

**CITY OF COOPER CITY  
MANUAL OF PERSONNEL POLICIES**



**SEPTEMBER, 2015**

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## RECEIPT FOR EMPLOYEE MANUAL OF PERSONNEL POLICIES

I acknowledge that I have received a copy of the City of Cooper City's Manual of Personnel Policies. I agree to read it thoroughly, including the statements in the foreword describing the scope and purpose of the Manual of Personnel Policies. I agree that if there is any policy or provision in the Manual of Personnel Policies that I do not understand, I will seek clarification from the City Clerk's Office. I understand that the City of Cooper City is an "at will" employer and as such employment with the City of Cooper City is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the City has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand the Manual of Personnel Policies states the City of Cooper City's policies and practices in effect on the date of publication. The policies contained in this manual supersede any and all prior practices, oral and written representations, or statements regarding the terms and conditions of employment with the City of Cooper City. I understand that nothing contained in the Manual of Personnel Policies may be construed as creating a promise of future benefits or a binding contract with the City of Cooper City for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified, or terminated at any time with or without notice.

Please sign and date this receipt and return it to the City Clerk's Office.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**\*\*REMOVE FOR PERSONNEL FILE\*\***

## **SCOPE AND PURPOSE**

That this Manual of Personnel Policies supersedes previously adopted policies which were set forth by prior motion, resolution or established City-wide personnel policy set forth via memorandum or past practice by the City of Cooper City. This Manual of Personnel Policies will govern working conditions for all employees including elected officials and Department Directors and may be amended from time to time at the City Manager's discretion.

This Manual of Personnel Policies is to let employees know what to expect from the City and what the City expects from employees. The City reserves the right to make personnel policy changes when those changes are in the City's best interest. The City reserves the right to interpret policy and make policy decisions.

This Manual of Personnel Policies renders previous department policies and procedures in conflict herewith void. Any departmental level changes to address department operational needs not addressed in this manual must have the prior written consent of the City Clerk/Director of Administrative Services and the City Manager.

Cooper City's mission is to provide excellent services and facilities to support a high quality of life for our residents. A high standard of customer service is encouraged and expected for every position held throughout the City to maintain Cooper City's designation of "Someplace Special."

## **SECTION ONE: EMPLOYMENT POLICIES AND PROCEDURES**

### **1.1 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City of Cooper City to grant equal employment opportunities to all employees and qualified applicants without regard to race, creed, color, sex, religion, age, national origin, disability, marital status, sexual orientation, citizenship status or any other category protected by federal, state or local laws. The City's policy of equal employment opportunity applies to all organizational levels and job classifications within the City.

### **1.2 ACCOMMODATION POLICY**

It is the policy of the City of Cooper City to offer equal employment opportunities to disabled applicants and employees in all phases of employment including the application process, performance of essential job functions, and benefits. Under this policy, reasonable accommodation is defined as any modification or change to a job, employment practice, or work environment which makes it possible for a qualified applicant or employee with a known disability to enjoy equal employment opportunities, as long as this does not create an undue hardship for the City or threaten the employee's health and/or safety or the health and/or safety of others at work. The City reserves the right to make all work-related decisions concerning reasonable accommodation, disabilities and diseases based on the legitimate business interests of the City. These decisions will exemplify and take into consideration the City's commitment to affording equal employment opportunities to qualified applicants and employees. Any questions or complaints regarding this policy should be addressed with the City Clerk/Director of Administrative Services.

### **1.3 EMPLOYMENT PROCESS**

#### **Application for Employment**

All parties interested in applying for a position with the City of Cooper City shall accurately complete the entire employment application. All applicants for employment shall be required to furnish complete job-related information relevant to the requirements of the position or vacancy for which they are applying; as well as a chronological statement of previous employment. Employment applications may only be accepted by the City Clerk's Office.

Successful candidates must pass a drug screen, pre-employment physical examination, tuberculin screening, criminal background, driving record check, references review, and educational/employment experience verification. When a background check finds that a criminal offense has occurred, several factors will be considered such as the nature of the criminal act and when it occurred. If there are additional employment requirements, the



applicant may be required to bear that cost. The City Manager will have the final hiring decision in this regard.

### Recruitment

When a vacancy occurs or if a new position is duly authorized, the responsible Department Director shall submit a requisition to the Human Resources Administrator for each such vacancy. All departments shall work cooperatively with the City Clerk's Office in planning for new positions. Vacant positions within the City may be advertised and filled as determined by the City Manager. Employees desiring to be considered for any vacancy shall make written application in accordance with the job announcement.

### Disqualification

The Department Director may remove from further consideration, at any time, the application of any applicant who:

1. Does not possess the minimum job qualifications;
2. Has made false statements or practiced deception in the application;
3. Fails to cooperate (to any extent) with the City;
4. Fails to accept appointment within two days or to report for duty within the time prescribed in the offer; or
5. Fails to meet any additional requirements as may be deemed necessary.

### Selection

Each job description contains minimum qualifications, which must be met by an applicant in order to be considered for the specific position. The selection to fill open positions shall be based on the most qualified applicant. The City shall ensure compliance with F.S. Chapter 295, as concerns Veterans' preference. The City shall endeavor to interview current City employees who make written application and meet the minimum requirements for the position. The hiring department shall contact a minimum of two business and two personal references.

Upon completion of the interview process, the hiring official shall notify the City Clerk's Office of the proposed candidate selected and forward documentation to substantiate that the most qualified candidate has been selected. The City Clerk's Office will arrange the necessary pre-employment testing. Applicants may not begin work until receipt of a Personnel Action Report signed by Human Resources and the City Manager.

### Rejection

The hiring department shall notify all applicants interviewed whenever an applicant is rejected.

## **1.4 EMPLOYMENT OF RELATIVES**

The City does not permit the employment of relatives or members of the same household under any of the following circumstances:

1. Where one of the parties would have authority or be in a position to directly or indirectly supervise, appoint, remove, or discipline the other.
2. Where one party would be responsible for auditing or evaluating the work of the other.
3. Where both parties would report to the same immediate supervisor.
4. Where both parties would work in the same department.
5. Where circumstances exist that could create a conflict of interest or an unsuitable working arrangement that could have a negative impact on employee morale or service to citizens.

The City Manager has the final determination as to what constitutes a conflict of interest or unsuitable working arrangement. If two employees change their family relationship by marriage, adoption, or other means so as to come in conflict with these prohibitions, one of them shall be transferred to a different department if possible, granted a waiver by the City Manager, or separated from City service.

The City Manager may waive this policy when it is deemed in the best interest of the City to do so. For the purpose of this policy, a relative is defined as an employee's spouse, domestic partner, parent or parent-in-law, grandparent, sibling or sibling-in-law, child or child-in-law, uncle, aunt, cousin, nephew, niece, biological or through marriage. For parent, sibling or child this is defined as biological, adopted, foster, step-parent/step-child/step-brother/step-sister or legal ward. If any person so related is subject to promotion or advancement or a raise in pay status other than cost-of-living increases, the appropriate Department Director shall present the proposed change to the City Manager for clarification and determination.

### **1.5 IMMIGRATION CONTROL AND I-9 FORM**

The City is committed to hiring only authorized workers. Each new employee must provide documentation to verify both identity and authorization to work in this country and to complete the I-9 form. If an employee cannot provide these required documents, they may be either dismissed or suspended until the required documents are produced. Both the employee and the City representative will sign the I-9 form certifying that the documents are valid. Information may be shared with Social Security Administration and the Department of Homeland Security from each new employee's Form I-9 to confirm work authorization.

### **1.6 EMPLOYEE CATEGORIES**

The City of Cooper City is an "at will" employer and as such employment with the City of Cooper City is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice.

#### **Elected Officials**

The City's Elected Officials may be afforded benefits and other terms and conditions of employment that differ from those provided in this Manual of Personnel Policies, as provided by law.

### Managerial Employees

An employee may be appointed to a management position by the City Manager. Reference to this status is generally included in the job description. The City Clerk/Director of Administrative Services maintains a list of all management positions. Managerial employees may have benefits that differ from those provided in the Manual of Personnel Policies.

### Probationary Employees

The term “probationary” refers to employees who are currently under probation, which is a six (6) month working test period for new full-time and part-time employees.

### Regular/Full Time Employees

The term “full time” refers to all employees who have successfully completed their probationary period and whose normal workweek shall consist of not less than forty (40) hours. It may begin on any day of the week and at any hour of the day, and need not be the same for all departments and all employees.

### Seasonal Employees

The term “seasonal” refers to all non-contracted employees who work for the City for a designated period of time, such as the summer, and work 75% of their hours within a six-month period. These employees may be scheduled to work up to 40 hours per workweek, at the discretion of the Department Director. Seasonal employees will not receive annual evaluations. Time spent in a seasonal appointment will not be credited toward length of City service in the event a transfer to a regular position occurs. Seasonal employees shall be paid at their normal rate of pay for scheduled City holidays for which they work. Seasonal employees who do not work on scheduled City holidays will not receive pay for those days. Seasonal employees are eligible to participate in the same International City/County Management Association (“ICMA”) products offered to general employees as well as the City County Credit Union. No other benefits are provided for seasonal employees.

### Part-time (PT29)

The term “Part Time 29” refers to all employees whose normal workweek consists of less than 30 hours. The employees in this category are eligible for a Cost of Living Adjustment (COLA) the same as may be granted to full-time employees. PT29 employees will not receive annual evaluations. Increases will be at the discretion of the Department Director by Class/Step per position. PT29 employees shall be paid at their normal rate of pay for scheduled City holidays for which they work. PT29 employees who do not work on scheduled City holidays will not receive pay for those days. PT29 employees are eligible to participate in the same ICMA products offered to general employees and the City County Credit Union. Participation in the Florida Retirement System (FRS) is compulsory and none of these benefits are credited retroactively. No other benefits are provided for the PT29 employees.\*

\*Effective April 15, 2013, the current six PT20 employees will transition to the PT29 category and will continue to receive the benefits (vacation and sick leave) which were in effect for the PT20 category immediately preceding this amendment. This policy shall be in effect until these six employees separate from service or as may be amended from time to time.

Acting appointment

Acting appointment to a position in a higher class shall be approved by the City Manager. Persons appointed in an acting capacity for a period exceeding ten (10) days will receive additional compensation up to 10% of his/her current rate of pay or a maximum of four in-grade steps. Acting appointments to a Department Director level require approval from the City Manager with notification to the City Commission.

**1.7 PROBATION**

The probationary period is a working test period used by the supervisor and Department Director to closely observe a new employee's work. It will be utilized to review the new employee's performance to determine if they meet the required standards. All appointments to positions made from outside employment, by promotion from within the service, by transfer, or by reassignment shall be subject to the probationary period. The probationary period shall begin immediately upon hire and shall be for a period of six (6) months unless the position requirements and job posting clearly provide for an extended probationary period. In no case shall the probationary period extend beyond one (1) year.

During an employee's probationary period, performance will be closely reviewed to determine the employee's ability to carry out assigned tasks, efficiency, and other characteristics relative to the requirements of the position. Probationary employees will be evaluated by a supervisor and/or Department Director at three month intervals. A probationary employee who has received any form of disciplinary action during their probationary period may not receive a regular appointment.

Appointment to regular status is not automatic upon the expiration of the probationary period. In order to obtain an appointment to regular status, the new employee must have received a completed satisfactory performance evaluation.

### Rejection

If, at any time during the probationary period, the immediate supervisor, Department Director, or City Clerk/Director of Administrative Services deems the employee's performance to be unsatisfactory, he or she may recommend to the City Manager that the employee be terminated. If the Department Director and the City Manager agree that termination is warranted, the employee may be terminated without explanation at any time with or without cause and without the right of appeal or hearing in any manner.

### Promotion While On Probation

An employee must complete the probationary period before being considered for any promotion or change to another position within the City unless approved by the City Manager.

## **1.8 WORKWEEK/OVERTIME/CALL BACK**

### **A. TYPICAL CONDITIONS**

For the purposes of this provision, Department Directors and any other positions which are primarily of a supervisory and/or administrative nature and considered an exempt position, as determined by Fair Labor Standards Act (FLSA), shall not be entitled to standard overtime pay (*See Emergency Overtime for exception*).

### Workweek

The typical workday shall consist of eight (8) hours work and unpaid lunch periods, which shall be limited to one (1) hour, and rest breaks (as defined in Section 1.10). The workweek for most City employees shall consist of five (5) consecutive days for a total of forty (40) hours exclusive of unpaid lunch hours, but this can be either longer or shorter depending on the needs of the City and its citizens. The typical workweek shall be Monday through Friday unless otherwise specified for specific departmental personnel.

### Standard Overtime

Hours worked in excess of 40 hours per week to perform non-emergency work shall be paid to non-exempt employees when such work is approved by management at one and one-half (1 ½) times their normal rate.

### Call-Out Pay/Shift Differential

In the event that a non-exempt employee is off-duty and is called out to report for work, the employee will be paid a minimum of three (3) hours at one and one-half (1 ½) times his or her regular rate of pay.

Employees who are assigned to work midnight shifts (either from 11 p.m. through 7 a.m. or midnight to 8 a.m.) shall be compensated one dollar (\$1.00) per hour, above their normal rate

of pay, for each hour worked on such a shift.

### Time Cards

Time cards are to be used as the hourly work record for all employees except Department Directors and the City Manager. Employees must comply with starting and quitting time; otherwise, they will be subject to disciplinary action. Tampering with or recording time for another individual shall be grounds for disciplinary action.

Non-exempt employees (as defined by FLSA) who work more than forty (40) hours in a week shall be paid at one and one-half (1 ½) times the regular hourly rate; however, overtime is based on actual hours worked and does not include vacation leave, holiday pay hours, approved sick leave or other benefit time as hours worked. All overtime must be previously authorized by the Department Director. Exempt employees such as positions which are primarily of a supervisory nature (as defined by the Fair Labor Standards Act) shall not be entitled to overtime pay.

1. For purposes of computing overtime pay and compensatory time, sick leave, personal days, jury duty, vacation days and lunch hours shall not be construed as hours worked.
2. The Supervisor or Department Director must first affirmatively seek qualified volunteers prior to requiring a specific employee to work scheduled overtime hours. The Department Director will give the employee as much notice as possible before requiring overtime.

### **B. EMERGENCY CONDITIONS**

For purposes of this subsection, the term “emergency” shall be construed to mean circumstances including, but not limited to, manmade situations such as acts of terrorism and civil unrest, strikes or walkouts; or a significant unexpected shortage of personnel; natural disasters, such as hurricanes, tornadoes, or floods.

The City realizes that emergency conditions such as storms may develop that may require the temporary closing of City facilities. Should that situation occur during the workday, hours considered for payroll shall be determined by the City Manager. Emergency closing during the workday will be announced to the Department Directors, who will assess their department’s operational needs and communicate the information to their employees.

If emergency conditions develop during non-working hours, it is each employee’s responsibility to make every effort to be in contact with their supervisor during these emergency situations to determine their work schedule. Employees are required to use the live employee hotline and report to work as directed, unless excused. Failure to report to work as directed for an emergency may result in disciplinary action up to and including termination.

## Emergency Overtime

Notwithstanding the general prohibition regarding overtime and call back pay for exempt employees, hours worked in excess of 40 hours per week to perform emergency work shall be paid to exempt employees at straight time for every hour worked.

Hours worked in excess of 40 hours per week to perform emergency work shall be paid to non-exempt employees at one and one-half (1 ½) times the regular hourly rate. Emergency work shall be performed as needed by the City and as approved by management.

## Emergency Work – Call back

When an impending emergency is imminent, the City may close all standard operations thereby sending all employees home. Essential employees may be called back to work as needed by the City. Those essential employees who are called back to support the City in managing the emergency will be paid in accordance with the *Emergency Overtime* rules noted above.

If in an emergency a non-exempt employee is called back to work after having left the job at the completion of the work shift, the employee will be paid a minimum of three (3) hours at one and one-half (1 ½) times the regular hourly rate, regardless of the actual number of hours worked within the week or the work period.

Department Directors are considered managerial, exempt employees under the regulations of the Public Employees Relations Commission and the Fair Labor Standards Act. Therefore, Department Directors are salaried employees, not subject to the payment of overtime, except as provided for in an emergency situation. The City recognizes that the managerial employees often work hours outside of a normal forty-hour workweek, without additional compensation. Therefore, managerial employees have the opportunity to take administrative time during the normal workweek, subject to the approval of the City Manager. It is expected that departmental responsibilities will be met and that the managerial employee will be available via telephone to provide direction and/or instruction to subordinates, if necessary.

## **1.9 MEAL PERIODS**

The amount of time for meal periods may vary for some positions, depending on the job duties of the position, the employee's total scheduled hours and the needs of the department. Mealtime is not included in hours worked whenever the employee is free to leave the work station, relieved of duties, and the time allowed is at least 30 minutes. This meal period time is the employee's and may be used as they see fit and in accordance with the provisions of Section 1.30 (*Employee Conduct and Discipline*). Employees are not permitted to accumulate meal periods in order to leave work early, or to extend daily meal periods, unless approved in advance by their supervisor.

### **1.10 REST BREAK**

Each employee is allowed one fifteen (15) minute paid rest break for each one-half shift worked. A one-half shift is generally regarded as four (4) hours. Employees who smoke must do so in designated areas and only during regular lunch periods or break periods. The fifteen (15) minutes must be taken at one time and may not be broken up into smaller segments or accumulated to take later.

### **1.11 COMPENSATORY TIME**

Non-exempt employees covered by the Fair Labor Standards Act (FLSA) may elect to receive compensatory time off in lieu of overtime, at the rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked. *During civil emergencies all overtime will be compensated at a rate of one and one-half (1½) times the employee's regular straight-time hourly rate of pay and compensatory time off leave accruals will not be permitted.* For purposes of computing overtime pay and compensatory time, sick leave, personal days, jury duty, vacation days and lunch hours shall not be construed as hours worked. Employees may accumulate compensatory time off but may use no more than forty (40) hours at one time. At the discretion of the Department Director, compensatory time may be accrued up to a maximum of forty (40) hours. Once compensatory time has been earned and accrued, it may not be cashed in for monetary payment during employment. Upon a non-exempt employee's departure from City employment, accrued compensatory time shall be paid out in a monetary lump sum in accordance with FLSA guidelines in effect at the time of departure. Non-exempt employees may utilize compensatory time provided reasonable written notice of utilization is given. The Department Director must authorize all compensatory leave use based on departmental operations not being unduly disrupted by the employee's use of compensatory leave. The non-exempt employee will be advised in writing by the Department Director of the approval or denial of the request.

### **1.12 TIME RECORDS**

It is the City's responsibility to set time keeping and payroll policies and it is the employee's responsibility to maintain their individual time records. A time record is required because the City uses the information for compliance with government regulations, payroll computation and providing an accurate record of earnings. All employees must maintain a true and accurate time record as approved by the City's Finance Department. Employees are prohibited from clocking in earlier than his or her assigned working start time.

Each employee and Department Director must sign the time record before submittal to Finance for processing no later than noon on the Monday following the end of the pay period. Time records may be requested earlier in the event of a holiday. Any changes or corrections must be made within the following pay period.



### **1.13 PAYROLL**

#### **Pay Period**

The payroll period is biweekly, although each week stands alone for compensation purposes. Employees will receive their paycheck on Tuesday, for the week ending the previous Sunday, for a total of twenty-six (26) pay periods per year. The official workweek extends from 12:01 a.m. on Monday through 12:00 p.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 designated by the City. In extenuating circumstances, the City will consider a pay advance upon approval of the employee's Department Director and the Finance Director.

#### **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 on a bi-weekly basis 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 forms.

#### **Questions Regarding Employee Paychecks**

The City takes every precaution to avoid errors in pay. However, if an error does occur inadvertently, the employee must immediately inform his/her supervisor who will contact the Finance Department and determine whether an adjustment is appropriate. If the paycheck contains an error, an adjustment will be made on the next regular payday.

### **1.14 LENGTH OF SERVICE**

The City recognizes an employee's length of continuous service as an important advantage. Some benefits employees receive, such as vacation, are based in part on length of service. Employees who are reinstated or re-employed following separation will have a new date of service effective with the first date of work of the most recent employment. Time spent in a temporary appointment will not be credited toward length of service if a transfer to a regular position occurs. If a PT29 employee later becomes full-time, time spent in the PT29 position will be credited towards length of service for purposes of recognition only (i.e. service awards).

### **1.15 LONGEVITY**

One year after an employee reaches the maximum step of his/her pay range, the employee may be entitled to receive longevity pay, subject to a satisfactory performance and attendance evaluation, in the amount of \$1,500. This will be paid in a lump-sum amount and will not increase an employee's base salary. Employees who are receiving longevity pay and who are thereafter promoted to a higher classification will no longer be eligible for longevity pay until

one year after they reach the maximum step of their new pay range. An employee who resigns, retires, or is terminated prior to his or her anniversary date shall not be entitled to receive any portion of the longevity pay benefit. The longevity benefit will be applicable only when an in-grade salary increase is approved for all City employees.

#### **1.16 ANNIVERSARY DATE/RECLASSIFICATION DATE**

- A. An employee's anniversary date is the date of initial employment or re-employment with the City. This date is used in determining eligibility for leave benefits that are related to length of service. It is also the approximate date upon which performance evaluations are normally conducted.
- B. If an employee is promoted or reclassified, then the effective date of the promotion or reclassification becomes the date used for his or her annual performance evaluation.

#### **1.17 CLASSIFICATION POLICY**

The classification plan provides a complete inventory of all positions in the City service and accurate descriptions and specification for each class of employment. Job classification is determined by the requirements of the job and factors such as duties, responsibility, skill, training, education, and working conditions. No person shall be appointed to, or employed in, a position in the classified service under a title not included in the classification plan. The applicable Pay Plans contain specific grade and steps, which are reviewed and maintained by the HR Administrator. The classification plan consists of written job descriptions for each position which contain a general description of the nature of the work and of the relative responsibility, examples of work in terms of knowledge, skills, abilities, experience, and training necessary for the position.

The City shall periodically review the classification of positions and make amendments to the classification plan, additions or revisions of existing classes, and the abolition of classes. Changes in duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments shall be reported to the HR Administrator by the appropriate Department Director(s).

#### **1.18 COMPENSATION POLICY**

An in-grade salary increase may be granted after completion of a one (1) year employment period if the head of the department determines that the quality of performance is satisfactory. In the event an increase is not granted after the one (1) year employment period for reasons of unsatisfactory performance, the employee shall not be eligible for another regular in-grade increment for one (1) full year from the date the increase is finally granted. This shall be considered the employee's new evaluation date. For purpose of granting increments, all employees shall be deemed to have achieved their anniversary dates on the actual date of the anniversary or the closest following day for which pay is received, i.e., if the anniversary date

falls on Saturday or Sunday, the pay increase will be effective on Monday.

An employee who performs the duties and responsibilities of his or her position in an outstanding manner and whose work generally is well above expectations shall be eligible to be considered for an outstanding service advancement on his or her anniversary. This shall be initiated by the employee's supervisor and Department Director by submitting to the City Manager a statement in writing setting forth the reasons for such award for outstanding service rendered to the City. The City Manager shall review the recommendation and approve or deny it. Any non-promotional advancement approved by the City Manager shall be limited to no more than two (2) steps or a total of five percent (5%), and an employee may not receive more than one such advancement in a twelve (12) month period. Department Directors may issue up to a \$500 one-time lump sum bonus to an employee for outstanding performance.

### **1.19 PERFORMANCE REVIEW**

The City Clerk's Office will forward an employee performance evaluation form to the employee's Department Director prior to the employee's anniversary date. The employee's immediate supervisor will complete the form and return it to the Department Director for review. The form will then be forwarded to the City Clerk's Office for review, signature, and placement in the employee's personnel file. Completed copies will be provided to the Department Director and the employee.

Employees will be evaluated by their supervisor at six months during their probationary period, annually near the time of their anniversary date, upon transfer, promotion or periodically as deemed necessary by the department head. This process consists of evaluation of job performance, personal characteristics that affect work habits, attitude, attendance and other job related functions. The employee will be given space to make comments on the evaluation. It is important for all employees to have a performance review periodically, in order to discuss work performance and to identify areas of success and improvement. Although these performance reviews are scheduled on a regular basis, employees are encouraged to privately discuss ideas, questions, or problems with their supervisor as they develop.

In the event of an unsatisfactory evaluation, an employee's performance will be monitored by their supervisor with follow-up evaluations to take place within three (3) months. At anytime an employee receives an unsatisfactory evaluation, no pay increase will be granted (see Section 1.18 *Compensation Policy*). The Department Director, with the approval of the City Manager, may dismiss a City employee for lack of performance (see Section 1.30 *Employee Conduct and Discipline*).

### **1.20 PROMOTIONS/RECLASSIFICATIONS**

The Department Director is responsible for notifying the City Clerk/Director of Administrative Services of any material changes in the description of an employee's position that would result in a higher level of responsibility and warrant review for possible reclassification.

If promoted or reclassified to a higher position, an employee will normally receive an increase in pay, which reflects the new responsibilities. If an employee is promoted to a position classified at a higher grade, that employee's salary shall be increased to the next higher step within the new grade. The City Manager may, at his/her sole discretion, authorize a salary higher than the starting amount designated in the compensation plan. Promotions must be approved by the Department Director and the City Manager. Employees who receive a promotion shall also be subject to a six (6) month probationary period to determine his or her ability to carry out assigned tasks, efficiency, and other characteristics relative to the requirements of the new position.

### **1.21 DEMOTION**

A demotion is a change in an employee's duties from one position to another for which a lower minimum and maximum rate of pay is established, and/or a lower level of responsibility. The reason for any requested demotion shall be put in writing by the Department Director and forwarded to the City Clerk/Director of Administrative Services for recommendation and approval of the City Manager before such demotion is put into effect. If an employee is demoted to a lower grade and the present rate of pay is above the maximum rate established for the lower grade, the rate of pay shall be adjusted to the maximum rate of the lower grade. If the demotion is for disciplinary reasons, the employee's rate of pay shall be reduced at least one step. In addition, the employee shall be placed on probationary status and be subject to any applicable reviews and procedures (see Section 1.7 *Probation*).

### **1.22 TRANSFERS**

Transfers may be voluntary or involuntary. Temporary or regular transfers to positions in the same or lower pay grade are not accompanied by an increase in pay. The City reserves the right to transfer employees to positions or locations necessary to accomplish the objectives of the City. If the rate of pay in the former class is higher than the maximum rate established for the new class, the pay shall be reduced to the maximum rate or an intermediate step of the new grade. If the Department Director, in concurrence with the City Manager, believes that it is in the best interests of the City, and the transfer is not for disciplinary reasons, the City Manager may determine that the employee's rate remain unchanged.

### **1.23 RESIGNATION**

To resign in good standing, employees shall provide two (2) weeks written notice of resignation, including the reason for leaving and effective date, to their Department Director. If extenuating circumstances exist, the City Clerk/Director of Administrative Services may agree to permit a shorter period of notice. The Department Director will forward such resignation with the Personnel Action Form to the City Clerk's Office. An employee may not utilize accrued vacation time to extend a resignation date. The City reserves the sole rights to determine eligibility for re-hire.

#### **1.24 LAYOFF/SEVERANCE PAY POLICY**

The City Manager may layoff regular employee(s) when it is deemed necessary by reason of shortage of workload or funds, the abolition of the position, material changes with the department's organization or for other related reasons, which are outside the employee's control and which do not reflect discredit upon the services of the employee. The City Manager shall notify the City Commission of this action at the first appropriate opportunity. Layoffs are not subject to appeal.

No regular employee shall be laid off while another person is employed on a probationary basis in the same class in that department. If there is more than one employee in the same class, the layoff of a regular employee shall be made first on the basis of employee evaluation rating (including attendance) in the class and department. In a department and class where there is more than one employee and if performance evaluations are equal, the layoff determination shall revert to the inverse order of length of service. The City shall provide regular employees at least ten (10) working days notice of such layoff. In addition to accrued vacation pay and sick leave, if applicable, all employees laid off by the City in good standing are eligible to receive one (1) week's (five working days) severance pay, provided they have completed at least one year of continuous service with the City. This benefit of severance pay will be revoked by the City Manager if an employee who is being laid off leaves the service before the required effective date of his or her severance. No employee who is terminated for disciplinary reasons by the City shall receive severance pay; neither is an employee who resigns eligible for severance pay. An employee whose employment is terminated due to outsourcing, and who continues employment with the outsourcing entity, shall not be eligible for severance pay.

#### **1.25 EXIT INTERVIEWS**

Upon separation from the City, the employee's Department Director may conduct a preliminary exit interview and shall accept all City property previously assigned to the employee. The City Clerk's Office may conduct a final exit interview to provide necessary termination documentation, continuing benefit information and receive any final payout due. The final interview may be used as a tool to determine problem areas and improve working conditions and will be reported back to the applicable Department Director.

#### **1.26 EMPLOYEE RECORDS**

Employees have the right, upon written request, to examine and copy any and all material contained in their own employee file. The City Clerk's Office maintains employee records pursuant to Florida Statutes Chapter 119.07 Inspection, Examination, and Duplication of Records. Copy charges may apply. Department Directors and supervisors may only have access to personnel file information on a need-to-know basis. Personnel files may not be taken outside of the department. Employees are not permitted to remove any documents from the

personnel file. Personnel file access by current employees and former employees upon request will generally be permitted within three working days of the request.

### **1.27 ETHICAL STANDARDS**

In general, public employees are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of Cooper City's government hinges on the proper discharge of duties in the public interest. Public employees must ensure that the independence of their judgment and actions is preserved without any consideration for personal gain. The following specific ethical standards shall guide public employees:

*Incompatible Offices.* A public employee shall not hold incompatible offices or engage in any regular outside employment unless and until such employee has completed the Outside Employment Form.

*Use of Confidential Information.* Public employees shall not disclose to others, or use to further their personal interest, confidential information, as defined by Florida Statutes, acquired by them in the course of their official duties.

*Solicitation or Receipt of Anything of Value.* A public employee shall not solicit or receive anything of value from any person or association, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the public employee's duties. Incidental items provided to public employees in the due course of business while attending conferences, seminars and training sessions shall be exempt from this provision. Unless approved by the City Manager, solicitation, blogging, or distribution of literature by employees on City property during working time, which in any way interferes with housekeeping, work production or service to citizens, is prohibited.

*Holding Investments.* No public employee shall hold any investment that might compromise the performance of his/her duties without disclosure of said investment and self-disqualification from any particular action that might be compromised by such investment, except as may be permitted by statute.

*Representation of Others.* City employees shall not represent persons or associations in dealings with the City.

*Financial Interest.* Where a public employee has a financial interest in any matter being considered by the public employee, such interest (if known to the public employee) must be disclosed to the City Manager, and the public employee shall be disqualified from further participation in the matter.

*City Property.* No public employee shall use City-owned property such as vehicles, equipment, or supplies for personal convenience or profit except when such property is available to the public generally, or where such property is provided by specific City policy in the conduct of official City business. The City reserves the right to search any City-owned property, including

but not limited to vehicles and desks. Employees are responsible for all City equipment in their care, custody, and control. All City property assigned to an employee must be returned upon separation of employment or transfer of duty. Damage to City property caused by actions not contained in the employee's job description or due to negligence on behalf of the employee may result in disciplinary action.

*Special Consideration.* No public employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

*Authority.* No public employee shall exceed his/her authority, or breach the law, or ask others to do so.

*Public Funds.* No public employee shall use City public funds, personnel, equipment, or facilities for private gain or political campaign activities, unless such equipment and facilities are available to the public.

*Use of Logo or Other City Symbols.* Use of the City's logo or any other symbol for non-official City business without approval of the City Manager is prohibited.

*Expenses.* Public employees shall provide complete documentation to support requests for expense reimbursement. Expense reimbursements shall be made in accordance with City policy.

*Donations.* No public employee shall take any action that will benefit any person or entity because of a donation of anything of value to the City by such a person or entity.

*Official Action.* No public employee shall take an official action that will benefit any person or entity where such public employee would not otherwise have taken such action but for the public official's family relationship, friendship, or business relationship with such person or entity.

*Compliance with Laws.* Public employees shall comply with all local ordinances and state and Federal laws, including but not limited to the laws governing the functioning of municipalities, their elected and appointed officials, and employees.

*Acceptance of Gifts.* Public employees must comply with any established ethics ordinance.

*Knowledge of Violations.* Public employees shall disclose any possible violations of the City's ethics policy to the City Manager.

*Public Interest.* Public employees shall act with the best interests of the City of Cooper City in mind.

*Bribery.* Public employees may not, either directly or indirectly, attempt to influence the City Manager or City Commission in any way with money, services, or other remuneration.

*Personnel Actions.* No employee shall make any false statement, certification or recommendation of any appointment under any provision of these policies, or in any manner, commit or attempt to commit any fraud preventing the impartial execution of the provisions of these policies, with regards to employment, promotion or transfer.

*Political Activities.* The political activities of any employee shall be in accord with and regulated by Florida Statute 104.31 as it may be amended from time to time. No City employee shall participate in any political activity including the solicitation of contributions or votes during working hours. At no time will an employee display in their work area any type of literature or signage that might be construed to support a particular candidate. Violation of this policy may subject the employee to disciplinary action.

*Complaints Against Public Employees:* Allegations made against public employees shall be handled by the City Manager. The City Manager will oversee the review and investigation of the allegations, and will determine the appropriate responsive action.

## **1.28 DRESS CODE, UNIFORMS, AND APPEARANCE**

Employees must dress in an appropriate manner. Employees who are not required to wear uniforms are expected to wear appropriate business attire, to dress neatly and to exercise common sense in selecting clothing and footwear appropriate for a business environment. Hair should be neatly groomed and worn in a businesslike style. Inappropriate attire for work includes tank tops (unless worn under a jacket or sweater); any style top which has a revealing neckline; mesh shirts; cutoff shirts; midriff tops; halter-tops; shirts with potentially offensive words, terms, logos, advertising, pictures, cartoons, or slogans; flip flops; sweat pants; jogging suits; ripped jeans. City employees shall not consume alcoholic beverages while on duty, inclusive of mealtime, nor on off-duty hours while in uniform.

The City reserves the right to determine whether an employee is dressed in an acceptable manner. ***Department Directors have the final say on what is appropriate attire based on individual department functionality.*** If the Department Director decides that an employee's dress is inappropriate for business, the employee may be required to return home and change.

The City provides uniforms and/or special clothing to certain employees based on department operational needs. This can include uniforms, clothing, footwear and accessories. When these items are provided, it is required that they be worn throughout the entire scheduled work day as both a matter of appearance and safety. The initial issue of uniforms, clothing and footwear, as well as the replacement of these items due to normal wear or irreparable damage resulting from the performance of official duties, may be furnished to City employees whose jobs require specific identity, or based on operational needs, subject to prior approval of the City Manager.



Other apparel may be provided for employees working in special areas as required on an occasional or as-needed basis. Protective personal equipment may be furnished to employees who perform duties with special hazards. Employees whose jobs require safety shoes/boots shall receive an allowance of \$150 per year for the purchase of a safety toe shoe (or as otherwise dictated by ASTM standards and safety rules) which meets prior approval of the Department Director. Employees must at all times wear said safety shoes on the job or face disciplinary action.

The City may offer each office personnel one (1) City shirt per year; Elected Officials, City Manager, Department Directors, Building Inspectors, and Arborist five (5) City shirts per year, which shall be considered a taxable fringe benefit.

Employees, other than those listed above, may be provided shirts/uniform service as follows:

**Public Works Department:**

- Maintenance Personnel: Uniform rental service, which is non-taxable; three (3) purchased t-shirts, which are optional and taxable
- Park attendants: Uniform shirt rental service

**Utility Department:**

- Maintenance Personnel: Uniform rental service, which is non-taxable; three (3) purchased t-shirts, which are optional and taxable

**Recreation Department:**

- Maintenance Staff: Up to five (5) shirts each per year, which are taxable
- PT29 Staff: Up to three (3) shirts each per year, which are taxable; (Exception: Camp and Event Staff shirts, which are considered required and not taxable)
- Lifeguard/WSI Instructor: One (1) bathing suit per year, which is taxable

All uniforms and clothing shall be returned to the applicable department when the employee separates from employment or moves to a position that does not require such items.

**1.29 CRIMINAL CHARGES**

Any employee in the City service who has been arrested (on or off duty), indicted or who has been charged by information in any State or Federal court must report such arrest, indictment or charge as soon as possible (i.e., no later than the next working day, whether or not the employee actually reports to work that next working day) to the employee's Department Director. Failure to promptly report such information will be grounds for disciplinary action, up to and including termination.

The City Manager may immediately, in his/her sole and exclusive discretion, suspend without pay any employee in the City service who has been arrested and charged with a felony or other

serious crime, indicted or informed against in a State or Federal court. The affected employee may be suspended upon receipt of verification (from the employee or any other reliable source, such as but not limited to a Court or law enforcement agency) of that arrest, indictment or information. An employee who is suspended without pay pursuant to this section shall be afforded an opportunity to meet with the City Manager, or his/her designee, to discuss the circumstances of the arrest, indictment or information. The purpose of the meeting is to allow the employee to tell his/her side of the story so that the City Manager may, in his/her sole and exclusive discretion, determine the appropriate course of action, which may include, but is not limited to: continuing the suspension without pay; converting the suspension to one with pay pending further inquiry; reinstating the employee with back pay; and/or any other administrative/disciplinary action.

Notwithstanding any limitations on the length of suspension set forth elsewhere in the City's Personnel Policies, suspensions under this Section may continue indefinitely through the resolution of the criminal proceedings related to the arrest, indictment or information, or until such time as an administrative determination is rendered. Any extensions of time or continuances of any administrative proceedings (including the preliminary meeting with the City Manager) related to a suspension without pay that is attributable to, or caused by, the employee shall be deemed a waiver of any claim for back pay or other benefits lost as a result of that extension of time or continuance.

An acquittal or dismissal of the criminal charges related to the arrest, indictment or information (if any such action occurs prior to the conclusion of any administrative action or inquiry) shall not automatically entitle the employee to reinstatement or any other relief. Instead, upon the conclusion of the criminal proceedings, the City may conduct (i.e. commence or continue as appropriate) an administrative investigation or inquiry and, if appropriate, impose disciplinary action up to and including termination, as determined by the City Manager in his/her sole and exclusive discretion. The resolution of the criminal charges may be used as a factor in any administrative determination. For purposes of this rule, the fact that adjudication is withheld or any criminal proceeding which terminates upon the employee's plea of nolo contendere shall not prevent the City from conducting its own administrative investigation and taking appropriate disciplinary action.

### **1.30 EMPLOYEE CONDUCT AND DISCIPLINE**

Employees of the City are considered to be members of a team working together to achieve one common goal, which is to serve the citizens of Cooper City by enhancing the quality of life in the City in the most effective and efficient manner possible. Employees who fail to follow necessary policies, procedures, rules and directives or fail to exhibit proper employee conduct not only penalize themselves, but they render a disservice to the rest of the team and to the City. All employees serve at the will and pleasure of the City and, accordingly, may be dismissed for any reason deemed appropriate by the City.

#### **Discipline**

If any employee engages in activity detrimental to the best interests of the City of Cooper City, its citizens, supervisors or co-workers, then that employee will receive appropriate discipline. The City reserves the right to make all disciplinary decisions. Employees may receive progressive discipline including oral reprimand, written reprimand, demotion, suspension or discharge based on the type, frequency, and severity of the offense. Progressive discipline may not be appropriate for more serious offenses. A Department Director, with the prior approval of the City Manager, may dismiss a City employee. Whenever employee performance, attitude, work habits, or personal conduct at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapse and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. The City of Cooper City employs a system of progressive discipline. In some instances, a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

Disciplinary actions may take the form of:

- A. Verbal: An appointment will be made with the employee to discuss unsatisfactory performance and to set reasonable goals and timetables for improvement.
- B. Written Reprimand: In situations where a verbal warning has not resulted in the expected improvement, or where more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employee's department file and the employee's personnel folder. A time limit for correction of unsatisfactory behavior may be set forth in the written reprimand.
- C. Suspension/Demotion or Discharge: An employee who is being considered for suspension, demotion or discharge shall be given a written statement of the specification or charge prepared by the Department Director or City Clerk/Director of Administrative Services and approved by the City Manager. An employee may be suspended without pay by the Department Director and/or City Manager for disciplinary action, or other justifiable reasons when alternate personnel actions are not appropriate. Suspension shall be of a specific duration and without pay. An employee may be demoted to a position of lower grade by the City Manager or designee when alternate personnel actions are not appropriate. An employee may be dismissed by the Department Director with the approval of the City Manager when alternate personnel actions or other disciplinary actions are not appropriate. A written statement of the reasons shall be submitted to the employee affected.

#### Employee Conduct

There are two (2) groups of example offenses for which employees may be disciplined. Nothing contained herein shall be construed to limit disciplinary action to these sample offenses. Each violation shall be evaluated upon its individual merits and a particular violation may be so severe as to warrant more serious discipline than is illustrated below:

### Group One Offenses

1st Occurrence – verbal or written reprimand

2nd Occurrence – up to ten (10) days suspension without pay

3rd Occurrence – up to and including termination

1. Taking more than specified time for meals or breaks.
2. Being late or absent without proper notice, authorized leave or excuse. Employees are expected to report to work on time, on a regular basis. Unnecessary absenteeism and tardiness is expensive, disruptive and places an unfair burden on other employees and supervisors. If the absence is unauthorized and for more than two consecutive workdays, the employee will have been deemed to have abandoned the job and resigned from City employment.
3. Leaving the job or the regular working area during working hours for any reason outside of the employee's job duties without authorization from the supervisor.
4. Chronic tardiness. Tardiness is defined as arriving late for work or returning late from breaks/meals, or early departure from work.
5. Making or publishing of any false, vicious, inappropriate or malicious statements or gestures to or concerning any employee, vendor or citizen.
6. Soliciting or collecting contributions for any purpose on City premises during working hours unless approved by the City Manager.
7. Soliciting signatures for petitions while on City premises during working hours without approval by the City Manager.
8. Conflict of interest other than specifically listed in these rules and regulations.
9. Receipt of any gift in the course of work when such gift is solicited or given in the hope or expectation of receiving a favor.
10. Removal of another employee's property or City property without permission.
11. Failure to timely report any accident or claim.
12. Violating a safety rule or safety practice.
13. Reporting to work or working while unfit for duty either medically, mentally or physically.
14. Mistakes due to carelessness.
15. Improper use of City computers regarding e-mail and internet usage.
16. Inefficiency, unsatisfactory performance, or lack of application or effort on the job.
17. Failure to report the loss of City equipment or other City property entrusted in the employee's custody.
18. Losing or causing damage to City property or property of an employee by actions not contained in the employee's job description.
19. Failure to keep the City and department notified of the employee's current proper address and telephone number.
20. Violation of published City or departmental policies, rules, standards, orders, operating procedures or regulations.
21. Abuse of leave privileges.
22. Sleeping during work hours.
23. Engaging in unprofessional behavior, such as horseplay, scuffling, wrestling, distracting the

attention of others, demonstrations on the job, obscene language or gestures, or loud or abusive behavior.

24. Any activity detrimental to the City.
25. Being verbally abusive to any employee, supervisor or citizen.
26. Exhibiting conduct unbecoming a City supervisor or employee.
27. Creating or condoning a work environment that is not conducive to the operational aspects or goals and objectives of the City.

### Group Two Offenses

1st Occurrence – up to and including termination

1. Misrepresentation of any facts in seeking employment.
2. Falsification of personal or City records, accident reports, work records, purchase orders, time sheets or any other report, record or application.
3. Making false claims or misrepresentations to obtain any sick or accident benefits, workers compensation or unemployment payments.
4. Making, posting or publishing of any threatening or intimidating statements, photographs/pictures, or gestures to or concerning any employee, vendor or citizen, or creating or condoning a hostile work environment.
5. Failure to return at the end of an authorized leave of absence.
6. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
7. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.
8. Unauthorized use of the City's tax-exempt number for any reason.
9. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
10. Loss of or failure to maintain a current license or certification required by the City, State or other governmental entity to perform the job for which the employee is assigned.
11. Deliberately or negligently misusing, destroying, damaging City property or property of an employee.
12. Theft of any amount of money or property from the City, co-workers, citizens or visitors.
13. Gambling, lottery or engaging in any other game of chance at City work locations at any time. (This does not include benevolent fund-raising efforts as approved by the City Manager).
14. Insubordination or refusal to perform work assigned or to comply with written or verbal instructions of the supervisor or management.
15. Conviction of criminal offense, including felony or misdemeanor. As used herein, the term "convicted" means a plea of guilty, a plea of nolo contendere, or a finding of guilty (regardless of whether adjudication is withheld) by any judicial body charged with the responsibility to determine violations of federal, Florida or any other state statute or law.
16. Committing actions that affect the safety of equipment or personnel.
17. Creating unsafe working conditions.
18. Being under the influence of or being in possession of any alcohol or illegal drugs while on

duty.

19. Refusal to take a drug or alcohol test when required to do so by the City.
20. Unauthorized possession of fireworks or explosives on City property.
21. Possession of firearms or weapons on City property without management authorization or except as required by job description.<sup>1</sup>
22. Disorderly, immoral or indecent conduct causing any negative reflection on the City.
23. Participating in or initiating physical altercations.
24. Throwing objects, malicious mischief or similar types of disorderly conduct.
25. Provoking or instigating a fight or fighting at any time on City property or on City time.

The lists above do not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

### **1.31 MANUAL RULES APPEALS**

In the event an employee believes that the rules contained in this Manual have been misapplied, he/she must utilize the following procedure. Failure of the grieving employee to strictly follow the time limits will automatically result in a final and binding denial of the grievance. If the City does not follow the time limits, the appropriate City official will be deemed to have denied the grievance and it may proceed to the next step.

*Step 1:* The aggrieved employee shall present any grievance orally to his or her immediate supervisor. Discussion will be informal for the purpose of resolving differences in the simplest and most direct manner. The immediate supervisor shall consult with the Department Director, reach a decision, and communicate that decision orally to the aggrieved employee within three (3) working days from the date the grievance was presented to him or her. Supervisors are not empowered to make policy decisions. If the grievance is not resolved at this step, it shall be the responsibility of the aggrieved employee to reduce any grievance to writing within five (5) working days of the date of the supervisor's response.

*Step 2:* If the grievance is not resolved in Step 1, the employee shall reduce the grievance to writing, sign it, and present it to the Department Director. The Department Director shall confer with the immediate supervisor and the employee and shall attempt to obtain the facts concerning the alleged grievance, and shall conduct a meeting concerning the grievance within five (5) working days of receipt of the written grievance. The Department Director shall notify the aggrieved employee of his or her decision no later than five (5) working days after the meeting.

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<sup>1</sup> Fla. Stat. §790.25(5) authorizes people 18 years of age or older to possess a concealed firearm or other weapon in a private conveyance for self defense purposes if the weapon is securely encased or not readily accessible for immediate use.

*Step 3:* If the grievance has not been satisfactorily resolved in Step 2, the employee may forward the grievance to the City Manager within three (3) working days of receipt of the Department Director's decision. The City Manager shall meet with the aggrieved employee within ten (10) working days after receipt of the grievance unless an alternate time period is mutually agreed upon in writing. The employee shall have the right to respond to the charge(s) made against him/her both in writing to, and orally before, the City Manager. The employee may call witnesses in support of his/her case. The City Manager shall render a final written decision within ten (10) calendar days after the hearing, unless this period is extended by mutual agreement in writing. The final written decision shall advise the employee of the action which is to be taken by the City. The City Manager's decision is final and cannot be further grieved or appealed.

### **1.32 APPEALS**

The following procedure shall apply only in cases involving suspension without pay, reduction in pay, reduction in rank/demotion, or discharge, except that said procedure will not be available to probationary employees. No other disciplinary actions may be grieved.

- A. The employee shall receive written notification of the proposed disciplinary action, together with sufficient facts and reasons therefore, as will enable the employee to make an explanation and/or present a defense to the proposed discipline. An employee who contests the proposed disciplinary action in accordance with the below procedure shall be considered in pay status until such time as the City Manager renders his written decision. However, nothing herein shall preclude the City from imposing immediate disciplinary action, without advance notice, where it is believed by the person taking disciplinary action that giving such notice would result in damage to property of the City, would be detrimental to the interest of the City, or would result in injury to the employee, a fellow employee, or the general public. In such circumstances, the employee, although not in pay status, will be given reasons for the disciplinary action after it takes effect and thereafter will be entitled to utilize the hearing procedures set forth in the following paragraphs.
- B. If an employee desires to contest the disciplinary action proposed by the City Manager, he/she must, within five (5) working days of receipt of notice of the proposed disciplinary action, file a request for a hearing before the City Manager or his designee, together with a brief statement outlining the reasons for the request. If the employee does not make a timely request for a hearing, he/she will be conclusively presumed to have concurred in the proposed disciplinary action and such action will become final.
- C. A hearing will be scheduled by the City Manager or his/her designee not less than ten (10) working days from the date of receipt of the hearing request. The hearing will be informal and will be conducted as follows:

1. The City Manager or his/her designee will orally inform the employee of the proposed disciplinary action and provide the employee with the opportunity to present any evidence he/she believes will mitigate, negate or otherwise explain the conduct for which discipline has been recommended.
2. The employee may be accompanied by a representative of his/her choice. The employee shall have the right to respond to the charge(s) made against him/her both in writing to, and orally before, the City Manager. The employee may call witnesses in support of his/her case.
3. The City Manager shall render a final written decision within ten (10) working days after the hearing. The decision shall advise the employee of the disciplinary action which is to be taken by the City. The City Manager's decision is final and cannot be further grieved or appealed.

### **1.33 POLICY AGAINST HARASSMENT**

The City of Cooper City is committed to providing a work environment that is free from discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting any kind of unlawful harassment or discrimination, including but not limited to, racial, sexual, ethnic, disability, age or religious harassment. This policy prohibits harassment in any form, such as verbal, physical and visual.

The definition of sexual harassment includes: (1) quid pro quo sexual harassment; and (2) hostile work environment sexual harassment. Quid pro quo sexual harassment occurs when an employee's compensation, terms, conditions, or privileges of employment are affected based on the employee's acceptance or rejection of sexual overtures. Hostile work environment sexual harassment occurs when an employer's conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment. Words or actions are considered unlawful sexual harassment if, among other things, they are sexual in nature and unwelcome. Examples of sexually harassing conduct include, but are not limited to, the following: (1) unwelcome sexual flirtations, advances, touching or propositions; (2) verbal abuse of a sexual nature; (3) offensive comments of a sexual nature; (4) sexually degrading words, gestures or images; and (5) the display in the workplace of sexually suggestive objects or pictures.

Examples of other types of harassment include but are not limited to: (1) nicknames pertaining to any ethnic, religious, or age characteristics or stereotypes; (2) racial, ethnic, age or religious jokes; (3) overtly or covertly distributed materials, signs, magazines, or bulletin board notices that are found offensive; and (4) use of any racial slurs.

Any employee who believes they have been harassed by a co-worker, manager or agent of the City should promptly report the facts of the incident or incidents and the names of the individuals involved to their supervisor and the City Clerk/Director of Administrative Services.



Employees who know or who become aware of potential harassment should report all complaints of harassment to their supervisor who will report to the Department Director and the City Clerk/Director of Administrative Services, to ensure that they are resolved promptly and effectively. The City will investigate all complaints and advise the interested parties of the conclusions.

The City will conduct all actions to resolve complaints of harassment through internal investigations as confidentially as possible and practical. Any manager or other employee who is found, after appropriate investigation, to have engaged in harassment of another employee will be subject to disciplinary action, up to and including termination. Employees who utilize the complaint procedure outlined in this policy will not be retaliated against and will not have their employment adversely affected by making such a complaint.

#### **1.34 WORKPLACE VIOLENCE--ZERO TOLERANCE POLICY**

The City has adopted a Zero Tolerance Policy for workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the City or that occur on City property will not be tolerated.

Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City or to create a hostile, abusive, or intimidating work environment for City employees. Examples of workplace violence include, but are not limited to, the following: (1) all threats or acts of violence occurring on City premises, regardless of the relationship between the City and the parties involved in the incident; (2) all threats or acts of violence occurring off the City's premises involving someone who is acting in the capacity of a representative of the City; (3) all threats or acts of violence occurring off the City's premises involving a City employee if the threats or acts affect the legitimate interests of the City; and/or (4) any acts or threats resulting in the conviction of an employee or agent of the City, or of an individual performing services for the City on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the City.

Specific examples of conduct which may be considered threats or acts of violence, include but are not limited to, the following: (1) hitting or shoving an individual; (2) threatening an individual or his/her family, friends, associates, or property with harm; (3) the intentional destruction or threat of destruction of City property; (4) harassing or threatening phone calls, e-mail or mail to an employee's home or work place; (5) harassing surveillance or stalking; (6) the suggestion or intimation that violence is appropriate; and/or (7) unauthorized possession or inappropriate use of firearms or weapons.

The City's prohibition against threats, harassment and acts of violence applies to all persons involved in the City's operation, including but not limited to City employees, contract and temporary workers and anyone else on the City's property. Violations of this policy by any individual on City property, by any individual acting as a representative of the City while off City

property, or by any individual whose actions off City property affect City business interests, will lead to disciplinary action (up to and including termination) and/or legal action as appropriate.

Every employee and every person on City property is encouraged to report incidents of threats or acts of physical violence of which he/she is aware. The report should be made to their supervisor and the City Clerk/Director of Administrative Services. Nothing in this policy alters any other reporting obligation established in City policies or in state, federal, or other applicable law.

### **1.35 WEAPONS AT WORK**

To ensure that Cooper City maintains a workplace safe and free of violence for all employees, the use of perilous weapons on City property is prohibited. Further, employees are prohibited from possessing perilous weapons on City property, except as authorized under Florida law<sup>2</sup> and as required to fulfill job duties. Perilous weapons include, but are not limited to, firearms, explosives, and knives. The term “possession” is defined to mean in lockers or toolboxes, in an employee’s personal possession, or anywhere else on City property, unless such possession is authorized under Florida law. Employees who violate this policy will be subject to disciplinary action up to and including immediate dismissal.

### **1.36 STAFF SEARCH AND SECURITY POLICY**

The City reserves the right to conduct an investigation of missing property or other suspected rule or policy violations.

### **1.37 DRUG FREE WORKPLACE POLICY**

The City of Cooper City is committed to maintaining a safe, productive work environment at all City facilities and work sites and safeguarding City property. In addition to the harmful effects of illegal drugs, the abuse of alcohol and/or illegal drugs can undermine employee productivity, and the quality of the City’s standard of service to the community. Therefore, the City has established this drug free workplace policy which applies to all employees and applicants for employment in order to provide a safe workplace and promote high standards of employee health by establishing and maintaining a work environment free from the effects of illegal drug or alcohol use.

The manufacturing, distribution, dispensing or possession and/or use of alcohol or illegal drugs on City property or during assigned work hours is prohibited and will be subject to discipline up to and including termination.

Employees who report to work under the influence of alcohol or illegal drugs or employees who

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<sup>2</sup> Fla. Stat. §790.25(5) authorizes people 18 years of age or older to possess a concealed firearm or other weapon in a private conveyance for self defense purposes if the weapon is securely encased or not readily accessible for immediate use.

operate City machinery or vehicles while under the influence of these substances will be subject to discipline up to and including termination. An impaired employee shall not be allowed to drive. Due to the seriousness of the consequences and safety implications of being found under the influence of alcohol while on duty, anyone assigned to be on-call should avoid consumption of any such substances for the designated on-call period.

Prescription drugs prescribed by the employee's physician may be taken during working hours. The employee shall notify the supervisor if the use of properly prescribed drugs will affect the employee's work performance. Abuse of prescription drugs will not be tolerated.

Supervisors have the right to counsel with an employee whenever they see changes in performance that suggest an employee problem. The supervisor may suggest that the employee voluntarily seek help from an assistance program or decide that the severity of the observed problem is such that a formal referral to a treatment facility should be made. All employees are encouraged to have the responsibility to make certain that they themselves and co-workers are performing properly. An employee who suspects a problem with a co-worker relative to the abuse of drugs or alcohol should contact their supervisor.

### **DRUG TESTING**

The City reserves the right to require drug and/or alcohol testing of employees under the following circumstances:

#### **Applicants/New Hires**

Any applicant who is offered employment with the City shall, as a condition of employment, submit to testing for the presence of drugs and alcohol. Applicants who refuse to take a drug test when requested will not be considered for employment with the City. Seasonal employees who are returning after a separation of one year or longer shall also be required to undergo drug testing.

#### **Reasonable Suspicion**

If a supervisor has reasonable suspicion that an employee is under the influence of alcohol or illegal drugs while at work, the City may require the employee to undergo drug and/or alcohol testing. Reasonable suspicion may be observed behavior or reported by a reliable and credible source or can be independently corroborated.

#### **Post Accident or Injury**

Employees who are involved in a job-related vehicular or driven equipment accident or incident which results or might have resulted in bodily injury which requires medical attention beyond simple first aid or property loss or damage.

#### **Random Testing**

Random and/or scheduled periodic testing may be performed on employees' involved in safety-sensitive positions to the extent allowed by law. This includes employees who drive city vehicles, operate heavy equipment, and employees subject to testing by the Florida

Department of Transportation.

*Fitness for Duty*

All employees who are subject to a routine fitness for duty examination may be required to take a drug and alcohol test as part of their medical examination.

*Follow-Up*

All employees who have been enrolled in a rehabilitation program for drug and/or alcohol abuse are required to take drug and alcohol tests on a quarterly, semiannual or annual basis (as determined by the City), for two years after return to work.

*Testing Procedures*

The testing will be conducted by a method of the City's choosing, at a testing facility selected by the City.

*Refusal of Testing*

Employees who refuse to take a drug test when requested will be subject to discipline, up to and including termination. An employee who refuses to submit to a drug test will forfeit his eligibility for all Workers' Compensation medical and indemnity benefits.

*Confirmed test*

The City may institute disciplinary action, up to and including termination, for any employee who has a positive confirmed drug test.

*Confidentiality*

Confidentiality of records concerning drug testing will be maintained except to the extent necessary to comply with this policy. All information, reports, memos and drug test reports, written or otherwise, received by the City through the drug testing program will be kept confidential as provided by law. Employees and job applicants may confidentially report the use of prescription or non-prescriptions medication both before and after having a drug test.

**1.38 DISABILITIES AND MEDICAL CONDITIONS IN THE WORKPLACE**

It is the policy of the City to provide a safe and healthy work environment for all employees and the public that is served, and to make reasonable accommodation to the work needs of applicants and employees who have a known physical or mental disability, as long as this does not create an undue hardship on the City or threaten the safety and/or health of the employee and others at work.

All employees of the City, at any time during their period of employment, may be required by the Department Director to undergo psychological or medical examinations, in order to determine if they are mentally and physically fit for the position in which they are employed. All psychological or medical examinations requested by the City shall be at no expense to the

employee. Refusal to submit to such examinations is grounds for immediate termination.

When an employee of the City is reported by the examining physician or psychologist to be physically or mentally unfit to perform work in the position in which he/she is employed, such employee may, within five (5) calendar days from the date of notification of such determination by the examining physician, indicate in writing to the Department Director their intention to submit the question of their physical or mental unfitness to a physician or psychologist of his/her own choice. If there is a difference of opinion between the original examining professional and the professional chosen by the employee, then the City Manager may, in his/her sole and exclusive discretion, designate a third professional to examine the employee. The City Manager is not bound by any such opinions, however, and may take any action he/she deems appropriate. The City shall bear the expense of reasonable direct costs of the examinations and shall provide the employee with reasonable time off to meet these appointments. The City shall be responsible for the reasonable and necessary overnight travel and expense cost related to these appointments if approved in advance by the City Manager.

If an employee contracts a disease or develops a physical or mental disability which limits their ability to successfully perform the job duties, which is communicable to others, or which threatens the health or safety of others at work, the employee may be placed on a leave of absence, based on the advice of a physician. Before being allowed to return to work, the employee must provide the City with a written physician's statement, indicating that they are able to perform their job duties satisfactorily, with or without accommodation, and does not pose a threat to the health and/or safety of others at work. This information shall be placed in the employee's confidential file in the City Clerk's Office.

If an employee contracts a non-communicable disease or disability, they will be allowed to continue to work as long as the employee is physically and mentally able. The City will make reasonable accommodation to the employee's work needs, as long as this does not create an undue hardship for the City or threaten the health and/or safety of others at work. The City will require a written physician's statement verifying the status of the disease or disability. Management reserves the right to make all work-related decisions based on the best interests of the City and its citizens.

### **1.39 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The City of Cooper City adheres to the benefits provided to all eligible employees under the Family and Medical Leave Act of 1993 (FMLA). This section contains highlights of the provisions. Eligible employees may be able to take up to twelve (12) weeks of unpaid, job-protected leave each year for specified family and medical reasons. For additional information, employees should contact the City Clerk's Office.

#### **Employee Eligibility**

An employee who has been employed with the City for at least twelve (12) months, and has worked at least 1,250 hours within the past twelve month period may, upon the approval of the

City Manager, be granted a leave of absence in accordance with the Family and Medical Leave Act of 1993 (which shall control any questions concerning this section). An eligible employee may be granted up to twelve (12) weeks leave during any rolling twelve (12) month period for a personal serious health condition, birth or adoption or foster placement of a child, or to care for a child, spouse or parent with a serious health condition. An eligible husband and wife who both work for the City will be limited to a combined total of 12 workweeks of FMLA leave during any rolling twelve (12) month period for the birth of a son or daughter, the placement of a child with them for adoption or foster care, or if they are needed to care for a parent with a serious health condition.

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember, as defined in 29 U.S.C. §2611, is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember. An eligible husband and wife who both work for the City will be limited to a combined total of 26 workweeks during any single twelve (12) month period.

When leave is foreseeable, the employee shall provide written notice to the Department Director and City Manager, not less than thirty (30) days before the date leave is to begin. If thirty (30) days' notice is not possible, notice must be given as soon as practicable before leave is to begin. Leave may be denied or delayed if an employee fails to give timely notice. Leave may be designated as FMLA leave retroactively only if the employee is not harmed as a result of that designation or if the City and the employee both mutually agree that the leave taken was FMLA leave.

When leave is medically necessary, an employee may take said leave in a rolling 12-month period intermittently or use the leave to affect a reduced workweek. When leave is requested to care for a newborn or newly adopted or placement of a foster child, an employee may take leave intermittently or on a reduced leave schedule only if approved by the City Manager. Intermittent leave or reduced schedule leave may result in the employee being temporarily transferred to an equivalent available position for which the employee is qualified. An employee taking family or medical leave will be able to return to the same or equivalent position with the same benefits he/she would have received had no leave been taken.

The City may require an employee taking leave for serious health reasons to provide a health care provider's certification that leave is medically necessary. The City may require periodic status reports from employees on unpaid leave regarding the continued need for leave and the employee's intent to return to work. The City may require employees to provide medical certification of their fitness to return to work after medical leave for serious personal health problems. Employees may be denied leave or reinstatement after leave until the City receives proper medical certification.

An employee shall exhaust any applicable accrued leave as part of the approved family or medical leave prior to taking any leave without pay. Employees may use accrued sick leave when leave is requested to care for a newborn or newly adopted or placement of a foster child.

As in all other types of absence without pay, sick leave and vacation leave shall not accumulate during family and medical leave of absence without pay.

During family and medical leave, an employee shall be entitled to receive the same group health benefits he/she would have received had no leave been taken. Employees on unpaid leave must continue to pay the same portion of their group health plan premium as if no leave had been taken. Payments by employees shall be made by the fifteenth (15th) of the month for the following month or as mutually agreed upon prior to the commencement of leave. If an employee fails to return to work from leave granted under this provision, the City may recover any premiums paid to maintain group health insurance for the employee during the period of leave without pay.

The City shall consider leave for employees not meeting the criteria for FMLA leave on a case by case basis, as recommended by the City Clerk/Director of Administrative Services and approved by the City Manager.

#### *Job Restoration Following Leave*

Employees returning from FMLA leave are normally entitled to be restored to their original job or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. In addition, use of FMLA leave will not result in the loss of any employment benefit the employee earned or was entitled to before using FMLA leave.

#### *Outside Employment*

Outside employment during FMLA leave is prohibited, and may result in disciplinary action, up to and including immediate termination of employment.

#### *Exhaustion of FMLA Leave Period*

Any employee failing to return or unable to return to work at the exhaustion of the FMLA leave period may be subject to termination of employment. An employee who informs the City that they do not intend to return at the conclusion of their leave will be deemed to have resigned.

#### *This Policy is Not a Contract*

All of the parameters of FMLA leave, including the duration of leave, benefits availability, job restoration, and other rights and obligations associated with FMLA leave are limited by the requirements of applicable state and federal laws. Employees should not infer any express or implied contractual rights from this policy. The City reserves the right to modify this policy as necessary, in its sole discretion, to ensure compliance with applicable state and federal law.

#### **1.40 CELLULAR PHONE ALLOWANCE**

The City recognizes that some positions require the need for communication devices such as cell phones that extend the employee's communication with the workplace. All related issues shall be determined by the department director based on their operational needs. Employees requiring cell phones will receive a monthly cell phone allowance.

Any use of a communication device (whether issued by the City or personally owned) by a City official to conduct City business must be compliant with Florida Statutes Chapter 119 and the City's Information Technology Usage Policy. Employees must pay taxes on this benefit as directed by the IRS.

#### **Cellular Phone Calls Subject to Public Records Requests:**

Employees and elected officials should be aware that the record of telephone calls made on their telephones may constitute public records if the call concerns City business pursuant to the statutory "public record" definition which is set forth below. In the event that a public records request is made for an employee's/elected official's cellular telephone calls, that employee/elected official will be given the opportunity to redact any personal phone numbers from the list prior to release to the requesting party. Discretion should be exercised by employees when using their telephones for personal use during regular business hours of the City. Accordingly, the duration and frequency of said personal calls should be limited by employees during work hours.

Florida Statute 119.011(12) defines public records as follows:

"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 or in connection with the transaction of official business by any agency."

Records of personal phone calls that were not made or received pursuant to a law or ordinance or in connection with the transaction of official business do not meet the statutory definition of public records. As such, the employee/elected official is not obligated to provide said non-public records and all references to such personal calls may be redacted in accordance with law. The employee/elected official shall assist the City Clerk's Office in identifying those calls which do not constitute a public record (under the definition recited above), in the event of a public records request. The employee/elected official shall also assist the City Clerk's Office in identifying any calls which may be exempt by law from public inspection or which may constitute confidential records by law, in the event of a public records request.



#### **1.41 OUTSIDE EMPLOYMENT**

The City would prefer that employees not obtain employment in addition to working for the City, although the City realizes that it may be necessary in some situations. The employee's first obligation is to the City, including regular and additional work hours, and meeting required attendance.

No employee of the City shall engage in any other employment, unless and until such employee has completed the Outside Employment Form.

No person employed by the City shall accept employment during off-duty hours wherein, because of the employee's position with the City, they could exercise unfair advantage over others engaged in the same occupation but not in the City's employ. Further, no person employed by the City shall accept or engage in off-duty employment to the extent that the same would tend to impair such person's capability, mental or physical, in the performance of their assigned duties with the City.

Employees injured or rendered incapable of performing assigned duties while engaged in off-duty employment shall be suspended from paid status until such time as the employee shall produce a written physician's statement certificate to the effect that they are physically capable of returning to regular duties with the City. Outside employment must be suspended if work status is sick leave, workers' compensation leave, FMLA, or restricted duty.

Any employee who shall disregard or violate these personnel policies may be subject to disciplinary action.

#### **1.42 SMOKING**

Smoking in the workplace is prohibited in accordance with Florida state law. Employees wishing to smoke must do so in an authorized outdoor smoking area as designated by the City during their scheduled break.

Use of tobacco is prohibited in any vehicle owned, leased, or rented by the City or where prohibited by law. Employees will make every effort to minimize the use of tobacco when they are actively engaged in dealing with the public. Tobacco in any form includes, but is not limited to cigars, cigarettes, pipes, snuff, and chewing tobacco. An employee who engages in prohibited conduct will be subject to appropriate disciplinary action, which may include warnings, reprimand, suspension, or termination.

#### **1.43 E-MAIL/INTERNET POLICY**

In order to facilitate communications within the City, a computer network system has been installed that includes an e-mail capability and Internet connection. Access to the Internet

and/or Internet E-mail may be assigned by Department Directors and supervised by the Information Systems Manager. Use of the City-provided Internet and E-mail is a privilege. Unauthorized use will result in the loss of access for the user and depending upon the seriousness of the infraction, may result in disciplinary action as deemed appropriate. Employees should be as conservative as possible in personal use and understand that public records laws may bring their use under scrutiny by the media and the public.

The internal communication systems, as well as the equipment and data stored, are and remain at all times the property of the City of Cooper City. Accordingly, all messages and files created, sent, received or stored within the system should be related to City business and are and will remain the property of the City. The City reserves the right to retrieve and review any message or file composed, sent or received. It should be noted that although a message or file is deleted or erased, it is still possible to recreate the message. Therefore, ultimate privacy of any and all electronic messages of any form whatsoever cannot be assured to anyone. Although electronic mail and voice mail may allow the use of passwords for security, confidentiality cannot be guaranteed. It is possible for messages to be retrieved and viewed by someone other than the intended recipient. Furthermore, all passwords are and must be known by the City as the system may need to be accessed by the City in the absence of an employee.

Employees are cautioned that they should have no expectation of privacy while using the Internet and postings can be reviewed by anyone. The City of Cooper City reserves the right to monitor comments or discussions about the City, its employees, and its residents, posted on the Internet by anyone, including employees and non-employees. The City of Cooper City uses blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forums, and social networking sites. Employees cannot use employer-owned equipment (including computers, City-licensed software or any other electronic equipment), facilities or City time, to conduct personal blogging or social networking activities. Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with the City of Cooper City.

The use of the Internet and e-mail provided by the City of Cooper 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. Operating a business, usurping business opportunities or soliciting money for personal gain, or searching for employment outside the City of Cooper City.
5. Issuing or forwarding chain mail and other frivolous messages.
6. Accessing gambling or hate group websites.
7. The circulating of jokes, comics or non-job related computer graphics.
8. Personal/private employee blogging or personal/private use of such social media websites including, but not limited to, Facebook, Twitter, You Tube, and LinkedIn.
9. Soliciting donations, including charitable campaigns, except as specifically authorized or part of official City-sponsored events, i.e., blood drives, United Way, etc.
10. Dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.
11. Sending, receiving, printing, posting, or otherwise disseminating proprietary data, City logos or other confidential information of the City of Cooper City 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:

1. Whenever possible, avoid communicating through e-mail on a sensitive subject that should be addressed in person;
2. Communicate confidential information in another form other than e-mail;
3. Check for accuracy and use correct grammar, spelling and punctuation;
4. Read all messages and respond regularly;
5. Avoid the use of typing a message in all capital letters;

6. Be careful not to use the 'Reply All' function when not intended, for e.g., system-wide distribution;
7. Ensure that messages are deleted or saved; the server should not be used to permanently store messages.

#### **1.44 SOCIAL NETWORKING POLICY**

Cooper City takes no position on your decision to start or maintain a blog or participate in social networking activities. However, it is the right of the City to protect itself from unauthorized disclosure of information. Cooper City's social networking policy applies to all employees. Social media or technology include but are not limited to video, audio, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with Cooper City. Employees are cautioned that they should have no expectation of privacy when using social media.

Unless specifically instructed, employees are not authorized and therefore restricted to speak on behalf of Cooper City. Employees may not publicly discuss residents, employees or any work-related matters, whether confidential or not. Employees are expected to protect the privacy of Cooper City, including but not limited to its employees, residents, elected officials, and financial information. Employees are cautioned that they should have no expectation of privacy while using the internet. Cooper City reserves the right to monitor comments or discussions about the City, its employees, residents, and elected officials posted on the internet by employees or anyone else. Employees cannot use employer-owned equipment, nor facilities or City time, to conduct personal blogging or social networking activities.

Cooper City requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, managers, or to the City Clerk/Director of Administrative Services. Violations include discussions of Cooper City and its employees, residents, and elected officials and financial information and any unlawful activity related to blogging or social networking. Cooper City investigates and responds to all reports of violations of the social networking policy and other related policies. Violation of the City's social networking policy will result in disciplinary action up to and including immediate termination. Discipline or termination will be determined based on the nature and factors of any blog or social networking post. Bloggers can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just Cooper City.

#### **1.45 SAFEGUARDING SOCIAL SECURITY NUMBERS**

It is the policy of the City of Cooper City to protect the confidentiality of Social Security numbers obtained and used in the course of business from its employees and applicants. All Department Directors and employees are expected to rigorously adhere to this policy. Any employee violating the provisions of this policy and its operating procedures will be disciplined in accordance with the City's rules.

#### **1.46 ACCIDENTS**

All accidents which occur on City property or involving any City equipment/operations, whether to employees or visitors, must immediately be reported to a supervisor and/or the Department Director who will report to the accident scene. This procedure is necessary in order to provide immediate medical aid to an injured person and to provide a full and prompt report to the City's Human Resources Administrator or the City Clerk/Director of Administrative Services. Employees should not make any statements to the injured person as to their opinions on the cause of the accident; instead, report the complete circumstances to the Human Resources Administrator or the City Clerk/Director of Administrative Services on the appropriate forms within 2 hours of the accident or as soon as practicable but not to exceed 12 hours. Employees in accidents involving City vehicles may be subject to disciplinary actions based upon accident history and upon determination of fault. In addition, supervisors who have been notified of an accident and did not report to the accident scene may be subject to disciplinary action. Such disciplinary actions may range from a written warning to suspension without pay or, depending on severity and frequency, up to and including termination. The final disciplinary action will be at the City Manager's discretion.

#### **1.47 DRIVER'S LICENSE POLICY**

This policy specifically addresses employees who occupy positions that require a valid driver's license and/or special driving certification (commercial driver's license) as a condition of employment.

An employee who has his/her driving license and/or privileges rescinded, suspended, revoked, barred or otherwise impaired for violating such statutes shall immediately notify his or her supervisor by 9 a.m. eastern time the next working day and **immediately discontinue operation of the city vehicle**. Failure to do so may result in disciplinary action, including termination of employment.

The employee shall not be permitted to operate a vehicle on behalf of the city until after the Department of Transportation or the appropriate state licensing agency restores the employee's ability to drive **and** until after the employee's immediate supervisor has completed an independent review of the circumstances and approves in writing the restoration of the employee's driving privileges.

The City Clerk's Office shall check driving records prior to hiring employees and verify that his or her driving record is acceptable. An employee who receives a traffic ticket in a city vehicle shall immediately notify his/her supervisor. The City Clerk's Office shall periodically validate all drivers' licenses of current employees authorized to drive city vehicles.

An employee whose job classification or position requires the possession and maintenance of a

driver's license and/or any required special driving certification in order to perform the essential functions of the job and who subsequently has his or her license impaired in any manner may be terminated from employment for failure to maintain the necessary qualification required for that position.

#### **1.48 DRIVING SAFETY POLICY**

The safety and well being of our employees is of critical importance to the organization. We therefore each have a responsibility to not only protect ourselves when on the road but also should do our part to protect those around us. Employees that are required to drive on City business at any time will be expected to consistently apply and follow all the procedures below:

1. All employees must wear seat belts at all times while in a moving vehicle is being used for city business, whether they are the driver or a passenger.
2. Use of handheld cell phones and radios, whether personal or city-owned, while behind the wheel of a moving vehicle being used on city business is strongly discouraged.
3. Engaging in other distracting activities including, but not limited to, eating, putting on makeup, reading or changing radio stations or music, is also strongly discouraged while driving, even when in slow-moving traffic.
4. Use of alcohol, drugs or other substances, including certain over-the-counter cold or allergy medications that in any way impair driving ability, is prohibited.
5. All employees are expected to follow all driving laws and safety rules such as adherence to posted speed limits and directional signs, use of turn signals and avoidance of confrontational or offensive behavior while driving.
6. No unauthorized personnel are allowed to ride in city vehicles.
7. Employees who drive commercial vehicles or who are otherwise subject to separate rules and regulations such as those dictated by state or federal law are also expected to adhere to all policies and regulations associated with the appropriate law or regulation that applies.
8. Employees must promptly report any accidents to local law enforcement as well as to the city in accordance with established procedures. [See Accident Policy]
9. Employees are also expected to report any moving or parking violations received while driving on city business and/or in city vehicles.
10. No driver shall operate a city vehicle when his/her ability to do so safely has been impaired by illness, fatigue, injury, or prescription medication.

11. Drivers are responsible for the security of city vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.
12. A spotter will be used at all times when backing a vehicle with an obstructed view. When a spotter is not available, the driver will conduct a walk around inspection prior to backing vehicle.
13. Failure to adhere to these procedures may result in disciplinary action per city policy.

#### **1.49 CITY PROPERTY**

Each City employee who is entrusted with City property is responsible for the safety and maintenance of said property. Damaged, stolen, or lost equipment must be reported to the employee's supervisor and the City Clerk's Office within twenty-four (24) hours. Any replacements will be subject to disciplinary action unless the employee can show evidence that the loss was beyond their control. At the time of separation from City service and prior to receiving final salary payment due, all City property entrusted to said employee, including but not limited to, records, books, uniforms, keys, tools and identification cards, shall be returned to the department and certification to this effect shall be made by the Department Director or Supervisor. Any monies due the City because of shortages shall be deducted from the employee's final paycheck. Each department shall have procedures in place to monitor and control city property.

#### **1.50 SUBPOENAS**

Employees may occasionally receive a subpoena concerning a City related legal matter. In most cases, the subpoena will instruct the employee to either appear for a deposition or to produce certain specified documents. Upon receipt of a subpoena, all employees shall immediately provide a copy of the entire subpoena to the Department Director and the City Clerk/Director of Administrative Services. The City Attorney will review the subpoena and contact the employee involved and advise them of the required response. No response to the subpoena should be made until the City Attorney has reviewed the subpoena and advised the employee accordingly. This procedure applies to all subpoenas received by an employee concerning a legal matter involving the City, except for subpoenas issued in a criminal case and directed to a law enforcement officer. Failure to comply with this section will result in disciplinary action.

#### **1.51 THREATS OF LITIGATION**

Any employee who receives any kind of city-related notice with the intent of litigation shall immediately provide a copy to the Department Director who will forward a copy to the City Manager, the City Clerk/Director of Administrative Services. All copies should be sent with a cover letter, since the transmittal of such a document should be noted for the City records. Discretion should always be used and citizen concerns should try to be resolved at the

department level. However, any legal threats, especially those in writing from a law office, should be dealt with by the above outlined actions.

### **1.52 CITY POLICIES AND PROCEDURES**

Employees are required to comply with all City policies and procedures as may be established by the City.



## SECTION TWO: BENEFITS OF CITY EMPLOYMENT

### 2.1 ACCESS TO GROUP HEALTH INSURANCE

**A. *Group Health Insurance Program:*** The mayor, commission, City manager, and full time City employees are eligible to participate in the City of Cooper City Group Health Insurance Program. The City Manager or his/her designee from time to time shall negotiate and submit to the City Commission for approval, execution, and renewal, group insurance contracts that provide adequate group coverage for City employees in accordance with Section 112.08 (F.S.).

Eligible individuals may select individual coverage, individual and family coverage or no coverage. The City pays the employees' group health coverage. The City shall contribute an amount per month toward the premiums for any dependent health insurance coverage the employee may elect to receive as designated by the City Manager in the annual budget. The group insurance plan provides for hospitalization, dental, and vision care.

An employee (including elected officials) who declines to participate in the City group health insurance plan may be eligible to receive a stipend not to exceed \$325 per month. The non-participating employee shall provide proof of alternative health insurance coverage (other than Medicare) and proof of the premium paid for dependent coverage on the alternative health insurance plan, if applicable. The stipend amount shall be based on the lesser of either \$325 per month or the monthly amount paid for dependent coverage by the non-participating employee for alternative coverage. The non-participating employee shall be responsible to provide updated evidence of coverage and premiums annually or within 30 days of change in status. Failure to promptly report change in coverage shall result in disciplinary action up to and including termination.

The schedule of benefits and the effective date of coverage shall be determined by the plan documents. Each full time employee shall receive upon appointment, a booklet detailing the benefits under the present insurance plan.

**B. *Retiree Medical Coverage:*** Pursuant to the provisions of Section 112.0801, Florida Statutes, all City employees and elected officials who retire from City service shall be eligible to participate in the City's group health coverage at their own cost. No administrative fee shall be charged to the employee or elected official for the continuation of benefits. Retirees and their eligible dependents shall be offered the same group health insurance coverage as is offered to active employees. If an employee or elected official declines coverage upon retirement, or does not elect coverage within 60 days of retirement, coverage may not be added at a later time. If the retiree fails to pay the monthly cost of insurance on a timely basis and after 30 days written notice by the City to the retiree, coverage may be terminated by the City.

Elected Officials and Department Directors hired or elected prior to January 1, 2012, and who have met the criteria (in accordance with policy 14.06 of the 2010 edition of the Manual of

Personnel Policies) shall receive: (1) fully paid health insurance coverage and associated benefits; and (2) the Medicare supplement offered by the City at the City's cost. This provision does not apply to anyone first elected or hired after January 1, 2012.

**C. *Life and accidental death and dismemberment (AD&D) insurance:*** The City provides to each employee \$50,000 in whole life insurance with ancillary AD&D coverage, at no cost to the employee. Employees may elect to purchase on their own additional life insurance coverages for themselves and their dependents. Coverage ends when employment or service with the City terminates.

**D. *Long-term disability insurance:*** The City provides for a mandatory group policy for long-term disability, in the event an employee is disabled from illness or a non-job-related injury. The City pays 50% of the premium and the remaining 50% is deducted from each employee's bi-weekly pay. Coverage ends when employment or service with the City terminates.

**E. *Dental Insurance:*** The City provides a group insurance plan for dental coverage for all employees, at no cost to the employee. Any employee who requires dependent dental coverage may purchase same via the City's group dental plan and pay the full costs thereof.

**F. *Voluntary coverages:*** The City also offers a number of programs/policies that employees may participate in at their own cost. These include various supplemental policies through AFLAC, deferred compensation via the International City/County Management Association (ICMA) and supplemental voluntary life insurance benefits. Depending upon City policy, these benefits may or may not be eligible for continuation when employment or service with the City terminates.

**G. *Cobra benefits:*** The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires most group health plans to provide a temporary continuation of group health coverage that otherwise might be terminated. COBRA requires continuation coverage to be offered to covered employees, their spouses, their former spouses, and their dependent children when group health coverage is lost due to certain specific events. See the Human Resources Administrator for more information.

### **The Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

The Health Insurance Portability and Accountability Act of 1996 requires that employees be notified on how medical information about them is collected, how that information may be disclosed and how they can get access to this information. Confidentiality is a top priority for the City of Cooper City. We are committed to maintaining the highest level of confidentiality with all of the information we receive from our employees and subscribers to the various health benefit plans of the City. The City requires that contracted third-party administrators of the City's health plans meet HIPAA security standards for all information, including that which is transmitted or maintained electronically.

The City respects the privacy of personal information and understands the importance of keeping this information confidential and secure. The City protects the confidentiality of the personal information we receive following Federal and State laws. Our practices apply to current and former employees and complies with the “Protected Health Information” (PHI) HIPAA disclosure requirements. The City is committed to maintaining compliance with HIPAA regulations and all related provisions of federal and state law, as it may be amended from time to time, shall apply.

### **Employee Assistance Program (EAP)**

The City of Cooper City recognizes that employees may have personal problems that greatly affect their quality of life and may also affect their job performance. Therefore, the City has made available to its employees, through its existing health benefit plans, counseling services. Any employee who displays a tendency to engage in violent, abusive, or threatening behavior or who otherwise engages in behavior that the City, in its sole discretion, deems offensive or inappropriate, will be referred to a mental health professional of the City's choice and at the City's expense, for evaluation.

All employees of the City, at any time during their period of employment, may be required by the Department Director to undergo psychological or medical examinations, in order to determine if they are mentally and physically fit for the position in which they are employed. All psychological or medical examinations requested by the City shall be at no expense to the employee. Refusal to submit to such examinations is grounds for immediate termination.

When an employee of the City is reported by the examining physician or psychologist to be physically or mentally unfit to perform work in the position which he/she is employed, such employee may, within five (5) days from the date of notification of such determination by the examining physician, indicate in writing to the Department Director their intention to submit the question of their physical or mental unfitness to a physician or psychologist of his/her own choice. If there is a difference of opinion between the original examining professional and the professional chosen by the employee, then the City Manager may, in his sole and exclusive discretion, designate a third professional to examine the employee. The City Manager is not bound by any such opinions, however, and may take any action he deems appropriate. The City shall bear the expense of reasonable direct costs of the examinations and shall provide the employee with reasonable time off to meet these appointments. The City shall be responsible for reasonable and necessary overnight travel and expense related to these appointments if authorized in advance by the City Manager.

## **2.2 NOTICE OF PRIVACY PRACTICES**

The City of Cooper City Group Health Plan is required by law to take reasonable steps to ensure the privacy of the personally identifiable health information of employees, retirees, and

dependents covered by the City's group health plan, and to provide information about:

- the Plan's uses and disclosures of Protected Health Information (PHI);
- privacy rights with respect to PHI;
- the Plan's duties with respect to PHI;
- the right to file a complaint with the Plan and the Secretary of the U.S. Department of Health and Human Services; and
- the person or office to contact for further information about the Plan's privacy practices.

The term "Protected Health Information" (PHI) includes all individually identifiable health information transmitted or maintained by the Plan, regardless of form (oral, written, electronic). Non-authorized disclosure of PHI will be subject to disciplinary action up to and including dismissal.

The complete notification is provided to all employees in the City's plan document, posted on employee bulletin boards, or may be obtained from the City Clerk's Office.

### **2.3 REGISTRATION OF DOMESTIC PARTNERSHIP RELATIONSHIP**

**A. General policy:** A valid domestic partnership relationship may be registered by two persons who are domiciled in Broward County, by filing a declaration of domestic partnership with the Broward County Records Division, pursuant to the provisions of Section 16 ½-153 of the Broward County Code.

#### **B. Extension of benefits.**

1. **Insurance:** Any City employee who is a party to a registered domestic partnership relationship, and provides a certificate of registration from Broward County Records Division, shall be entitled to elect insurance coverage for his or her domestic partner or a dependent of such domestic partner on the same basis under which any City employee may elect insurance coverage for his or her spouse or dependents. A City employee's right to elect insurance coverage for his or her domestic partner, or the partner's dependent, shall extend to all forms of insurance provided by the City to the spouses and dependents of City employees, unless such coverage is prohibited by state or federal law. All elections of coverage shall be made in accordance with the requirements of applicable City rules and policies and Chapter 16 ½ of the Broward County Code. However, in no event shall an employee make an election for coverage of a domestic partner more than two (2) times in a plan year. An employee must immediately notify the HR Administrator of the termination of domestic partnership.
2. **Other benefits:** Any City employee who is a party to a registered domestic partnership relationship, and provides a certificate of registration from the Broward County Records Division, shall be entitled to use all forms of leave provided by the City including, but not limited to, sick leave, annual leave, family and medical leave and funeral leave for a domestic partner or the dependent of a domestic partner, as

applicable. The use of leave authorized herein shall be consistent with the applicable requirements in City rules and policies and this Manual.

Unless prohibited by state or federal law, all other benefits available to the spouses and dependents of City employees shall be made available on the same basis to the domestic partner, or dependent of such domestic partner, of a City employee who is a party to a registered domestic partnership relationship.

**C. Exceptions:** COBRA extension of group health benefits to separated employees is a Federal law. This law only permits “qualified beneficiaries” to receive extension of benefits. According to ERISA and IRS 1999 regulations, a qualified beneficiary is defined as a covered employee, the spouse or the dependent child of a covered employee. Therefore, group insurance plans do not extend COBRA extension benefits to domestic partners.

**2.4 VACATION LEAVE**

Vacation with pay for full-time employees is one of the ways the City shows appreciation to employees for their length of service and good work. It is the policy of the City that vacations are necessary to the health and well-being of all its employees, and that this time off shall be taken by every employee, except in unavoidable emergencies. Employees shall accrue paid vacation leave beginning on their date of hire in accordance with the requirement of being on paid status for at least eighty (80) hours in any month. Vacation accrual is based on the employee’s length of service according to the following schedule:

<u>Length of Service</u>	<u>Vacation Accrual</u>
Date of hire through 5 years	10 days for the year
Year 6 through 10 years	15 days for the year
After 10 years	20 days for the year

Maximum accrual: 240 hours. No accruals will occur after 240 hours is reached, except in the event of a state declared emergency.

Eligibility

An employee is eligible for vacation leave with pay upon completion of his/her six (6) month probationary period. Vacation days are accrued on a biweekly basis.

In order for an employee to receive accrual, he/she must be in pay status. For the purpose of this section, paid status includes vacation leave, holiday pay hours, sick leave and compensatory time. Paid status does not include donated sick leave or workers’ compensation leave.

Scheduling

Vacations must be scheduled through the employee’s supervisor and Department Director based on operational needs. Scheduling vacation leave shall be at the discretion of the

Department Director, provided it does not interfere with City operations. If a designated holiday falls within a vacation period, holiday pay will be utilized for that day. Department Directors may utilize their administrative discretion in granting any variance to this rule with the approval of the City Manager. Any such variance shall not operate to reduce or increase the maximum annual accrual of paid vacation days which is specified herein.

#### Vacation Cash-out

In lieu of time off, employees may choose to receive payment for a portion of their annually accrued vacation leave during a designated cash-out pay period once a year. The employee must have a minimum of eighty (80) hours of accumulated vacation leave at the time of the cash-out request and the amount of eligible cash-out leave shall not exceed one-half (1/2) of the total hours earned for that year. Any employee participating in this benefit shall have a minimum of forty (40) hours of vacation leave remaining in his/her account after the cash-out request is processed. Any payments made directly to the employee shall be made within the month of November of each year. Requests for advance payments will not be granted.

### **2.5 PERSONAL LEAVE**

All full time employees shall accrue two personal leave days per year on their anniversary date. Provided, however, that probationary employees shall be credited with one personal day after six months of employment and the second personal leave day on their anniversary date. Employees shall be entitled to utilize said leave upon prior notification to and authorization by their Department Director. This benefit must be used in the twelve-month period.

### **2.6 PAID HOLIDAYS**

The City of Cooper City observes a number of official paid holidays each year. The Commission may also establish additional holidays in its sole discretion. Holidays will be observed in accordance with the days scheduled by the Federal Government. The normal paid holiday schedule is as follows:

New Year's Day (January 1)

Day before or day after New Year's Day (December 31 or January 2)

Martin Luther King, Jr. Day (Third Monday in January)

President's Day (Third Monday in February)

Memorial Day (Last Monday in May)

Independence Day (July 4)

Labor Day (First Monday in September)

Columbus Day (Second Monday in October)

Veterans Day (November 11)

Thanksgiving Day (Fourth Thursday in November)

Day after Thanksgiving (Fourth Friday in November)

Christmas Day (December 25)

Day before or day after Christmas Day (December 24 or December 26) Holidays may be changed to coincide with business considerations at the discretion of the City Manager. Full-time employees required to work on the day on which a holiday is observed shall be paid, in addition

to one day's pay, an amount equal to one and one-half times the employee's hourly wage for the time actually worked on the holiday, regardless of the actual number of hours worked for the work week. If the holiday falls during an employee's vacation leave, that day shall be charged as holiday and not against his or her annual leave.

To be eligible for holiday pay, the full-time employee must be on paid status. For the purpose of this section, paid status includes vacation leave, compensatory time, and supplemented workers compensation. Sick leave is not construed to constitute approved leave with pay unless it was pre-scheduled.

An employee may not be entitled to be paid for any holiday in which they are absent either the day before or after the holiday without advance notice or unless satisfactory evidence of illness is furnished to the employee's supervisor. The City Manager may waive this provision at his discretion. Any employee desiring to observe the religious requirements of his or her faith on a working day which does not fall on a national or legal holiday may, if circumstances permit, be allowed to do so by the Department Director. If work scheduled cannot be arranged so as to provide for substituted work time, then deductions shall be made against the employee's vacation or personal time.

## **2.7 SICK LEAVE**

This Sick Leave policy is designed to provide position and salary continuation in the event of illness or injury and to promote sick leave conservation for extended protection. In order to help protect employee income in the time of illness, the City provides employees with a Sick Leave Policy. Under this benefit, employees accumulate eight (8) hours of sick leave per month for any month in which they are on paid status for at least one hundred twenty (120) hours. For the purpose of this section, paid status includes vacation leave, holiday pay hours, sick leave and compensatory leave. Paid status does not include donated sick leave or workers' compensation leave.

Sick leave may be used for illness or injury of the employee and for doctor/dentist appointments when it is not possible to schedule them during non-working hours. When unavoidable, sick leave may be used for illness or injury of the employee's spouse, children and/or parents when it is not possible to schedule appointments during non-working hours. Sick time used for health care provider appointments, which are not medically urgent, must be scheduled in advance and approved by the supervisor. Sick leave may not be used to extend vacation leave. **The City reserves the right to require a written physician statement as proof of the appointment for sick leave benefits.**

Sick leave is a privilege, and therefore must be used only for legitimate illness. When an employee is ill and cannot report for work, the employee or a family member must notify the employee's supervisor no later than the time the employee is regularly required to report to work. If an employee fails to contact their supervisor, the leave will be considered unauthorized leave and may be subject to disciplinary action.

Sick leave benefits may not be granted if it is requested for scheduled workdays just before or after holidays or vacations unless satisfactory evidence of illness is furnished to the employee's supervisor. If a holiday is observed while an employee is out on extended sick leave while under a physician's care, the time shall be charged to holiday time and not against sick leave.

Sick leave benefits may not be abused. Employees who abuse sick leave will be subject to disciplinary action. Any use of this privilege, except for legitimate illness or disability, will be treated as falsification of time records and subject to immediate disciplinary action. Examples of sick leave abuse include, but are not restricted to, the following:

- Regularly taking one or two sick leave days each month.
- Creating a pattern by taking sick leave before or after weekends, the first or last day of the normal workweek, if the workweek is other than Monday through Friday, and/or before or after a holiday and/or a vacation.
- Calling in too ill to perform normal duties but not too ill to do other things.
- An employee telling co-workers of a plan to take a day off, and then calling in sick that day.
- Being employed for six (6) months or more and having minimal sick leave accumulated.

#### Sick Leave Cash-out Policy

As an incentive to limit abuse of sick leave, up to 90 days (equivalent to 720 hours) of sick leave may be accumulated. Any accumulation in excess of ninety (90) days shall be forfeited. Full-time employees who leave the City in good standing shall receive a cash payment for accumulated leave time in accordance with the following schedule:

1. Employees who have satisfactorily completed fifteen (15) years service as paid, regular full-time employees, who resign or retire voluntarily (i.e., are not discharged for cause) and give at least two (2) week's notice to the Department Director of such resignation or retirement, shall be entitled to payment for seventy-five percent (75%) of their accumulated sick leave hours, to be computed at their rate of pay as of their last day worked.
2. Employees who have satisfactorily completed ten (10) years of service and who meet the additional conditions of paragraph (1) above shall be entitled to payment for fifty percent (50%) of their accumulated sick leave hours, to be computed at their rate of pay as of their last day worked.
3. Employees who have satisfactorily completed at least five (5) years of service and who meet the additional conditions of paragraph (1) above shall be entitled to payment for twenty-five percent (25%) of their accumulated sick leave hours, computed at their rate of pay as of their last day worked.

#### Sick Leave Conversion Policy



Full-time employees with a minimum balance of 550 sick leave hours may convert up to 6 sick leave days into annual leave or a monetary payout as budgetary conditions permit, as follows:

1. The conversion equivalency shall be one (1) annual leave day for every two (2) sick leave days, up to a maximum of six (6) sick leave days.
2. Utilizing the same standard set forth in Section 1 above, employees may convert sick leave into cash payments in lieu of annual leave.
3. Sick leave conversions can only be in increments of full eight (8) hour days.
4. The employee must request the conversion or payout, in writing, to his or her Department Director no later than November 30<sup>th</sup> of each year. Requests for advance payments or advance conversions will not be granted. Requests after November 30<sup>th</sup> will be void.

## **2.8 DISCRETIONARY LEAVE ISSUES**

### **A. SICK LEAVE DONATION POLICY**

The purpose of the Sick Leave Donation Policy is to establish a way of allowing employees to share their accumulated sick leave with others who may face financial hardship because they have exhausted all of their own leave due to an extended serious, catastrophic, or unforeseen illness, injury or impairment.

An employee may elect to voluntarily donate sick leave to a fellow employee only for a serious medical condition that has been approved as a FMLA related event by the City Clerk/Director of Administrative Services. Employees may donate a maximum of eight (8) hours to each eligible receiving employee per calendar year providing that the donating employee retains a minimum of eighty (80) hours of sick leave in his/her account.

The employee receiving donated time must utilize all his/her leave accruals (sick, compensatory, personal, and vacation) prior to allocation of any donated time. Sick and vacation time shall not accrue while the employee utilizes donated sick leave and until such time as he/she meets the pay status requirements of *Section 2.4 and Section 2.7* of this Manual. The total donated sick leave shall not exceed 240 hours per employee in a rolling twelve (12) month period. After the FMLA related leave has ended, any donated time not subsequently allocated will be canceled and the potential donor notified that their donation was not used.

An employee requesting sick leave donations must first contact the City Clerk/Director of Administrative Services for approval and issuance of a Sick Leave Donation Request

Form ("Request Form"). In order to maintain confidentiality, no information regarding the employee's FMLA event will be distributed by the City Clerk/Director of Administrative Services. The requesting employee shall be responsible for obtaining the Request Form and soliciting sick leave donations. If an employee is incapacitated, a family member or designee may request sick leave donations on the employee's behalf. The employee shall provide all departments from which sick leave donations are being solicited with a copy of the approved Request Form only. In order to maintain confidentiality, written documentation regarding the details of the FMLA event is discouraged. Verbal explanations may be provided at the requesting employee's discretion.

Requests for sick leave donations shall be limited to three (3) FMLA events within a fifteen (15) year employment period.

## **B. COMMUNITY SERVICE**

Employees may request leave with pay for authorized community service activities. Leave with pay is subject to approval by the Department Director and the City Manager.

### **2.9 LEAVE WITHOUT PAY - (Non-FMLA and Non-Military)**

With the approval of the City Manager, a Department Director may grant a permanent employee leave without pay for a period not in excess of fifteen (15) working days in one (1) calendar year.

If leave of absence without pay is given (unrelated to FMLA or military leave), such leave of absence may be subsequently withdrawn and the employee recalled to service. All employees on leave of absence without pay are subject to applicable provisions of these rules. Failure to return to work at the expiration of approved leave shall be considered as absence without leave and grounds for termination. Leave of absence without pay shall cause the anniversary date to be deferred for an equivalent length of time.

### **2.10 EMPLOYEE SERVICE AWARDS**

Upon completion of five (5), ten (10), fifteen (15), twenty (20), twenty-five (25), and thirty (30) years of continuous service with the City, full-time and PT29 employees shall be presented with service awards, to be determined by the City Manager or his/her designee. Time spent in a PT29 position will be credited towards length of service for purposes of recognition in this category.

### **2.11 JURY/WITNESS DUTY**

If an employee is summoned on a workday for jury duty, or must appear in court as a witness, their supervisor must be notified as soon as possible and a copy of the notice must be sent to

the City Clerk's Office to be placed in the employee's personnel file. While serving on a jury, the employee will be placed on leave with pay and must submit any jury duty fees received to the City Clerk's Office. If an employee is called for jury duty but performs jury duty for only a portion of the regularly scheduled workday, he/she must report to work as soon as released.

If an employee is subpoenaed in the line of duty to represent the City as a witness or defendant, his/her appearance in such case shall be considered part of his/her job assignment, and therefore regular pay will apply. Employees who appear as a witness in court not involving personal litigation will receive the same benefit as jury duty, but must remit any witness fees to the City. An employee who is a defendant in a civil or criminal action or plaintiff or complainant in a civil or criminal action not associated with or arising out the City's business or affairs, must use accrued vacation or personal leave. Time off for jury duty shall not be included in computation of hours necessary to qualify for overtime compensation. Such leave shall not be deducted from any other leave earned by the employee.

## **2.12 BEREAVEMENT LEAVE**

Regular/Full Time employees shall be granted time off with pay to arrange the funeral of and/or pay final respects to an immediate family member. Such time off will not exceed three (3) consecutive working days. In the case of multiple deaths or if travel exceeds 200 miles one way is required, then the City shall grant two (2) additional consecutive days off with pay. Funeral leave shall not be charged to vacation, compensatory time, personal, or sick leave. For the purpose of bereavement leave, the employee's immediate family is defined as the employee's spouse, parents or step-parents, son, daughter, step children, sibling, step or half-siblings, grandparents, grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law. The employee shall provide the Department Director with proof of death in his/her immediate family as defined before compensation is approved. Additional time off (over and above the five (5) days) shall be charged to vacation leave or leave without pay, at the employee's request, subject to the Department Director's approval.

## **2.13 MEETINGS AND CONFERENCES**

### **Non-Exempt Employees**

Time spent by a non-exempt employee commuting to and from work is not compensable time, even if the employee commutes to and from work in a City vehicle and/or has to report to different job sites.

The City will compensate travel time for non-exempt employees for attendance at conferences, seminars, or other training, in accordance with the FLSA.

For **required** training, when a non-exempt employee must spend the night away from home, all time spent traveling during the employee's normal working hours, even on regular days off, (excluding regular meal periods) will be compensated. For required training that does not

require an overnight stay, all travel time (excluding meal periods, and travel between home and the point of departure if the employee uses public transportation) will be compensated.

When a conference or other training is available during the non-exempt employee's regular work schedule, and where the conference/training/seminar is not required, but is of mutual benefit to the employee and to the City, the supervisor may release the employee from their regular duties to attend. If the conference, seminar, or training extends past the employee's regular work schedule, the employee will be compensated for any overtime hours.

## **2.14 MILITARY SERVICE**

### ***Active Duty***

Employees who are members of the United States Armed Forces must show their orders to their supervisor as soon as they are received. During the first thirty (30) days on active military duty, activated employees will receive their City regular base pay and benefits in addition to their military base pay. After the initial thirty (30) days on active duty, if the military base pay is less than the City regular base pay, the City will pay the difference to the activated employee for the first year of their term of active duty. The employee will be required to provide official documentation of his/her compensation from the military, including any increases or decreases, which may occur during their term of active duty.

Insurance benefits will continue as if the employee were still actively employed with the City, subject to the terms and conditions contained in applicable policies and plan documents. If the employee elects to continue family/dependent group health insurance coverage or any of the other available options while on active duty, the employee will continue to be responsible for the associated premium payments, in accordance with the procedures set up for that purpose.

The City will continue to contribute, on an actuarial basis, the City's share to the applicable pension plan. If the employee is a member of a pension plan that requires their contribution, the employee will contribute based on the amount of pay received pursuant to this section. The activated employee's vacation and sick leave accruals will be frozen, and will not continue to accrue while the employee is on active duty. Activated employees are entitled to keep all seniority rights and their seniority continues to accrue while they are away from work.

All regular employees returning from active service are eligible for re-employment in the same position they left (or a similar one in terms of status, pay and with accrued seniority), under the following conditions:

- Individual must receive an honorable discharge.
- Individual must still be qualified to perform the job duties. If the individual needs to practice job skills, a reasonable time will be granted as determined by the City Manager. In the event an individual is not qualified for their former position (required job skills have changed or the individual has a disability which precludes them from performing the essential functions of the position), then the individual will be allowed to attempt to qualify for a similar job.

- The individual being reinstated must complete employment medical examination or drug screening applicable for the position.
- If the City's circumstances have changed and the position no longer exists, then the veteran may apply for any other open positions.
- The individual must apply for re-employment within the applicable timeframes listed below: (a) For periods of military service of 1 to 30 days, they must return by the beginning of the following first regularly scheduled workday with allowance for safe return travel; (b) For periods of military service of 31 to 180 days, they must apply for re-employment no later than 14 calendar days after the completion of their service; or (c) For periods of military service 181 days or more, they must report to work no later than 90 calendar days after the completion of their military service. All of these periods are extended to two years if the individual is hospitalized or slow to return to health because of an injury incurred or aggravated during military service.

***Reserve or National Guard Training Leave***

If an employee is a member of the Reserve, National Guard or other reserve component of the Armed Forces of the United States and called upon for training, that employee shall receive his regular base pay (paid leave) up to a maximum of 240 working hours in any one annual period. The employee should give his/her supervisor as much advance notice as possible of the intent to be away. The employee shall be required to submit an order or statement from the appropriate military commander as evidence of such duty. Such order or statement must accompany the formal request for military leave.

**2.15 WORKERS' COMPENSATION**

Employees who are injured while at work will receive certain benefits under Florida's Workers' Compensation Statutes.

Employees who become injured on the job must immediately report it to their supervisor so that proper medical attention can be provided and ensure that the workers' compensation claim is filed properly. It is the employee's responsibility to report all workers compensation claims as directed by the City Clerk/Director of Administrative Services. The City's insurance carrier has instituted a managed care program for all workers compensation claims. If authorization is not received prior to treatment, the employee will solely be responsible for payment. In the event the employee is unable to report to work, even temporarily, the employee must provide written notice from the attending Workers Compensation physician within two working days. Employees shall return to duty at the earliest possible date.

An employee may be eligible to return to active employment after the employee's attending physician issues a statement that the employee can return to duty. This statement will include a description of any limitations to be placed on the employee. If the employee is not eligible to return to full duty, the employee's eligibility will then be considered by the City Clerk/Director of Administrative Services for recommendation to the City Manager.

**Workers' Compensation Managed Care:** Pursuant to the provisions of the 1993 Workers' Compensation Act, the City's insurance carrier has instituted a managed care program for all workers' comp claims. If you are injured on the job, you must follow the procedures in this plan and receive authorization prior to treatment or your medical **bills will not be paid**. Chapter 440, Florida Statutes, mandates such plans, requires the insurance company to authorize charges prior to treatment, and makes the employee personally liable for doctors' and/or hospital bills in the event they fail to obtain the required authorization.

**Procedures:**

**1. Emergency:** If you are injured in an accident and require immediate medical attention, you should report the injury to your supervisor and have yourself transported to any Memorial hospital. Your supervisor or departmental liaison will make the report on the injury to the City Clerk's Office.

**2. Non-emergency:** If you are injured and do not require immediate medical attention, but do need to see a doctor, or require follow-up care to emergency treatment:

- a) Advise your supervisor of your injury and that you require medical care.
- b) Your supervisor or departmental liaison will contact the City Clerk's Office for a referral.
- c) The City Clerk's Office will obtain authorization for medical treatment and direct you to the managed care physician's office and/or medical facility. You will not be treated without an appointment and a picture I.D.
- d) Should you require the care of a specialist, physical therapy, or therapeutic devices, you must be referred by the managed care physician, who will authorize the charges therefore and coordinate your care throughout your recovery/healing process.
- e) Should any employee be dissatisfied with the primary care physician he/she has been assigned, or contests the findings of the assigned primary care physician, the managed care provider has established an appeal procedure as provided by law. Employees should contact the City Clerk's Office for information pertaining to the then current managed care provider.

**Early Return to Work Program:** The City of Cooper City has established an Early Return to Work (ERTW) program for employees who sustain compensable injuries within the scope of the State of Florida Workers' Compensation Law. The program has been designed to prevent economic loss to the employee and/or the City by providing productive work within the employee's temporary restrictions/limitations at the earliest possible date.

The City will endeavor to provide alternative work within the temporary restrictions/limitations of an injured employee while that employee is recovering.

1. To facilitate and expedite return to work, the City will generally offer an initial assignment which may be outside the employee's regular department and/or division. This assignment will be to previously-identified sedentary, light or modified positions

which have been approved by an attending or City-authorized physician. During this assignment, the employee will be paid his or her regular rate of pay. Should the employee refuse the assignment offered the employee will be subject to suspension of workers' compensation benefits in accordance with Section 440.15 of the Florida Workers' Compensation statute.

2. During the period of reassignment, the City Clerk/Director of Administrative Services will monitor physician follow-up visits, the prognosis for lesser or greater restrictions, limitations and the employee's readiness for alternative positions.
3. If, at a later point in time, a modified or regular position within the department or division is identified specifically for an employee, a physical requirements job description will be developed for review with the employee's attending physician.
4. Once approved by the attending physician, the modified or regular position will be reviewed with the employee. The duties, expectations and required work schedule or hours will be explained to the employee. An employee who accepts a modified position or another regular position will continue to receive his or her regular rate of pay for up to 13 weeks of disability. With the City Manager's approval, payment at the employee's regular rate of pay may be extended for up to 13 additional weeks (for a total of 26 weeks). An employee who refuses an offer of a modified position or another regularly established position within the City under this program will be subject to suspension of workers' compensation benefits in accordance with Section 440.15 of the Florida Workers' Compensation statute.
5. The City Clerk's Office and the employee's Department Director will continue to monitor the employee's progress in the job, the rate of recovery and the attending physician's prognosis for return to his or her former position.
6. Once a permanent, partial impairment is established or diagnosed, a thorough review of the employee's ability to return to his or her former position will be made. If the City is unable to accommodate the return to the former position, the possibility of transfer to other available positions within the employee's former department or within the City will be explored.
7. When an injured employee is transferred to an alternative position based on permanent impairment, that employee will continue to receive the rate of pay of the former regular position for the balance of the first 26 weeks of disability. Thereafter, the employee will be paid at the rate established for the position which is being performed.
8. It is to be understood that all modified positions, regular positions or alternative positions offered under the ERTW program are temporary. While it is the desire of the City of Cooper City to return injured employees to their former positions, the need to fill former positions may necessitate other actions. The City reserves the right to take whatever action it deems to be in the best interest of City operations and/or service to the public. In the spirit of this policy, the City will try to avoid filling an injured employee's former position for the first 90 days of absence from work.

**ERTW Coordinator:** The City Manager has designated the City Clerk/Director of Administrative Services as the ERTW Coordinator.

1. The ERTW Coordinator will identify modified or alternative regular positions within the City which will assist in returning employees to productive capacities while recovering from compensable injuries.
2. The ERTW Coordinator will work with the City-authorized physician(s) to assure his/her understanding of identified sedentary, light or modified positions available.
3. The ERTW Coordinator will advise and counsel employees to help them understand the program and its purpose, the job they are being offered, and the work schedule. The ERTW Coordinator will ensure that the employee has an understanding of the rate of pay, the consequences of job refusal and the goal of returning the employee to his or her former position.
4. The ERTW Coordinator will follow-up with the employee's attending physician to determine prognosis for returning to the employee's former position or an alternative position with lesser or greater restrictions or limitations.
5. If an alternative position or temporary modification of the former position is indicated, the ERTW Coordinator will work with the Department and/or Division Head to develop a physical requirements job description for presentation to the attending physician. A Workers' Compensation Rehabilitation Specialist may be utilized to assist in developing the description or making the presentation.
6. The ERTW Coordinator will ensure that the physical requirements job description and the attending physician's analysis of the injured employee's physical capacities are utilized to finalize the position offered to the employee.
7. The ERTW Coordinator will ensure that the attending physician's approval, City Manager approval and appropriate documentation exist throughout the ERTW process.

### ***Employee Responsibilities***

An employee participating in the ERTW program will put forth a diligent effort to perform the duties assigned to the best of his or her ability and comply with work schedules in all positions assigned. Employees participating in the program will perform duties in a manner which adheres to all attending physicians' written restrictions and/or limitations and advise managers and supervisors if duties assigned do not conform to such restrictions and/or limitations. The injured employee will communicate with the ERTW Coordinator following all attending physician follow-up visits, providing information and any certification regarding prognosis for return to full duty, changes in limitations or restrictions, therapy and appointment schedules.

Employees who are absent from work due to workers' compensation injuries may be eligible for Family and Medical Leave.

***Workers' Compensation Disability:*** Employees who qualify for Workers' Compensation disability pay based on work-related illnesses, accidents and injuries, shall receive Workers' Compensation payments in accordance with Fla. Stat. §§440.01 et. seq. Such compensation shall be paid bi-weekly in the amount of 66 2/3 percent of the employee's average weekly wages. If the employee is permanently totally disabled, the employee shall be paid 66 2/3 percent of his/her average weekly wages during the continuance of such total disability. If the



employee is temporarily totally disabled, the employee will be paid 66 2/3 percent of his/her average weekly wages for a period not to exceed 104 weeks. The employee may utilize accrued sick, vacation, personal and compensatory leave, respectively, in order to achieve full pay status. If during the period of temporary total disability the employee exhausts her/his accrued leave, the City shall supplement the remaining 33 1/3 percent of the employee's salary for no greater than ninety (90) days from the date of such service-connected disability, in accordance with the following provisions:

1. Said employee has properly reported the accident/injury to his/her supervisor within twenty-four hours (24) of its occurrence.
2. Said employee has been treated by a physician within thirty (30) days from original date of accident and said physician has designated said employee as temporarily totally disabled. The City Manager reserves the right to request a consultation with a physician of the City's choice.
3. If treatment by an authorized physician, for a temporary total disability, lapses for a period of thirty (30) days, the City may discontinue disability payments in connection with that particular injury.
4. Said employee shall be required to report at least weekly, via telephone, to his/her supervisor. Employees shall immediately provide the City with copies of all doctors' notes and schedules for any physical or other therapy that has been prescribed by the physician. Individual departments may have adopted reporting requirements more frequently than weekly, in which case, the employee must abide by the department's adopted rules and regulations.
5. Said employee shall ensure compliance with the City's adopted Drug Free Work Place Program standards, as described in Section 1.37 of this Manual.

## **2.16 TRAINING/TUITION/CERTIFICATION REIMBURSEMENT**

The City offers various methods of training for all employees. Employees should discuss training opportunities with their supervisor to maximize their potential. Once an employee is scheduled for training, it is imperative that the employee attends as scheduled and brings these new skills back to the workplace for effective utilization and implementation. Employees will be held accountable for this training and their performance shall be indicated on their performance evaluations. Employees will be required to reimburse the City for any training expenses which, due to their own negligence, does not result in certification.

If an employee attends a school, course of study, or takes a correspondence course, they may be eligible to receive educational related expenses if it is a work related subject. The employee must complete the proper tuition agreement and receive **advance** approval from the Department Director, City Clerk/Director of Administrative Services and the City Manager.

Tuition reimbursement will be limited to full-time employees and the appropriate percentage of the rates charged by the State of Florida for community colleges or universities, whichever is applicable. Tuition reimbursement will be limited to 75% (of the State rates) for employees who have a passing grade of below 'B' whereas it will be 100% (of the State rates) for employee's

who receive a grade of "B" or above. The Department Director and the City Manager must grant approval prior to the employee attending the training or educational program. An eligible training or educational course is one that, in the judgment of the Department Director, is directly related to the employee's current position or to a related higher position, and which will improve performance in a current position or which constitutes preparation for promotion to a related higher position. All approvals will be on a case-by-case and course-by-course basis. Any employee who is approved for attendance in any eligible educational or training program must pay tuition costs directly to, and be accepted for enrollment by, an accredited educational institution. No reimbursement will be made for textbooks, lab fees, or any other expenses. No coursework shall be performed during working hours. Employees will be entitled to a reimbursement of tuition upon the successful completion of each approved course and presentation of a course transcript within thirty (30) days of completion of the approved course. The reimbursement shall not exceed the appropriate percentage of the tuition paid to the educational institution. If an employee voluntarily or involuntarily terminates his or her employment with the City within one (1) year following the completion of any eligible educational or training program for which such employee has received a refund, then the amount of tuition reimbursement paid by the City shall be repaid by such employee to the City immediately. Should such employee fail to immediately reimburse the City for the amount of such refund, the City may deduct the amount of any such refund from any salary or wages due to the employee from the City.

Licenses (excluding regular driver's licenses) and certification/re-certification fees required to perform City-related job duties shall be reimbursable with prior Department Director approval.

### **2.17 EMPLOYEE SUGGESTIONS**

Employees are encouraged to provide the City with suggestions and comments about policies and programs. Suggestions of any nature are welcome. Suggestions may be discussed at departmental meetings or given to supervisors for submission to management.

### **2.18 RETIREMENT**

All eligible employees of the City shall automatically be enrolled upon hire in the appropriate retirement plan as set forth in Chapter 2 of the Municipal Code of Ordinances and as may be amended by the City Commission. Whenever an employee meets the conditions set forth by the City retirement system, the employee may elect to retire and receive all benefits earned under the plan.

## **2.19 RESUMPTION OF EMPLOYMENT BY RETIRED MEMBERS**

1. Commencing on February 1, 2013, any person with special skills, knowledge or qualifications, as determined in the sole discretion of the City Manager, who has retired and who has experienced a bona fide termination of employment from the City of at least three (3) months, may be re-employed by the City and continue to receive his/her monthly distribution of any retirement benefit to which he/she is entitled, provided that he/she is over the normal retirement age required by the Internal Revenue Service. Such re-employment shall not operate to reinstate the person as an active member of the City's General Employee Pension Plan or the Managerial Pension Plan nor shall said retiree, as a result of such re-employment be considered an eligible employee for purposes of either of these plans.
2. All plan retirees re-hired by the City, except those excluded by law, shall become compulsory members of the FRS.

**THE CITY RESERVES THE RIGHT TO AMEND AND UPDATE THIS MANUAL OF PERSONNEL  
POLICIES AS THE CITY DEEMS NECESSARY, WITH OR WITHOUT NOTICE**