- A. Is at least 18 years old and competent to contract;
- B. Is not married to or a member of another registered domestic partnership or civil union with anyone other than the coapplicant;
- C. Agrees to share the common necessities of life and to be responsible for each other's welfare;
- D. Shares his or her primary residence with the other;

- E. Considers himself or herself to be a member of the immediate family of the other partner; and
- F. Agrees to immediately notify the city clerk's office, in writing, of any change in the status of the registered domestic partnership.
- G. Agrees to mutually support the other by contributing in some fashion, not necessarily equally, to maintain and support the registered domestic partnership.

Each partner agrees to immediately notify the city clerk's office, in writing, if the terms of the registered domestic partnership are no longer applicable or one of the domestic partners wishes to terminate the domestic partnership.

IV. EXTENSION OF BENEFITS

- A. Any City employee who has a domestic partner shall be entitled to elect insurance coverage for his or her domestic partner or the children of such domestic partner in the same way any City employee may elect insurance coverage for his or her spouse or children. A City employee's right to elect insurance coverage for his or her domestic partner, or the partner's children, shall extend to all forms of insurance provided to the spouses and children of City employees, unless such coverage is prohibited by State or Federal law or the terms of a collective bargaining agreement. All elections of coverage shall be made in accordance with the requirements of applicable City ordinances, administrative rules, City policies and applicable collective bargaining agreements. However, in no event may an employee make an election for coverage of a domestic partner more than two times in a plan year.
- B. Any City employee who has a domestic partner shall be entitled to use all forms of leave provided by the City including, but not limited to, sick leave, annual leave, funeral leave and family leave to care for his or her domestic partner or the children or parents of the domestic partner, as applicable. The use of leave authorized in this section shall be consistent with the applicable requirements in City ordinances, administrative rules, and collective bargaining agreements.
- C. Unless prohibited by State or Federal law or the terms of a collective bargaining agreement all other benefits available to the spouses and children of City employees shall be made available on the same basis to the domestic partner, or child of such domestic partner, of a City employee who has a domestic partner.
- D. Notwithstanding the benefits provided for in this policy, all non-inconsistent provisions of applicable State, Federal or other laws or policies shall apply.

V. PROCEDURE TO REQUEST BENEFITS

Once an employee fulfills the requirements of City of Key West Ordinance, Section 38-292, the employee may qualify to have certain benefits extended to the employee's domestic partner and dependents by adhering to the following:

- A. If electing health care benefits, the City employee must complete the Domestic Partnership Benefits Request Form and submit it to the Human Resources Department, along with all documents required showing proof of domestic partnership status, to include:
 - 1. The Domestic Partnership Certificate issued by City of Key West; and/or
 - 2. A certified marriage certificate authorized by law; and/or
 - 3. Documentation showing proof of a civil union authorized by law; and/or
 - 4. Documentation showing proof of a domestic partnership authorized by law in a different jurisdiction.
- B. If requesting leave benefits, the City employee must complete the Domestic Partnership Benefits Request Form and submit it to the Human Resources Department along with proof of domestic partnership status as indicated in subsection 1, part A.
- C. A City employee who, previously received recognition for domestic partnership by the City cannot submit another Domestic Partnership Benefits Request Form for at least 6 months from the date that said employee submits, and the City approves, a notice of termination of the prior domestic partnership with the City.

VI. TERMINATION

The City employee who terminates the domestic partnership must submit documentation as proof of such termination to the Human Resources Department within 15 business days of termination, such as:

- A. A Declaration of Termination of Domestic Partnership issued by City of Key West; and/or
- B. A document showing that the Domestic Partnership was terminated by law in another jurisdiction; and/or
- C. A divorce decree authorized by law; and/or
- D. A certified death certificate of the domestic partner; and/or
- E. Other official documentation from a government entity indicating the termination of the domestic partnership.

VII. PENALTIES

- A. Any City employee who obtains or attempts to obtain benefits fraudulently or who fails to notify the City of any termination of the employee's domestic partnership shall be subject to:
 - a. Recovery of any benefits improperly paid and;
 - b. Disciplinary action, up to and including termination of employment.
- B. Further, the City may bring a civil action against either or both of the parties to the domestic partnership to recover any losses, including attorney's fees borne by the City as a result of the fraudulent request for domestic partnership benefits or because of the failure to notify the City of the termination of the domestic partnership.

8.3 RETIREE HEALTH INSURANCE

Employees who are retiring from the City with twenty or more years of service may be eligible to continue their health insurance coverage for an indefinite period of time. To be eligible to continue the City's health insurance, the retiree must be covered by the City's health insurance at the time of retirement, immediately retire under the City Sponsored 457(A) Defined Contribution Plan and immediately apply for continuation of coverage. Retirees electing such coverage must pay the full costs of insurance premiums.

8.4 LEAVE DONATION PLAN

The City of Key West has established a Leave Donation Plan ("LDP") to provide full-time employees an opportunity to voluntarily donate their accrued sick time or paid time off (PTO) to the LDP for use by employees who are suffering financial hardship due to a catastrophic illness or injury.

DEFINITIONS

Employee-Donor: The employee who donates a portion of his/her accrued sick time or PTO hours through the Leave Donation Plan.

Employee-Recipient: The employee in need of sick time or PTO hours, subject to availability, who is authorized to receive donated hours from the Leave Donation Plan.

Catastrophic illness or injury: A severe condition or combination of conditions affecting the mental or physical health of an employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that will cause the employee to have a substantial loss of income because the employee will have exhausted all the leave time earned by the employee.

Employee's immediate family: The employee's spouse, son or daughter, or parent, as those terms are defined in the City's Family and Medical Leave Act policy (See Policy No. 7.1), and any other individual related to the employee by blood, adoption or marriage and who lives in the same household as the employee.

ELIGIBILITY

Each full-time employee is eligible to participate in the Leave Donation Plan as an Employee-Recipient, as follows:

- The employee has been employed for at least one (1) continuous year;
- The employee or the employee's immediate family member has a catastrophic illness or injury;
- The employee has used, or is expected to use, all of his or her accrued sick and vacation leave or PTO and, in the absence of using donated leave, the employee would have at least three work days of unpaid absences.
- The employee is not eligible for Workers' Compensation leave of absence (See Workers Compensation Policy); and
- The employee has not been disciplined for abuse of sick, vacation or PTO leave for at least 12 months prior to the request.

An employee will be subject to corrective action, up to and including termination of employment, if they falsifies information, abuses the LDP, or was otherwise ineligible for the LDP.

GENERAL INFORMATION

An Employee-Donor may donate up to 80 hours of his or her accrued sick time or PTO per year to the City's LDP bank, provided that the Employee-Donor maintains a balance of at least 160 hours of sick time or PTO for his or her personal use. An Employee-Donor is not permitted to donate sick time or PTO to the account of a specific Employee-Recipient. The donated leave will be transferred to an Employee-Recipient in accordance with this policy.

Donations must be made in one (1) hour increments. For every hour donated by the Employee-Donor, the Employee-Recipient will be credited with one (1) hour of sick time (non-sworn personnel) or PTO (designated Administrative Employees).

PROCEDURE

To request donated leave from the City's LDP bank, an employee must apply in writing, including providing sufficient information regarding the illness, injury or adverse results of the major disaster or emergency to evaluate the employee's eligibility.

The employee's application should be submitted to the Human Resources Department. The Human Resources Department will verify the employee's eligibility under this policy and then submit the application to the LDP Committee for consideration.

Employees wishing to donate leave to the City's LDP bank must submit a Sick Leave Transfer Form to Human Resources indicating the number of hours they are donating. Once donated time has transferred to the City's LDP bank, the Employee-Donor may not revoke the donation.

Employee-Recipients shall receive no more than 160 hours of sick time and PTO in total under the LDP. If the Employee-Recipient returns to work without exhausting all of the donated leave, the residual balance of sick time or PTO will be returned to the LDP bank.

Benefits for the Employee-Recipient will continue for the duration of the authorized leave. However, there will be no accrual of sick, vacation or PTO time to the Employee-Recipient while receiving donated time under the LDP. Under no circumstances will payment to the Employee-Recipient exceed the normal payment to such employee for his or her normal work schedule.

SELECTION COMMITTEE

The LDP Committee will determine whether an applicant's request will be granted. The LDP Committee will be comprised of one representative each from the City's Manager's Office, Human Resources Department and Finance Department.

The LDP Committee will take into consideration the LDP requests based on the number of applications then pending and the amount of sick time and PTO hours available in the LDP bank. The LDP Committee will consider applications in the order in which they are received by the Human Resources Department and will approve or deny an application within a reasonable time after a request is made.

The LDP Committee's decisions regarding contributions to and withdrawals from the LDP bank are final. Distribution of the LDP hours to Employee-Recipients shall at all times be contingent upon availability of donated time in the LDP.

8.5 SERVICE RECOGNITION

All employees will receive recognition for every five (5) years of continuous employment with the City.

The City will use the following recognition items for years of continuous employment:

Years of Service	Award	Years of Service	Award
5	Certificate	20	Certificate with Frame
10	Certificate with Frame	25	Certificate with Frame
15	Certificate with Frame	30	Certificate with Frame

Certificates include an incentive award based on the years of services; amount will be subject to annual budget approval. Recognition will take place at the Monthly City Commission Meeting and a news release to the local paper.

8.6 VOLUNTARY EDUCATION REIMBURSEMENT PROGRAM

The City of Key West encourages employees to voluntarily pursue training programs, professional conferences, undergraduate and graduate degrees or professional certifications that will improve and enhance their skills, performance, and ability to assume additional responsibilities at the City. Accordingly, the City will provide educational reimbursement to eligible employees who are seeking a qualifying undergraduate or graduate degree or professional certification, or who are obtaining job-related training. Reimbursements and other payments made by the City to an eligible employee under this policy are subject to the current federal taxation requirements.

EMPLOYEE ELIGIBILITY

To be eligible, employees must be employed by the City on a full-time basis for at least six (6) months of continuous service in an active status (not on a leave of absence) and must be in good standing at the time of application for reimbursement and on the date of the reimbursement payment by the City. For purposes of this policy, the City defines “good standing” as an employee who has not received any corrective action or other formal discipline, performance improvement plan or an unsatisfactory performance evaluation within the last 6 months.

UNDERGRADUATE AND GRADUATE PROGRAMS

Course Eligibility: Undergraduate and graduate courses must be taken as part of a degree program approved in advance by the City Manager and must provide an eligible employee with skills, knowledge or competencies applicable to the employee’s current position or another position at the City. The courses must be provided by an accredited university or college.

Grade Requirements: An employee must maintain a “C” average or above to maintain eligibility in the City’s program after completion of the first semester of classes.

Tuition Reimbursement Provisions: An employee is eligible to receive reimbursement for two (2) classes per semester for a maximum of six (6) classes per fiscal year. The amount of reimbursement approved by the City will be based on the employee’s grade in each course, as provided in this policy.

Tuition, parking costs and required laboratory fees are eligible for reimbursement. All other expenses, including but not limited to, those for books, supplies or non-laboratory fees, are the employee’s responsibility and are not eligible for reimbursement from the City.

Reimbursement Amount: The reimbursement amount will be based on the established Florida resident credit hour rate for undergraduate or graduate courses charged in the State of Florida university system at the time of the employee’s course enrollment, regardless of the employee’s election to attend a private educational institution. Upon the employee’s completion of an approved course, the reimbursement schedule will be based on grades received by the employee as follows: 100% reimbursement for a grade of “A” or “Pass” (for Pass/Fail course only); 75% reimbursement for a grade of “B”, and 50% reimbursement for a grade of “C”. The City will not provide any amount of tuition reimbursement if the employee earns a grade of “D” or “F” or

receives a “Fail” or “Incomplete” mark.

NOTE: The City may reduce the percentage of reimbursement if the combined total of the employee’s financial assistance and the City’s reimbursement to the employee exceeds 100% of the tuition, parking costs and laboratory fees for the course term.

CERTIFICATION, CONFERENCES OR TRAINING PROGRAMS

Program Eligibility: An eligible employee may obtain reimbursement for a certification program or courses in a professional discipline applicable to the employee’s current position or another position at the City and for job-related training courses, conferences, or programs (collectively referred to as “certification or training programs”). The certification or training programs must be provided by an accredited university or college, professional association, professional training provider, or other similar institution. The employee’s participation in any certification or training program must be approved in advance by the Department Director, Human Resources Department, and City Manager.

This policy is inclusive of registration, attendance fees, and related expenses such as travel, lodging and food.

Expenses for conferences, management seminars, professional meetings and other external seminars/training are not reimbursable under this policy if such training is required by the Department Director. Such training is reimbursable under the individual department’s budget at the Department Directors discretion, with City Manager approval.

Tuition Reimbursement Provisions: An employee is eligible to receive reimbursement for up to two (2) certification or training programs per calendar year. If the certification or training program consists of courses or sessions that occur over a period of time, similar to the semester-based system for undergraduate or graduate degree programs, the City will follow the “Tuition Reimbursement Provisions” contained in the Undergraduate and Graduate Programs section of this policy.

Reimbursement Amount: The reimbursement amount will be determined by the City at the time of approval on an individual employee basis. Factors taken into consideration include the nature of the certification or training program, the employee’s position, the City’s operational needs, and the tuition, attendance or registration costs and the related expenses, such as travel, lodging and food. Any amount paid by the City in connection with a City approved training program shall not exceed the reimbursable travel expenses authorized under Section 112.061, Florida Statutes. The City will provide reimbursement to an eligible employee who successfully completes the approved certification or training course or program, up to a maximum of \$5,250.00 per calendar year based on the date of the check to the employee. The City will not provide any reimbursement to an employee who does not successfully complete the certification or training course or program.

APPROVAL PROCEDURE

Eligible employees must receive prior approval from the City Manager in writing to participate in the City's educational reimbursement program. To obtain approval, an eligible employee must submit a completed Education Reimbursement Program Participation form to his or her Department Director with the following documents attached: the course or program description; an agenda or schedule (with dates and times); and for training or certification programs only, the program cost and a list of the categories and costs of any related expenses.

The Department Director and the Human Resources Director will review the employee's form and supporting documentation to determine if the employee meets the criteria for participation in the City's Educational Reimbursement Program. If the employee is eligible to participate in the program, the City Manager will evaluate and either grant or deny the employee's request. Notice of the City Manager's decision shall be provided to the employee in writing.

PROGRAM TERMS

The reimbursement amounts provided to eligible employees by the City are considered a loan for educational expenses. Accordingly, if the employee is approved to participate in the City's educational reimbursement program, the employee is required to remain employed with the City in a full-time capacity for a continuous 24 month period from the date of each reimbursement payment received by the employee or on the date that the employee completes the undergraduate or graduate course or the certification or training program, whichever is later.

If the employee completes the 24-month period of employment, the City will forgive the loan for that 24-month period. However, if the employee resigns or terminates employment at any time during the 24 month employment period (for any reason other than due to a reduction in force or due to circumstances beyond the employee's control, as determined by the City Manager), the employee shall be required to refund the City any money paid under this program. The balance of the loan not forgiven under this policy is due in full within seven (7) days of the employee's separation from employment. In appropriate circumstances, the City and employee may agree to a monthly payment plan for repayment of the balance of the loan.

The City also may retain and deduct the amount owed under this Policy (in whole or in part) from any monies due to the employee prior to or following his or her termination, subject to the applicable restrictions imposed by the Fair Labor Standards Act.

An eligible employee who receives reimbursement to attend a basic recruit training program for law enforcement officers is required to comply with the employment and repayment terms provided in Florida Statutes section 943.16.

NOTE: An employee who participates in the City's educational reimbursement program is employed at will and the employee's employment may be terminated by the employee or the City at any time, with or without cause or prior notice. This policy does not create a contractual relationship between the City and any employee participating in the City's educational reimbursement program and does not create a guarantee of employment for a definite period of time or for any purpose.

PAYMENT AND REIMBURSEMENT PROCEDURE

If approved to participate in the City's educational reimbursement program, the employee shall pay his or her tuition, parking, laboratory fees, registration and attendance costs, and related expenses.

Within thirty (30) calendar days of completion of the approved course(s), program or training, the employee must provide to his or her Department Director copies of all receipts for tuition and all eligible costs and fees and one of the following: certified transcript for the course term for any undergraduate and graduate courses, copy of professional certification, or a certificate of completion for a training program or conference. The employee shall also disclose and provide documents showing all financial assistance (including, but not limited to, scholarships, grants, stipends, waivers, discounts, fellowships, military and veterans' benefits) and other non-refundable financial assistance received by the employee used to pay tuition or other costs. The combined total of the employee's financial assistance and the City's reimbursement to the employee shall not exceed 100% of the tuition and eligible costs and fees. The reimbursement amount may be reduced to satisfy this rule.

If the documents produced by the employee are satisfactory, the Department Director will complete a Personnel Action Form (PAF) indicating approval to proceed with reimbursement. The PAF form must be submitted to the Human Resources Director with the receipt(s) and transcript and then forwarded to the City Manager for final approval. If approved, the PAF will be submitted to payroll for processing.

At the City's discretion, the City Manager may approve direct payment of an employee's tuition, fees, parking costs, registration or attendance fee and related expenses for any certification or training programs in advance of the employee's commencement of such courses or certification or training programs. If such an arrangement is approved, the Department Director will complete a PAF indicating approval and forward it to the City Manager for signature. After the PAF is signed by the City Manager, the City will make arrangements to pay the educational institution, program provider or vendor.

TERMINATION FROM EMPLOYMENT

If the employee resigns or is terminated by the City for any reason other than a reduction in force prior to receiving reimbursement for a completed course(s) or program, the City will not reimburse any part of the tuition or other eligible costs. If an employee is laid off from employment with the City, the employee will be eligible for reimbursement of approved undergraduate or graduate courses in which the employee is enrolled at the time of layoff. Reimbursement will be determined in accordance with this policy.

Note: The City may change the provisions of this policy at any time, including the eligibility and reimbursement criteria and the reimbursement amount. The employee's reimbursement request will be processed in accordance with the policy in effect at the time of the request, not the time

of the employee's enrollment in the undergraduate or graduate course, or certification or training program.

8.7 VOLUNTEER AND MENTOR PROGRAMS

PURPOSE

To provide an official policy for all full-time City of Key West employees to partner with City Approved Student Mentoring Agencies to become mentors to children in schools within City of Key West limits.

PROGRAM PURPOSE

In an effort to effectuate the goal of becoming mentors and/or graduation coaches to students in schools within the City of Key West, with the objective to increase high school graduation rates, full-time City employees will be matched with students from local schools to accomplish the following objectives:

- A. To provide students with a positive role model who can offer, moral support, guidance and information on educational resources to pursue high school education and enrollment in a college/university.
- B. To provide assistance in developing positive and constructive learning/study habits that will curb school absenteeism, reduce drop out odds and help improve grades.
- C. To maintain a supportive relationship that will increase self-esteem, emphasize career awareness, facilitate learning and promote goal setting towards college and/or other educational opportunities.
- D. To instill in City employees a sense of civic duty and foster employee community service involvement.
- E. To promote the City of Key West as an entity which cares about and prospers with the success of its young citizens.

PROCEDURE

- A. The City Manager's Office will maintain a list of City Approved Student Mentoring Agencies in Key West as put forth by the educational community initiatives of the City, and may include but is not limited to, Take Stock in Children and Keys to be the Change.
- B. All mentors are required to attend an official mentor and application procedures training conducted by the approved program. Mentors from our City workforce will provide voluntary service by meeting and providing coaching and mentorship to students for the purposes of the respective program. Mentoring will be carried on City time which will be

no more than (1) hour per week including applicable possible travel time.

- C. Special Events such as college fairs, job training, district or regional competitions, and other events may have City employee participation approved for up to 8 hours of paid leave as approved by the Office of the City Manager and/or Department Director.
- D. Department Directors are expected to allow employee Mentor time off provided that it does not increase staffing cost or decrease departmental efficiency.

SECTION 9: TIME OFF AND BENEFITS FOR FULL-TIME EMPLOYEES

9.1 DESIGNATED HOLIDAYS

All full-time employees shall be paid for the following designated holidays ("Holiday Pay"):

- New Year's Day
- Martin Luther King's Birthday
- Presidents Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day
- 1 City Manager Designated Holiday

When one of the above holidays falls on a Saturday, the Friday immediately preceding that Saturday may be observed as the holiday if Saturday is not a regular work day of the department. If Saturday is a regular work day for the department, then Saturday will be observed as the holiday. When one of the holidays falls on a Sunday, the Monday immediately following that Sunday may be observed as the holiday if Sunday is not a regular work day of the department. If Sunday is a regular work day for the department, Sunday will be observed as the holiday. Exceptions to this rule may be necessary for departments such as the Police Department, that operate 24 hours a day, every day of the year. Other exceptions may be made by the City Manager.

Employees must be on active pay status and/or work their regularly scheduled hours on the work days immediately prior to and following a holiday to qualify for Holiday Pay. If an employee is on authorized leave of absence with pay when a holiday occurs, that holiday shall be paid as "Holiday Pay" and not charged to the employee's vacation or sick time, paid time off (PTO) or other such leaves. Employees will not receive "holiday pay" if they are on a leave of absence without pay or on an unpaid status.

If required to work on a holiday, full-time, non-exempt employees will be paid 8 hours of straight time in addition to their regular rate of pay for the hours worked.

Administrative employees (see Policy No. 11.1) eligible for holiday leave, who are scheduled to work on the designated holiday, will be credited with holiday leave on an hour for hour basis, not to exceed the number of hours in the employees normal work day.

Unused holiday leave accruals will not carryover to the following fiscal year from when it was earned, and unused holiday leave days will be forfeited by employee upon separation of employment.

Employees given holiday work assignments who fail to report for and perform such work for any reason other than verified illness or emergency, shall not receive pay for the un-worked holiday and may be subject to corrective action.

All full-time employees (Teamsters & General) are granted two (2) Floating Holidays. The Floating Holiday shall be taken before the end of the fiscal year or they will be forfeited by the employee. New employees hired 90 days prior to October 1 will not be eligible for Floating Holidays during the fiscal year in which they were hired, all other employees will receive their floating holiday upon completion of their probationary period.

9.2 VACATION

This policy addresses the accrual and use of vacation time by full-time employees. Temporary or part-time employees will earn vacation time based on the percentage of hours worked.

Full-time employees begin accruing vacation time on their first day of employment. There is a 6-month waiting period for paid vacation time; any vacation or sick time during probation will be unpaid. Vacation time may not be used before accrued and an employee may only use the amount of vacation that is available in his or her vacation balance.

An employee will be paid for all accrued unused vacation time following his or her separation from employment. This payment shall not be construed as extending the employee's employment beyond the last day actually worked.

ACCRUAL OF VACATION

- A. Full-time employees accrue leave based on the length of service (not applicable to Fire and Police, due to their collective bargaining agreements).

Length of Service	Accrual Rate	Maximum Accrual
Less than 5 years	3.0769240 hours/pay period	80 hours
5 years to 10 years	4.6153841 hours/pay period	120 hours
10 years or more	6.1538460 hours/pay period	160 hours

- B. Part-time employees accrue leave based on the length of service and number of scheduled hours per week. The formula is $\text{Accrual Rate} \times \text{Percentage}$. The percentages used are based on scheduled hours:

Scheduled Hours	Percentage
10-19 hours	25%
20-29 hours	50%
30-39 hours	75%

- C. Annual leave shall not accrue during any leave without pay, including an unpaid leave of absence, suspension, or when the employee is on a non-pay status.

Employees may accrue vacation time up to a maximum of 240 hours. When an employee has accrued 240 hours of vacation, the employee stops accruing vacation time until the employee's vacation balance is reduced below 240 hours. No more than two hundred and forty (240) hours of accrued vacation may be carried forward into the next calendar year.

The employee's accrual of vacation time does not create an entitlement to a leave of absence from work. An employee's eligibility for a leave of absence is governed by the City's FMLA and other leave policies.

In the event of a conflict between these policies and procedures and any collective bargaining agreement, City ordinance, state law, or federal law: the terms and conditions of the collective bargaining agreement or relevant ordinance or law shall apply.

PROCEDURE FOR SCHEDULING VACATION

Vacation time shall not be used unless authorized by the employee's immediate supervisor and Department Director. Except in the event of an unforeseen emergency, vacation must be scheduled and approved by the Department Director in advance.

JOB CLASSIFICATION CHANGE

If a full-time employee who accrues vacation is promoted to a position classified as an Administrative Employee (see Policy No. 11.1), the employee's accrued vacation and sick time will be converted to PTO.

If a full-time employee who accrues vacation is promoted to the City's Police Department or Fire Department, the employee's accrued vacation and sick time will be paid out during the final settlement.

VACATION PAYMENT PROGRAM

An employee may elect to be paid for accrued, unused vacation time up to the maximum number of vacation leave hours the employee is expected to accrue in the year after the employee's election, provided that the employee must maintain a minimum of one (1) full workweek of vacation time (based on the employees' regularly scheduled hours or work schedule) in his or her vacation balance. An employee may also elect not to be paid for accrued, unused vacation time and instead, maintain it in his or her vacation balance.

The City requires that each employee make an annual election either to be paid for accrued vacation time (and the number of hours) or to maintain accrued vacation time in the employee's vacation balance. The election must be made in the year before the employee accrues the vacation time and the election will be irrevocable, except for financial hardship circumstances of the employee as determined by the Human Resources Director. If the employee does not make a timely election, the City will consider the employee to have elected not to be paid for accrued vacation time.

An employee who elects to be paid for accrued vacation will be paid at his or her current rate of pay on the date of the payout, less applicable taxes and other authorized deductions. **The annual vacation payment program is subject to budget restrictions and may not be available in certain**

years.

9.3 SICK TIME

This policy addresses the accrual and use of sick time by full-time employees. Temporary, seasonal, provisional, and part-time employees may accrue sick time.

Full-time employees begin accruing sick time on their first day of employment. There is a 6-month waiting period for using sick time; however, sick time may not be used before accrued and an employee may only use the amount of sick time that is available in his or her sick time balance.

An non-union represented employee will be paid for his or her accrued unused sick time following his or her termination of employment after completion of probationary period. Collective Bargaining agreements define the required length of employment for payment of accrued sick leave.

ACCRUAL OF SICK TIME

Full-time employees may accrue a maximum of ninety-sixty (96) hours sick time per year accrued at the rate of 3.692307 hours per pay period. Collective Bargaining agreements define the accrual rate of Sworn Officer and Firefighters based on schedule.

Sick time shall not accrue during an unpaid leave of absence, suspension or when the employee is on a non-pay status.

The employee's accrual of sick time does not create an entitlement to a leave of absence from work. An employee's eligibility for a leave of absence is governed by the City's FMLA and other leave policies.

REASONS FOR USE OF SICK TIME

A full-time employee may be approved or required to use sick time for absences from work for the following reasons:

- the employee's inability to work due to the employee's own illness, injury or other condition.
- the employee's personal health care provider appointments.
- the illness, injury or health care provider appointments of the employee's spouse, child, parent, or other dependent household member.

An employee may be required to use accrued vacation when they are absent from work for the above-listed reasons and has exhausted all of his or her accrued sick time. However, sick time shall not be used as vacation under any circumstances.

EMPLOYEE REQUEST TO USE SICK TIME

Sick time shall not be used unless authorized by the employee's Department Director. Approval

of sick time requests is at the discretion of the Department Director, except as otherwise provided in this policy or the City's other leave policies.

It is the employee's responsibility to notify his or her immediate supervisor of any absences as far in advance as possible of the absence, but no later than one (1) hour prior to the employee's scheduled start or end time, except in a case of an emergency. If the employee fails to provide timely notification of his/her absence, without good cause, the employee will not be permitted to use sick time for that absence and the absence will be unpaid. (For exempt employees, the absence will be unpaid if one or more full days)

Employees are required to call in every day to report absences under this policy, unless the employee is on an authorized time of absence under the City's FMLA or other leave policies.

RETURN TO WORK

When an employee is absent from work for three (3) or more consecutive days, the employee may be required (upon request by his or her Department Director or Human Resources) to submit a written certification signed by a health care provider to substantiate the reason for absence. An employee may be required to submit a written certification from a health care provider substantiating the reason for absences of less than three days as determined by Human Resources or the Department Director.

OUTSIDE EMPLOYMENT WHILE USING SICK TIME

An employee using sick time for an absence from work may not work at another job during the duration of the absence when such outside employment is inconsistent with the reason for the employee's use of sick time. An employee must notify his or her Department Director and the Human Resources Department if they are employed in another position with an outside employer. Failure to disclose this information may lead to corrective action.

SICK TIME PAYMENT PROGRAM

An employee may elect to be paid for accrued, unused sick time up to a maximum of thirty-two (32) hours per year, provided that the employee maintains a minimum of 80 hours of sick time in his or her sick time balance. An employee may also elect not to be paid for accrued, unused sick time and instead, maintain it in his or her sick time balance.

The City requires that each employee make an annual election either to be paid for accrued sick time (and the number of hours) or to maintain accrued sick time in the employee's sick time balance. The election must be made in the year before the employee accrues the sick time and the election will be irrevocable, except for financial hardship circumstances of the employee as determined by the City Manager. If the employee does not make a timely election, the City will consider the employee to have elected not to be paid for accrued sick leave.

An employee who elects to be paid for accrued sick time will be paid at his or her current rate of pay on the date of the payout, less applicable taxes and other authorized deductions. **The sick**

time payment program is subject to budget restrictions and may not be available in certain years.

PAYMENT UPON SEPARATION OF EMPLOYMENT

- A. Employees with continuous service who leave City employment, and qualify to receive payment of unused sick leave credits, may be paid a percentage of their existing sick leave balance in accordance with the table shown below:

Accrued Sick Leave Payout (720 hours max)				
	0%	50%	75%	100%
IAFF	0-5 years	6-10 years	N/A	10+ years
PBA	0-3 years	3-5 years	5-10 years	10+ years
Teamsters	0-5 years	5-10 years	N/A	10+ years
General Employees	0-5 years	5-10 years	N/A	10+ years

(Police and Fire sick leave payment must reference Collective bargaining agreement.)

- B. In no event shall any employee be paid for any accrued sick leave in excess of 720 hours.
- C. Employees who are rehired by the City are not entitled to receive credit for unpaid sick leave hours related to the previous period of employment.
- D. Should an employee's status change from regular to temporary or part-time, the employee will be eligible to receive payment as indicated in the above chart. Should a regular employee transfer to a temporary or part-time position with the intent of returning to a regular position, with no break in service, the employee's sick leave may be banked and reinstated to the employee upon his/her return to the regular position. No additional sick leave will accrue, and no hours can be used from this banked sick leave during the employee's temporary or part-time status.
- E. Payment of unused sick leave accruals is paid in a lump sum at the regular hourly rate in effect at the time of separation or status change.
- F. Employees who leave City employment without proper notice or who are terminated for cause shall not receive compensation for unused sick leave upon separation of service.

9.4 RETIREMENT BENEFITS

All full-time, non-sworn employees are required to participate in the City's Defined Benefit Plan. The plan requires employees to contribute a mandatory set percentage of base pay (6%). The City also has established a uniform percentage of contribution on behalf of each employee.

All employees are eligible to participate in the City's 457 Deferred Compensation Plan.

SECTION 10: **VACANT**

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SECTION 11: TIME OFF AND BENEFITS FOR ADMINISTRATIVE EMPLOYEES

11.1 ADMINISTRATIVE EMPLOYEES

The following employees are classified by the City as “Administrative Salaries” for purposes of the State of Florida Uniform Accounting Code: City Manager, City Attorney, City Clerk, Assistant City Manager, Community Services Director, Engineering Director, Finance Director, Growth Management Director, Human Resources Director, Information Technology Director, Parking Director, Port & Marine Services Director, Transit Director, Utilities Director, Police Chief and Fire Chief. These employees will be referred to as “Administrative Employees” for purposes of this section and the Employee Manual.

11.2 DESIGNATED HOLIDAYS

Administrative Employees shall be paid for the designated holidays as provided in Section 9.1 “Designated Holidays.” Administrative Employees who are scheduled to work on the designated holiday may bank the holiday time on an hours for hours basis and there shall be no limit on holiday hours accrued.

Unused holiday leave accruals shall carryover to the following fiscal year and unused holiday leave days shall be paid upon separation in accordance with section 11.5 Accrued Leave Payout Upon Separation from Employment.

All other provisions of Section 9.1 “Designated Holidays” are applicable to Administrative Employees.

11.3 PAID TIME OFF

Administrative Employees do not accrue sick time or annual vacation leave. Administrative Employees accrue paid time off (PTO) that can be used for any reason without accrual limits.

Administrative Employees shall start with forty (40) hours of PTO on their date of hire. Forty (40) hours of PTO shall be added to the Administrative Employee’s PTO balance on the anniversary of the employee’s hire date every year thereafter. Additionally, Administrative Employees accrue PTO on a bi-weekly basis at the following rates:

Years of Service	Maximum Days Per Year	Maximum Hours Per Year	Bi-weekly Accrual
0-9	30	240 (including 40 hours credited on anniversary date)	7.68 hours
10 or more	35	280 (including 40 hours credited on anniversary date)	9.23 hours

PTO shall not be earned or accrued by an Administrative Employee during an unpaid leave of absence or suspension, or when the employee is on a non-pay status. The employee's accrual of PTO does not create an entitlement to a leave of absence from work. An employee's eligibility for a leave of absence is governed by the City's FMLA and other leave policies.

11.4 PTO PAYMENT PROGRAM

An Administrative Employee may elect to be paid for accrued, unused PTO up to a maximum of 200 hours per year, provided that the employee maintains a minimum of one (1) full workweek of PTO (based on the employee's regular work schedule) in his or her PTO balance. An Administrative Employee may also elect not to be paid for accrued, unused PTO and instead, maintain it in his or her PTO balance.

The City requires that each employee make an annual election either to be paid for accrued PTO (and the number of hours) or to maintain accrued PTO in the employee's PTO balance. The election must be made in the year before the employee accrues the PTO and the election will be irrevocable, except for financial hardship circumstances of the employee as determined by the City Manager or designee, except that the Assistant City Manager will be responsible for the determination of a financial hardship request by the City Manager. If the employee does not make a timely election, the City will consider the employee to have elected not to be paid for accrued PTO.

An Administrative Employee who elects to be paid for accrued PTO will be paid at his or her current rate of pay on the date of the payout, less applicable taxes and other authorized deductions. **The PTO payment program is subject to budget restrictions and may not be available in certain years.**

11.5 ACCRUED LEAVE PAYOUT UPON SEPARATION FROM EMPLOYMENT

Administrative Employees who submit a retirement letter with 6 months notification may request to be paid up to 1200 hours of their accrued PTO, personal days and holiday time, for service to the City.

Administrative Employees who resign from the City prior to being eligible for retirement will be paid up to 960 hours of their accrued PTO, personal days and holiday time for service to the City.

The City does not make payment for unused PTO, Personal Days, or Holiday Time, to employees who are terminated for violation of City policy or to employees who resign or terminate employment prior to completion of the probationary period.

Hours more than maximum hours will be forfeited by employee upon separation if the employee is unable to use the hours prior to separation.

11.6 VEHICLE POLICY

At the City Manager's discretion, Administrative Employees may be provided a vehicle allowance or a take-home vehicle. Administrative Employees will receive the allowance in a monthly payment.

11.7 RETIREMENT BENEFITS

Administrative employees are required to participate in the City's Defined Benefit Plan. The plan currently requires employees to contribute a mandatory set percentage of base pay (6%). The City has also established a uniform percentage of contribution on behalf of each employee (8-12% of base pay).

All employees are eligible to participate in the City's 457 Deferred Compensation Plan.

SECTION 12: CLASSIFICATION, COMPENSATION AND PERFORMANCE MANAGEMENT

12.1 EMPLOYEE PERFORMANCE EVALUATIONS AND PROGRESSIVE PAY SYSTEM POLICY

The City of Key West has established a progressive pay system to motivate and reward employees according to their job performance and the contributions they make towards the accomplishment of City goals and objectives. The purpose of the system is to also promote continuous improvement and quality performance through teamwork, assist in career development and advancement, identify individual training needs and to determine suitability for assignments, effectiveness in the assigned position and the ability for acquiring more responsibility. All employees should continually work together towards the mission, goals, and objectives of the City.

Performance evaluations shall be a part of the procedure to determine various personnel actions, including, but not limited to, the following: salary increase or decreases, promotions, demotions, transfers, awards, separations or other personnel status changes.

The immediate supervisor shall complete a performance evaluation form on the employees anniversary date of hire. The supervisor shall meet with the employee to review and discuss the evaluation and shall provide the employee the opportunity to comment and ask questions. At the conclusion of the meeting, the employee shall be given the opportunity to write any comments in the space provided and to sign the form. The employee's signature signifies that the evaluation has been discussed and does not indicate that the employee agrees with the evaluation.

ELIGIBILITY

All employees are eligible for merit increase or receive a step based on their performance, as measured on the performance evaluations. All regular employees shall be evaluated at least once prior to their six-month mark of employment and every year on their hire date by the immediate supervisor. If an employee had more than one supervisor during a rating period, all concerned supervisors shall contribute to the evaluation. Merit increases are not automatic and are based upon an employee's performance evaluations and at least 6 months in the position.

Employees whose overall evaluation is "Satisfactory" or higher may be entitled to a 0.5% to a 2.0% (increase to 3.0% on October 1, 2027) merit increase as proposed by the City Manager and adopted in the City's Strategic Plan as part of the annual budget. The availability of merit increases is determined on an annual basis. If the City Commission does not approve funds for merit increases as part of the annual budget, employees are not entitled to, and will not receive, a merit increase for that year.

Employees whose overall evaluation is "Unsatisfactory" or "Needs Improvement" will not receive a merit increase on their anniversary date. Such employee shall be reevaluated in six months to determine eligibility for a merit increase at that time. If at any time during this period the department believes that the employee is not responding properly to this opportunity to improve performance, the final formal reevaluation may be conducted, and the employee dismissed.

However, employees whose performance was rated "unsatisfactory" or "needs improvement" shall not be granted merit increases until the end of the specified re-evaluation period. Merit increases which have been deferred shall not be granted retroactively.

PROCEDURE

1. Employees will meet with their immediate supervisor at least once a year to develop objectives and performance standards using criteria specific to the employee's position. Objectives must relate directly to the goals of the employee's assigned department which are aligned to the City's strategic priorities.
2. Annual employee performance evaluations are conducted at each employee's anniversary date. The anniversary date is the employee's original hire date or the date of the employee's reclassification. The employee must be in the position at least 6 months to receive a merit increase.
3. Immediate supervisors have the primary responsibility for conducting employee evaluations. Employees who performed their duties under more than one supervisor during the rating period should be evaluated by the supervisor for whom the employee worked during the majority of the rating period. The supervisor preparing the evaluation should consult any other supervisor for whom the employee worked during the rating period in order to determine the most appropriate rating for one or all categories outlined in the performance evaluation. Each supervisor and employee must sign the evaluation form.

PERFORMANCE RATINGS

The performance evaluation will rate each employee's performance of the duties of his/her position and the objectives and performance standards developed by the employee and supervisor, as well as competency in defined categories set in the performance evaluation. The ratings values are: "Outstanding," "Above Satisfactory," "Satisfactory," "Needs Improvement," and "Unsatisfactory."

If an employee receives a rating of "Unsatisfactory" on his/her evaluation, the Department Director will advise the employee as to the reasons for such rating and will develop a performance improvement plan with goals, time lines, and expected outcomes. Departmental support will be provided to the employee where available and as appropriate. An employee who fails to improve his or her performance will be subjected to corrective action, up to and including termination of employment.

12.2 PERSONNEL FILES

Individual employee personnel files shall be maintained by the Human Resources Department in accordance with the Florida Public Records Statutes. Employees have the right to examine their personnel file in the Human Resources Department upon request and with reasonable notice.

The Human Resources Director or designee shall be present during the examination.

Employees will be notified when the City receives a public records request to review his or her personnel file.

12.3 IN-SERVICE TRAINING

It will be the responsibility of the Human Resources Director and respective Department Directors, under the direction of the City Manager, to foster and promote in-service training of employees. The Human Resources Director shall develop training programs, award certificates or other forms of recognition, assist Department Directors in developing programs to meet their particular needs and develop supervisory and management training programs for all departments.

12.4 RECLASSIFICATION

If a Department Director has facts which indicate that a position or positions are improperly classified, the Department Director may request the Human Resources Director and/or Finance Director to review the classification of the position and budget impacts. Such requests shall be in writing with background data and recommendations. The Human Resources Director shall conduct an analysis of the essential functions of the position and submit a written recommendation to the City Manager.

APPEALS OF POSITION RECLASSIFICATIONS

Whenever an employee affected by a reclassification feels that his or her position has been classified incorrectly, they may appeal the reclassification to the Human Resources Director.

RECLASSIFICATION OF A POSITION TO A HIGHER LEVEL

Should the position be reclassified to a job classification with a higher pay grade than that of the original classification, such change shall be considered a promotion for the incumbent employee(s). To the extent that any portion of a reclassification conflict with a collective bargaining agreement, the terms of the collective bargaining agreement will prevail.

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 by the incumbent employee(s). The incumbent employee reclassified shall maintain his or her same pay, step, grade and date in class. A salary review may be requested by the Department Director to prevent compression if the employee has been in the position over 2 years.

RECLASSIFICATION OF A POSITION TO A LOWER PAY GRADE

Should an employee be reclassified to a classification with a lower maximum pay shall be treated

in accordance with demotion procedures, as defined in Section 12.8 of this manual.

COMPENSATION PLAN ADMINISTRATION

Each employee shall be paid at the rates set forth in the pay plan for the classification in which they serve.

12.5 COST OF LIVING ADJUSTMENT

Based on the availability of funds, employees may receive a salary increase effective October 1, based on a cost-of-living adjustment ("COLA"). The COLA takes into consideration changes to the Consumer Price Index, and the cost-of-living data and trends are a guide in making pay level adjustments.

12.6 PROMOTION

Employees promoted to a classification with a salary range higher than that of the previous classification shall be increased to the at least the minimum in the new position's pay or salary range. If the employee's current rate of pay falls within the pay range of the classification being assumed, his or her pay rate shall be increased five percent (5%) so long as the resultant rate is still within the established range for the new position.

If the employee is within three (3) to six (6) months of qualifying for an annual merit increase before being promoted, the employee can, at the discretion of the Department Director, receive merit increase up to half of the maximum merit increase budgeted for that fiscal year. If the employee has less than three (3) months before qualifying for the annual merit increase, the employee can receive up to the maximum merit increase budgeted. Such merit increase shall be computed and added to the employee's rate of pay prior to computing the promotional increase.

12.7 TRANSFER POLICY

A transfer is a change in position to one that is in the same pay or salary range. When an employee applies to a posting for a vacant position that does not involve a promotion, the situation will be reviewed by the Department Directors involved to determine whether such a transfer would be to both the employee's and the City's best interest. The transfer shall not change an employee's rate of pay.

An employee is eligible for a transfer if they are in good standing. The City defines "good standing" as an employee who has not received any corrective action or other formal discipline, a performance improvement plan or unsatisfactory performance evaluation within the previous 12-month period.

12.8 DEMOTION

Upon demotion, if the employee's rate of pay in the previous class was more than the maximum rate established for the new class or position, the rate of pay shall be reduced to the maximum rate or to such intermediate step in the new pay range as may be determined by the Department

Director and subject to the approval of the City Manager. Upon demotion to a classification with a lower maximum rate of pay, the following will apply regarding the demoted employee's pay grade, pay rate, classification date and probationary period.

- a. Demotion shall not result in a pay increase.
- b. Pay shall not exceed the maximum rate of the pay grade designated for the lower classification.
- c. An employee demoted for disciplinary reasons or inability to perform successfully shall have their rate of pay reduced to the maximum rate or to such intermediate step in the new pay range, but in no case shall the decrease be less than 5% .

The Department Director in conjunction with the Human Resources Director will determine the appropriate pay rate, based on equity, the department's budget, and the number of pay grades the employee is being reduced.

- d. An employee demoted to a previously held position due to failure to satisfactorily complete a probationary period for a promotional position shall be placed in the lower pay range at the point where the employee would have been had the promotion not occurred.
- e. The City Manager or designee may approve administrative exceptions to the demotion pay provisions upon the submission of a written request from a Department Director detailing any extenuating circumstances.

12.9 OUT OF CLASSIFICATION PAY

A full-time employee who has been continuously assigned on a temporary basis to another classification for more than three (3) consecutive, regularly scheduled work days will be temporarily transferred to that classification and may, as outlined below, have their pay temporarily adjusted during the period of the temporary assignment as follows:

- 1. An employee temporarily transferred to a position classified at a higher pay grade will have their salary increased by five percent (5%) or the minimum salary of the pay grade, whichever is greater for the period they are being temporarily transferred.
- 2. An employee temporarily transferred to a position classified at the same or lower pay grade will not have their pay rate adjusted because of the temporary transfer.

The duration of any temporary transfer will be of the minimum length necessary to meet the needs of the City but shall not exceed six (6) consecutive calendar months for any one such transfer. Each such period of temporary transfer will be treated as a new event and be subject to the above guidelines.

To the extent that any portion of Out of Classification Pay conflicts with a collective bargaining agreement, the terms of the collective bargaining agreement will prevail.

12.10 ACTING DEPARTMENT DIRECTOR

In the event of a vacancy in a Department Director position, the City Manager may appoint an existing full-time employee to be the Acting Department Director for a maximum of two (2) six-month periods. Any employee appointed to an acting position may receive a temporary salary increase of fifteen percent (15%) above his or her current salary, but in no case shall the temporary salary be more than the minimum salary budgeted for the Department Director position.

SECTION 13: LEAVING THE CITY

13.1 RESIGNATIONS

If an employee decides to voluntarily resign, they are requested to provide the City with two weeks prior written notice to his/her Department Director or Human Resources. If circumstances warrant, the City may elect to shorten employee's notice period.

13.2 RETIREMENT

An employee may retire from City Employment under the General Employees' Retirement Pension Board or Police and Firefighters Retirement Pension Board. Pension an employee decides to voluntarily resign, they are requested to provide the City with two weeks prior written notice to his/her Department Director or Human Resources. If circumstances warrant, the City may elect to shorten employee's notice period.

13.3 TERMINATION FROM EMPLOYMENT

If a supervisor, manager or Department Director recommends an employee for termination from employment, the employee will be scheduled for a pre-determination hearing with the City Manager prior to the final decision being made concerning the employee's employment. An employee may be suspended or placed on administrative leave pending the City Manager's review of the termination recommendation. The City Manager makes the final decision regarding employee terminations from employment.

Any employee may be laid off from employment with the City due to reasons which include, but are not limited to, shortage of work or funds, the elimination of a position or organizational changes. No employee shall be laid off when there are temporary or provisional employees serving in the same class or lower class for which the employee is eligible, able and willing to fill.

The names of laid off employees shall be placed on a layoff list for a period of one year. If the position is re-created within this period, the employee may be given the opportunity for re-hire.

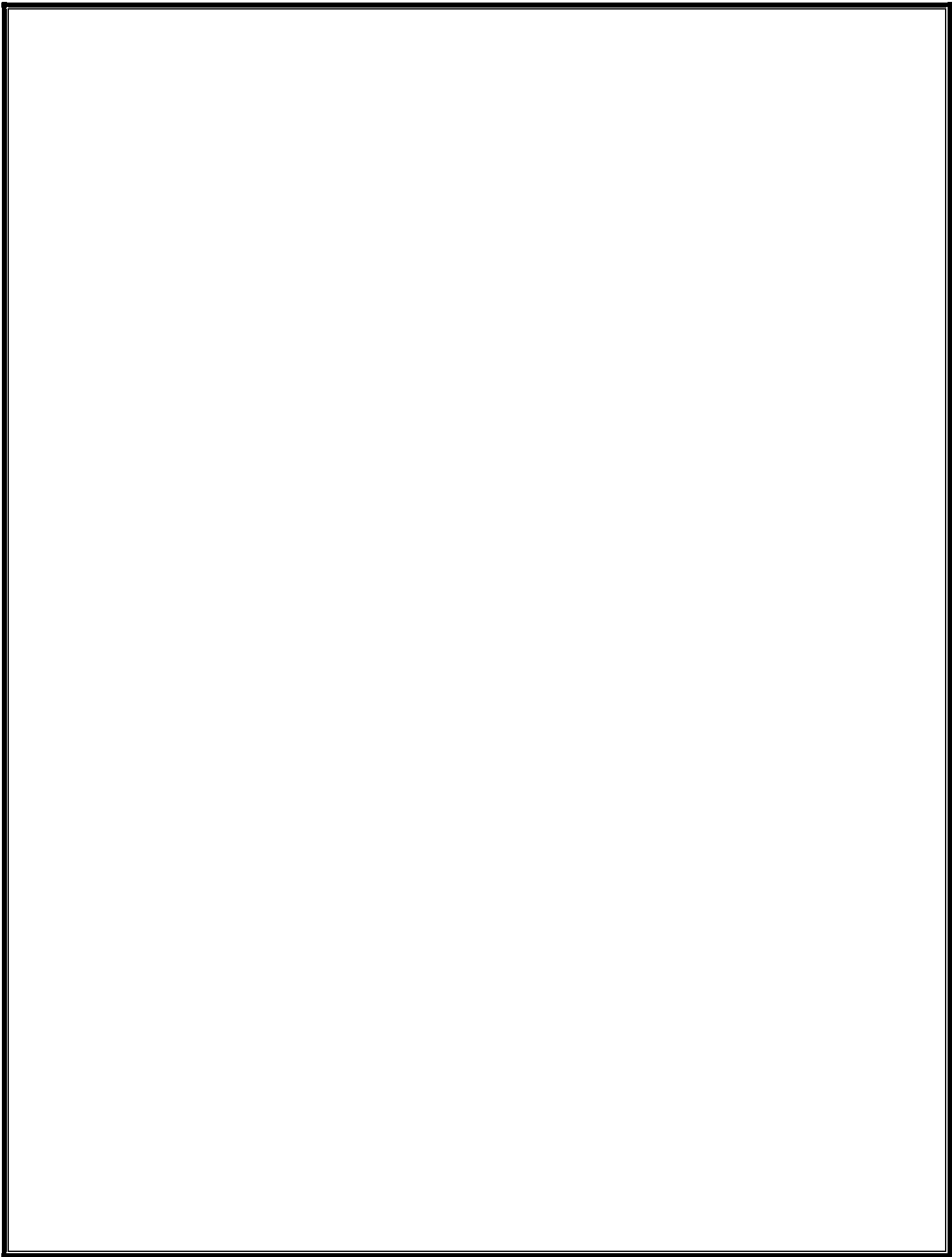
If an employee is laid off from employment, the employee will receive separation pay equal to two weeks' pay/salary, in addition to payment for their accrued annual and sick leave.

13.4 EXIT INTERVIEWS

The purpose of the exit interview is to provide management with information that will help identify potential risks and help keep the City of Key West a pleasant and efficient place to work. Each employee who resigns from the City shall be asked to complete an exit interview form in the Human Resources Department at or before the time they receives the final paycheck and returns all City property, including identification and keys.

13.5 RETURN OF CITY'S PROPERTY

Employees separating from the City for any reason shall, prior to separation, return all City-owned property and equipment in their possession. The cost of replacing or repairing any items lost or damaged while in the possession of the employee shall be deducted from any pay and benefits held by the City, as permitted by applicable law.



Form 9**QUARTERLY GIFT DISCLOSURE
(GIFTS OVER \$100)**

LAST NAME -- FIRST NAME -- MIDDLE NAME:			NAME OF AGENCY:	
MAILING ADDRESS:			OFFICE OR POSITION HELD:	
CITY:	ZIP:	COUNTY:	FOR QUARTER ENDING (CHECK ONE): ☐ MARCH ☐ JUNE ☐ SEPTEMBER ☐ DECEMBER	YEAR 20__

PART A — STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. **You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.**

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT

☐ **CHECK HERE IF CONTINUED ON SEPARATE SHEET**

PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

☐ **CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM**

PART C — OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true accurate, and total listing of all gifts required to be reported by Section 112.3148, Florida Statutes.

SIGNATURE OF REPORTING OFFICIAL

STATE OF FLORIDA
COUNTY OF _____
Sworn to (or affirmed) and subscribed before me by means of
☐ physical presence or ☐ online notarization, this
_____ day of _____, 20_____
by _____

(Signature of Notary Public-State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known _____ OR Produced Identification
Type of Identification Produced _____

PART D — FILING INSTRUCTIONS

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida 32303. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed (For example, if a gift is received in March, it should be disclosed by June 30.)

PART E — INSTRUCTIONS

WHO MUST FILE THIS FORM?

- Any individual, including a candidate upon qualifying, who is required by law to file full and public disclosure of his financial interests on Commission on Ethics Form 6, except Judges. (See Form 6 for a list of persons required to file that form.)
- Any individual, including a candidate upon qualifying, who is required by law to file a statement of financial interests on Commission on Ethics Form 1. (See Form 1 for a list of persons required to file that form.)
- Any procurement employee of the executive branch or judicial branch of state government. This includes any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, F.S., if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year.

NOTE: Gifts that formerly were allowed under Section 112.3148, F.S., now may be prohibited under Sections 11.045, 112.3215, and 112.31485, F.S.

WHAT GIFTS ARE REPORTABLE?

- Any gift (as defined below) you received which you believe to be in excess of \$100 in value, **EXCEPT**:
 - Gifts from the following **RELATIVES**: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, a person who is engaged to be married to you or who otherwise holds himself or herself out as or is generally known as the person whom you intend to marry or with whom you intend to form a household, or any other natural person having the same legal residence as you.
 - Gifts which you are prohibited from accepting by Sections 112.313(4) and 112.3148(4), Florida Statutes. These include any gift which you know or, with the exercise of reasonable care, should know was given to influence a vote or other action in which you are expected to participate in your official capacity; it also includes a gift worth over \$100 from a political committee or committee of continuous existence under the elections law, from a lobbyist who lobbies your agency or who lobbied your agency within the past 12 months, or from a partner, firm, employer, or principal of such a lobbyist.
 - Gifts worth over \$100 for which there is a public purpose, given to you by an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, the Technological Research and Development Authority, a county, a municipality, an airport authority, or a school board; or a gift worth over \$100 given to you by a direct-support organization specifically authorized by law to support the governmental agency of which you are an officer or employee. These gifts must be disclosed on Form 10.
- A "gift" is defined to mean that which is accepted by you or by another in your behalf, or that which is paid or given to another for or on behalf of you, directly, indirectly, or in trust for your benefit or by any other means, for which equal or greater consideration is not given within 90 days after receipt of the gift. A "gift" includes real property; the use of real property; tangible or intangible personal property; the use of tangible or intangible personal property; a preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin; forgiveness of an indebtedness; transportation (unless provided to you by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; membership dues;

entrance fees, admission fees or tickets to events, performances, or facilities; plants, flowers, or floral arrangements; services provided by persons pursuant to a professional license or certificate; other personal services for which a fee is normally charged by the person providing the services; and any other similar service or thing having an attributable value and not already described.

- The following are **NOT** reportable as gifts on this form: salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with your employment, business, or service as an officer or director of a corporation or organization, and unrelated to your public position; contributions or expenditures reported pursuant to the election laws, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party; an honorarium or an expense related to an honorarium event paid to you or your spouse; an award, plaque, certificate, or similar personalized item given in recognition of your public, civic, charitable, or professional service; an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization; the use of a governmental agency's public facility or public property for a public purpose. Also exempted are some gifts from state, regional, and national organizations that promote the exchange of ideas between, or the professional development of, governmental officials or employees.

HOW DO I DETERMINE THE VALUE OF A GIFT?

- The value of a gift provided to you is determined using the actual cost to the donor, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided. Taxes and gratuities are not included in valuing a gift. If additional expenses are required as a condition precedent to the donor's eligibility to purchase or provide a gift and the expenses are primarily for the benefit of the donor or are of a charitable nature, the expenses are not included in determining the value of the gift.
- Compensation provided by you to the donor within 90 days of receiving the gift shall be deducted from the value of the gift in determining the value of the gift.
- If the actual gift value attributable to individual participants at an event cannot be determined, the total costs should be prorated among all invited persons. A gift given to several persons may be attributed among all of them on a pro rata basis. Food, beverages, entertainment, etc., provided at a function for more than ten people should be valued by dividing the total costs by the number of persons invited, unless the items are purchased on a per-person basis, in which case the per-person cost should be used.
- Transportation should be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses should be considered a single gift. Transportation provided in a private conveyance should be given the same value as transportation provided in a comparable commercial conveyance.
- Lodging provided on consecutive days should be considered a single gift. Lodging in a private residence should be valued at \$44 per night.
- Food and beverages consumed at a single sitting or event are a single gift valued for that sitting or meal. Other food and beverages provided on a calendar day are considered a single gift, with the total value of all food and beverages provided on that date being the value of the gift.
- Membership dues paid to the same organization during any 12-month period are considered a single gift.
- Entrance fees, admission fees, or tickets are valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater. If an admission ticket is given by a charitable organization, its value does not include the portion of the cost that represents a contribution to that charity.
- Except as otherwise provided, a gift should be valued on a per occurrence basis.

FOR MORE INFORMATION

The gift disclosures made on this form are required by Sec. 112.3148, Florida Statutes. Questions may be addressed to the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709 or by calling (850) 488-7864; information is provided at: www.ethics.state.fl.us.



THE CITY OF KEY WEST

1300 White St. Key West, FL 33040 (305) 809-3716

Cellphone Policy **Effective Date January 24, 2025** **Posted January 9, 2008** **Updated October 28, 2019**

Purpose

This policy provides general guidelines to departments of the City of Key West for the provision of a department issued cell phone or the establishment of a monthly cell phone allowance for usage of a personal cell phone. Each City employee that uses a cellular telephone under this policy is responsible for assuring that it is used properly per this policy.

This policy shall supersede all other previous policies and agreements.

Phone Acquisition

If a department head determines that an employee must have a cellular phone for business purposes, a Request for Cellular Telephone Allowance must be submitted to the Human Resources Department for approval.

The request must include a copy of the most current cell phone bill, the ongoing cost estimate and budget account. In addition, the following criteria should be considered and included in the written request:

- The reason for the request, and whether it will enhance emergency response employee safety or work efficiency.
- The adequacy of the present system of communication, and if a cellular phone is the most appropriate and economical choice.
- Whether the cellular phone is a convenience or a necessity for job performance.
- How much time the user spends in the field each day.
- How frequently the phone will be used.
- Whether the user can share a phone with other employees.
- Whether a radio or pagers would meet the needs of the employee as efficiently and less expensively.

Authorization

Subject to budgetary funding, department directors are authorized to request an employee for a department issued cellular phone or cellular phone allowance and



submit the required forms to the Human Resources Department for processing and approval before submitting to City Manager for final authorization.

Department Directors are responsible for ensuring that employees comply with this policy.

The City Manager has the final decision-making authority on all requests.

Policy

It is the City's intent to provide an approved employee with a cellular telephone for City business usage in one of the following ways:

City Reimburses Employee

The employee will contract with a cellular phone provider and will pay his/her monthly bill from personal funds. To take advantage of free mobile to mobile calling, a department director may require an employee to utilize a particular provider. The City will reimburse the employee a standard monthly rate commensurate with the type and amount of usage that is required of the employee's job duties. Employees will receive an allowance as follows:

▪ Elected Officials/Charter Officials	\$150.00 per month
▪ Department Directors	\$100.00 per month
▪ Deputy Directors, Managers, scheduled on call staff	\$40.00 per month
▪ All others as approved	\$30.00 per month

It is the intent of this policy to provide employees with an allowance for business usage of a cellular phone, not to cover the full cost of monthly charges.

Employees are responsible for any overages on monthly basis. The City will not be responsible for additional monies above the monthly allowance.

Cell phone allowances will be reviewed periodically and during the budget process each year. Employees receiving cell phone allowances must provide a copy of their monthly phone bill to the Human Resources Department if requested. Failure to provide the requested information may result in the suspension of monthly allowance.

All allowances made under this policy will be included in the employees' regular paycheck monthly. This allowance is subject to applicable Federal Income Tax and FICA/Medicare Tax.

Employees participating in this plan are required to provide their current cellular telephone number to their department director and Human Resources.



Any changes to a prior approved plan and/or cell phone number must be provided on a timely basis to the Human Resources Department. The City reserves the right to recoup any monthly allowance overpayment from future paychecks.

Participating employees will personally be responsible for payment of any cost that exceeds the approved reimbursement amount and will continue to be responsible for the cellular telephone payment after separation of employment and City reimbursement ceases.

Cellular telephone reimbursements are not part of base salary.

4.1.2 City Provides Employee with a Cellular Telephone

City issued cellular telephones should be used for safety purposes or to assist in the completion of an assigned task and are not intended to be a personal convenience. City cellular telephones are provided for official City business only and any personal use is the responsibility of the employee.

Use of a City phone for commercial profit or secondary employment is strictly prohibited. Such usage will be subject to disciplinary action.

Employee reimbursement for “personal use” minutes. Under this option an employee is required to reimburse the City at a rate of 15 cents per minute for any “personal use” calls placed or received.

“Personal use” includes all non-City business use except:

- a brief daily call to speak to a spouse, minor child, dependent parents, or those responsible for their care
- a call to notify an employee’s family or other appropriate parties to inform them of a schedule change, such as working overtime, caused by official business or transportation changes or delays
- a brief call to places that can only be reached during working hours such as a physician’s office, home or a garage for emergency auto repairs

In addition, the employee is required to reimburse the City for any additional charges related to personal use. The employee will receive a copy of his/her monthly cellular phone bill and the Authorization for Payment of Cellular Phone Bills from the Finance Department. The employee will be required to:

- highlight any calls that are personal use
- total the number of personal use minutes
- multiply the number of personal use minutes times 15 cents
- add any additional personal use charges such as roaming, long distance, directory assistance, text messaging, wireless data transfers and downloading ring tones



- make payment to the *City Revenue department* for the total amount due
- sign the Authorization for Payment of Mobile Phone Bills form and attach a copy of the cash receipt showing the amount of reimbursement
- obtain an approval signature from the department director
- submit the completed Authorization for Payment of Cellular Phone Bills form, attach the bill and return to the Finance Department.

Cellular Telephone Safety Considerations

Safety while using a cellular telephone is paramount. The City does not endorse using cellular telephones while driving.

Cellular telephones should only be used while driving, *if* the employee is using the phone with a “hands free” system and voice activated dialing. Otherwise, drivers on City business or using City vehicles should pull to the side of road, stop the car and then operate the phone. Employees assume all liability and cost should they choose to utilize these technologies.



City of Key West Cellular Telephone Policy Employee Acknowledgement

Employee Name _____

Job Title: _____ Department: _____

I understand that I have been approved as an authorized participant in the City's cellular telephone allowance program. A copy of my most current phone bill is attached. I have reviewed the policy and agree to comply with the terms and conditions and have been approved for the following:

_____ City Reimbursement for Employee Cellular Telephone-The City reimburses the employee a set monthly amount and the employee contracts for the cellular telephone personally. Employees assume responsibility for all costs. Employees are responsible for timely notifying the Human Resources Department of any plan changes.

_____ City Issued Cellular Telephone: Employee Reimbursement for Minutes Used-The employee reimburses the City 15 cents per minute for all personal use plus other charges related to personal use.

Employee Signature

Date

Employee Number

HRF -13 Submitted

Director Signature

Date

HR Use Only: HRF 13 _____ Payroll _____ Allowance: \$30 \$40 \$100 \$150



THE CITY OF KEY WEST

1300 White St. Key West, FL 33040 (305) 809-3716

Employee of the Quarter & Year Policy Effective Date October 1, 2023

Purpose

This program has been designed to provide employees with recognition for outstanding work performance and customer service, thereby contributing to the success of The City of Key West.

The City encourages employees to show appreciation for outstanding work performed by co-workers by nominating deserving employees for the Employee of the Quarter award.

This policy shall supersede all other previous policies and agreements.

Procedure

A. Nomination Forms - Any full-time employee may nominate another for an Employee of the Quarter award. Nomination forms can be found on the Employee Intranet under Policies and in the Human Resources Office. Completed nomination forms should be sent to the nominated employee's supervisor for comments and signature. The supervisor will also complete a Supervisor Ranking Sheet for each nominee before forwarding all of the paperwork to the HR Department. At the end of each quarter all nominations are reviewed and winners are selected by the Employee Committee.

B. Criteria

1. The Employee Committee selects the Employee of the Quarter winners based on a combination of the following:
 - a. the reason provided for the nomination,
 - b. the supervisor's comments and scores provided on the ranking sheet,
 - c. past nominations/awards, and
 - d. recent performance evaluation results.
2. The Supervisor Ranking Sheet Assesses employees on the following criteria:
 - a. Initiative
 - b. Teamwork
 - c. Communication
 - d. Accountability
 - e. Adaptability
 - f. Customer Service
3. All Employees of the Quarter, for a specific year, will be considered for the honor of Employee of the Year.

C. Awards

1. Employees of the Quarter & Year winners will receive:



THE CITY OF KEY WEST

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- a. A Certificate
- b. Recognition in the Mile Marker - Citizen
- c. Recognition on the Employee Website
- d. 8 hours of personal leave.

D. Eligibility

1. To be eligible, employees:

- a. Must meet training requirements and satisfactory rating on their most recent Performance Evaluation.
- b. Must not currently be on probation or have had any documented corrective action in the past 12 months.

E. Timeline

Quarter	Nominations	Presentation
1st Quarter	January 1- March 30	April Commission*
2nd Quarter	April 1 - June 30	July Commission
3rd Quarter	July 1 - September 30	October Commission
4th Quarter	October 1 - December 31	January Commission

* Employee of the Year also selected on this date from the previous year's



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Recommendation for Employee of the Quarter

Please print or type all information.

I would like to nominate _____ for your consideration as an
"Employee of the Quarter." This employee works as a _____
in the _____ Department.

My reason(s) for making this recommendation is as follows.
(Please use page 2 for additional comments):

This recommendation is made by: _____
(Name/Department)

Date: _____ Signature: _____

Note: Please complete and forward to the nominee's immediate Supervisor.

Supervisor's Comments: _____

Date: _____ Signature: _____

Department Director's Signature: _____ Date: _____

Directors: Please forward this form, along with the supervisor rating sheet, to the HR Dept.
All forms available from HR and on the Town's Employee Website under Documents/Forms

Name of Employee: _____ Date: _____ Completed By: _____

Employee of the Quarter Supervisor Rating Sheet

Criteria	Needs Improvement 1	Meets Expectations 2	Above Expectations 3	Excels & Inspires 4	Comments
Initiative					
* Acts proactively, anticipates needs.					
* Seeks and identifies opportunities for improvement.					
Teamwork					
* Helps others to achieve work goals, while also accepting help from others.					
* Demonstrates trust and respect for co-workers.					
Communication					
* Listens and observes attentively, allowing an exchange of information.					
* Written and verbal communication is clear and concise.					
Accountability					
* Accepts personal responsibility for actions , does not make excuses or blame others.					
* Is answerable for quality and timeliness of work results.					
Adaptability					
* Keeps an open mind, modifies viewpoint in response to new information.					
* Does not resist change.					
Customer Service (internal or external)					
* Exercises patience when dealing with difficult situations. Is not easily flustered or frustrated.					
* Demonstrates a positive attitude in the workplace. Contributes to creating an environment with high levels of employee morale.					
Subtotals	0	0	0	0	0
Grand Total	0.00				