
Welcome!

On behalf of your colleagues, I welcome you to the City of Winter Springs and wish you every success.

We believe each employee contributes directly to the city's success and we hope you will take pride in being a member of our team.

The following Personnel Manual was developed to outline some of the City's expectations for you and provide the information you need about how the personnel system works. Please familiarize yourself with its contents as soon as possible. It will answer many of the common questions about employment with the City of Winter Springs.

We hope your experience here will be challenging, enjoyable, and rewarding. Again, WELCOME!

Sincerely,

City Manager

INTRODUCTORY STATEMENT

This Manual is designed to acquaint you with the City of Winter Springs and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the manual. It describes many of your responsibilities as an employee and outlines the programs developed by the City of Winter Springs to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

A set of personnel policies cannot anticipate every circumstance or question about policy. From time to time, the need may arise for the City to make changes in this manual. The City reserves the right to revise, supplement, or rescind any policy or portion of this manual at any time at its sole and absolute discretion. Employees will be notified in as timely a manner as possible of such changes to the Personnel Policies as they occur.

EMPLOYEE ACKNOWLEDGEMENT FORM

As an employee of the City of Winter Springs, I understand that I should consult this manual for information concerning employment with the City. Where questions are not answered in the manual, I understand that I should consult the General Services Director or designee. Further, I understand that I have voluntarily accepted employment with the City and acknowledge there is no guarantee of continued employment. Either I, as the employee, or the City Manager may end the employment relationship at any time during the probationary period, with or without cause or advance notice. The City Manager may end the employment relationship with cause thereafter.

Since the information, policies, and benefits described here are necessarily subject to change, it is acknowledged that revisions to the Personnel Policies may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Commission, upon recommendation of the City Manager, has the ability to adopt any revisions to the policies of this Personnel Policies.

Furthermore, I acknowledge that this Personnel Policies Manual is neither a contract of employment nor a legal document. I have received the Manual, and I understand that it is my responsibility to read and comply with the policies contained in this Manual and any revisions made to it.

SIGNATURE**DATE**

EMPLOYEE'S NAME (TYPED OR PRINTED)

TABLE OF CONTENTS

	PAGE
GENERAL PROVISIONS	i
SECTION 1 EQUAL EMPLOYMENT OPPORTUNITY STATEMENT	
1.1 Policy Statement	1
1.2 Equal Employment Objectives of the City	1
1.3 Responsibility for Implementation.....	1
1.4 Complaint Procedure for Equal Opportunity Issues	1
SECTION 2 DEFINITIONS.....	3
2.1 Alcohol Abuse	3
2.2 Allocation	3
2.3 Anniversary Date	3
2.4 Appeal	3
2.5 Applicant.....	3
2.6 Appointment	3
2.7 Assembled Examination.....	3
2.8 Certification	3
2.9 Class/Classification	3
2.10 Class Description	4
2.11 Class Specification	4
2.12 Close Relative	4
2.13 Compensation	4
2.14 Compliant	4
2.15 Continuous Service	4
2.16 Demotion	4
2.17 Department.....	4
2.18 Department Head	4
2.19 Dismissal	5
2.20 Drug Abuse	5
2.21 Eligible.....	5
2.22 Eligibility List.....	5
2.23 Employee	5
2.24 Examination.....	5
2.25 Full-Time Employee	5
2.26 Grievance	5
2.27 Harassment	5
2.28 Immediate Family	6
2.29 Layoff.....	6
2.30 Leave.....	6
2.31 Overtime	6
2.32 Overtime Pay.....	6
2.33 Part-Time Employee.....	6
2.34 Pay Plan	6
2.35 Pay Rate.....	6
2.36 Pay Status	6
2.37 Performance Pay Increase.....	6
2.38 Physical / Agility Test	7

TABLE OF CONTENTS

	PAGE	
SECTION 2	DEFINITIONS (Continued)	
2.39	Position.....	7
2.40	Probationary Employee	7
2.41	Probationary Period.....	7
2.42	Promotion	7
2.43	Promotional Examinations.....	7
2.44	Qualifying Event	7
2.45	Regular Employee	7
2.46	Resignation	8
2.47	Retirement.....	8
2.48	Salary Range.....	8
2.49	Smoking	8
2.50	Suspension.....	8
2.51	Temporary Employee	8
2.52	Temporary Position	8
2.53	Transfer	8
2.54	Unassembled Examinations.....	8
2.55	Vacancy.....	8
2.56	Work Area	9
2.57	Work Day.....	9
2.58	Work Period.....	9
2.59	Work Time	9
2.60	Work Week.....	9
SECTION 3	PERSONNEL ADMINISTRATION.....	10
3.1	Responsibility for Administration	10
3.2	Role of the General Services Director	10
3.3	Personnel Files.....	10
3.4	Personnel Changes	11
3.5	Inspection of Personnel Records	11
SECTION 4	RECRUITMENT	13
4.1	Recruitment - General	13
4.2	Approval of Recruitment.....	13
4.3	Vacancy Announcement	13
4.4	Sources of Applicants.....	13
4.5	Recruitment Area	13
4.6	Employment Services – Prohibition.....	13
SECTION 5	HIRING.....	14
5.1	Application for Employment.....	14
5.2	Interviewing	14
5.3	Testing.....	14
5.4	References	14
5.5	Former Employees	14
5.6	Employment of Minors.....	14
5.7	Pre-Employment Physicals.....	15

TABLE OF CONTENTS

	PAGE
SECTION 5 HIRING (CONTINUED)	
5.8 Selection and Notification of Offer	15
5.9 Trainees	15
5.10 Disqualification of Applicants.....	15
5.11 Application Files	16
5.12 Reporting for Duty	16
SECTION 6 MEDICAL EXAMINATIONS	17
6.1 Medical Examinations	17
6.2 In-Service Examinations.....	17
SECTION 7 ORIENTATION.....	18
SECTION 8 PROBATIONARY PERIOD	19
8.1 Purpose	19
8.2 Length of the Probationary Period.....	19
8.3 Probationary Reviews	19
8.4 Extension of the Probationary Period.....	19
8.5 Failure to Demonstrate Competency.....	19
SECTION 9 CLASSES OF EMPLOYEES.....	20
9.1 General.....	20
9.2 Regular, Full-time Employees	20
9.3 Regular, Part-time Employees.....	20
9.4 Temporary Employees	20
SECTION 10 COMPENSATION AND CLASSIFICATION	21
10.1 Employee Classification	21
10.2 Pay Plan	21
10.3 Reclassification	21
SECTION 11 PAY PLAN AND PROGRESSION THROUGH THE SALARY RANGES.....	23
11.1 Pay Plan	23
11.2 Salary Increases, Ranges and Raises	23
11.3 Other Increases	23
11.4 Performance Bonuses	23
SECTION 12 PERFORMANCE REVIEWS.....	24
12.1 Purpose	24
12.2 Frequency	24
12.3 Procedure.....	24
12.4 Appeals	24
12.5 Consequences of an Unsatisfactory Performance Appraisal	25

TABLE OF CONTENTS

	PAGE
SECTION 13 PROMOTION	26
13.1 Policy	26
13.2 Promotion via Selection to a Position of a Higher Classification	26
13.3 Compensation for Promotions	26
13.4 Probationary Period	26
13.5 Inability to Perform	26
SECTION 14 DEMOTION	27
14.1 Policy	27
14.2 Authority	27
14.3 Compensation	27
14.4 Probationary Status	27
14.5 Appeal Rights	27
SECTION 15 LATERAL TRANSFER	28
15.1 Definition	28
15.2 Authority	28
15.3 Procedure	28
15.4 Compensation	28
15.5 Probationary Status	28
SECTION 16 TEMPORARY ACTING POSITIONS.....	29
16.1 Policy and Authority	29
16.2 Compensation	29
SECTION 17 HOURS OF WORK	30
17.1 Definition	30
17.2 Authority	30
17.3 Employee Responsibility	30
17.4 Meals and Breaks	30
SECTION 18 ATTENDANCE	31
18.1 General.....	31
18.2 Punctuality	31
18.3 Unapproved Absence from Work	31
SECTION 19 APPEARANCE	32
19.1 General Policy	32
19.2 Uniformed Personnel.....	32
19.3 Non-Uniformed Personnel	32

TABLE OF CONTENTS

	PAGE
SECTION 20 WORK WEEK AND PAY	33
20.1 Work Week.....	33
20.2 Record Keeping and Pay	33
20.3 Pay Periods and Checks	33
20.4 Administrative Pay Corrections	34
20.5 Advances of Pay	34
SECTION 21 OVERTIME.....	35
21.1 Policy.....	35
21.2 Definition	35
21.3 Authorization	35
21.4 Overtime Call-ins.....	35
21.5 Overtime Distribution	35
21.6 Compensation	35
21.7 Exempt Employees	35
21.8 Failure to Follow Overtime Guidelines.....	36
SECTION 22 HOLIDAYS	37
22.1 Holiday Observance	37
22.2 Special Cases of Holiday Observance	37
22.3 Eligibility	37
22.4 Other Holidays not recognized by the City	38
22.5 City's Right to Schedule Work on Holidays	38
SECTION 23 LEAVE.....	39
23.1 General Policy	39
SECTION 24 VACATION LEAVE	40
24.1 Rate of Accrual – Vacation Leave	40
24.2 Maximum Accrual – Vacation Leave	40
24.3 Eligibility – Vacation Leave.....	40
24.4 Use of Vacation Leave	40
24.5 Pay-Out Policy.....	40
SECTION 25 SICK LEAVE	41
25.1 Rate of Accrual – Sick Leave	41
25.2 Maximum Accrual – Sick Leave	41
25.3 Eligibility – Sick Leave	41
25.4 Use of Sick Leave	41
25.5 Sick Leave Buy Back Plan	41
25.6 Sick Leave Use for Early Retirement.....	42
25.7 Donating Accrued Sick Leave	42

TABLE OF CONTENTS

	PAGE
SECTION 26 FAMILY AND MEDICAL LEAVE POLICY	43
26.1 Policy	43
26.2 Eligibility	43
26.3 Reasons for Family and Medical Leave	43
26.4 Requests for Family and Medical Leave – Advance Notice	43
26.5 Use of Accrued Vacation and Sick Leave	43
26.6 Medical Certification Required	44
26.7 Serious Health Condition Only	44
26.8 Intermittent or Reduced Schedule FMLA Leave.....	44
26.9 Benefits	44
26.10 Return from FMLA Leave	45
SECTION 27 MILITARY LEAVE	46
27.1 Policy	46
27.2 Procedure	46
27.3 Compensation	46
27.4 Benefits	46
27.5 Exceptions.....	46
SECTION 28 CIVIL LEAVE	47
28.1 Purpose	47
28.2 Procedures	47
28.3 Compensation	47
28.4 Overtime Eligibility	47
SECTION 29 BEREAVEMENT LEAVE.....	48
29.1 Purpose	48
29.2 Eligibility and Procedures	48
29.3 Additional Time Off.....	48
SECTION 30 LEAVE WITHOUT PAY	49
30.1 Purpose	49
30.2 Leave Without Pay	49
30.3 Benefits	49
SECTION 31 OCCUPATIONAL INJURY/DEATH	50
31.1 Injury Procedures	50
31.2 Occupational Death.....	50
SECTION 32 RETIREMENT, INSURANCE AND UNIFORMS	51
32.1 Employee Retirement.....	51
32.2 Life Insurance.....	51
32.3 Health Insurance and Long Term Disability.....	51
32.4 Vision, Dental and Optional Life Insurance	51

TABLE OF CONTENTS

	PAGE
SECTION 32 RETIREMENT, INSURANCE AND UNIFORMS (CONTINUED)	
32.5 Continuation of Coverage Rights.....	52
32.6 Worker's Compensation Insurance	52
32.7 Uniforms	53
SECTION 33 SEPARATION	54
33.1 General.....	54
33.2 Voluntary Resignation	54
33.3 Retirement.....	54
33.4 Separation for Disability	54
33.5 Resignation Due to Unauthorized Absence.....	54
33.6 Discharge	54
33.7 Separation Due to Death	55
33.8 Exit Interviews	55
33.9 Benefits upon Departure	55
SECTION 34 LAYOFFS AND RECALL	56
34.1 Layoffs.....	56
34.2 Criteria for Layoffs	56
34.3 Layoff Procedures	56
34.4 Recall	57
34.5 Severance Pay	57
SECTION 35 DISCIPLINE OF EMPLOYEES	58
35.1 Purpose	58
35.2 Intent	58
35.3 Eligibility	58
35.4 Considerations in Applying Discipline.....	58
35.5 Progressive Discipline	58
35.6 Types of Action.....	59
35.7 Disciplinary Action Procedures.....	60
35.8 Exception to Provisions of this Section	60
35.9 Schedule of Recommended Disciplinary Penalties	60
SECTION 36 EMPLOYEE APPEAL AND GRIEVANCE PROCEDURES.....	65
36.1 General Policy	65
36.2 Appeals Involving Discipline	65
36.3 Grievance Procedures.....	65
36.4 General Provisions of the Grievance Procedure	66
SECTION 37 EMPLOYEE SELF IMPROVEMENT AND EDUCATIONAL PROGRAM	68
37.1 General Provisions	68
37.2 Educational Reimbursement	68
37.3 Eligibility for Participation	68
37.4 Application Procedure	68

TABLE OF CONTENTS

	PAGE
SECTION 37 EMPLOYEE SELF IMPROVEMENT AND EDUCATIONAL PROGRAM (CONT.)	
37.5 Agreement and Certification by Employee	68
37.6 Completion of Courses and Reimbursement of Expenses	69
37.7 Retirement or Death	69
SECTION 38 TRAINING AND CONFERENCE ATTENDANCE	70
38.1 General.....	70
38.2 Procedure.....	70
SECTION 39 TRAVEL POLICY	71
39.1 Travel Policy.....	71
39.2 Travel Expenses.....	71
39.3 Travel Advances.....	71
39.4 Reimbursement Procedures.....	72
39.5 Accidents While Traveling	72
39.6 Abuse	72
SECTION 40 SAFETY PROGRAM & PROCEDURES	73
40.1 Policy Statement	73
40.2 City Manager's Responsibility	73
40.3 Supervisor's Responsibility	73
40.4 Employee Responsibility	74
40.5 Safety Committee	74
SECTION 41 DRUG-FREE WORKPLACE	75
41.1 Drug-Free Workplace Policy.....	75
41.2 Purpose of the Drug-Free Workplace Policy	75
41.3 Prohibited Substances	75
41.4 Prohibited Conduct.....	75
41.5 Drug Testing.....	76
41.6 Consequences of a Positive Drug Test	76
41.7 Voluntary Treatment	76
41.8 Involuntary Treatment	76
41.9 Failure to Submit to or Complete Treatment	76
41.10 Recurrence of a Substance Abuse Program	76
41.11 Commercial Driver's Licenses	77
SECTION 42 USE OF TOBACCO IN THE WORK PLACE.....	78
42.1 Purpose	78
42.2 Smoke Free Areas	78
42.3 Smoking by Employees	78

TABLE OF CONTENTS

	PAGE
SECTION 43 OUTSIDE EMPLOYMENT	79
43.1 Policy.....	79
43.2 Procedures	79
SECTION 44 HARASSMENT	80
44.1 Policy.....	80
44.2 Employee Responsibility	80
44.3 Supervisory Responsibility	80
SECTION 45 NEPOTISM.....	81
45.1 Purpose	81
45.2 Hiring.....	81
45.3 Marriage	81
45.4 Personal Relationships.....	81
SECTION 46 SOLICITATION, DISTRIBUTION AND VISITORS.....	82
46.1 Purpose	82
46.2 Visitors.....	82
46.3 Solicitation	82
SECTION 47 POLITICAL ACTIVITY	83
47.1 Employees Seeking Elected or Appointed City Office.....	83
47.2 Membership in a Political Party	83
SECTION 48 MISCELLANEOUS PROVISIONS.....	84
48.1 Valid Driver's License	84
48.2 Use of City Owned Equipment and Vehicles.....	84
48.3 Federal Emergency Management Act.....	84
48.4 Emergency Closings	84
48.5 Public Relations/Complaints.....	84
48.6 Information Regarding Life-Threatening Illnesses.....	85
48.7 Recycling.....	85
48.8 Return of Property	85
48.9 Use of Phone, Mail and Computer Systems.....	85
48.10 Reference Checks	85
SECTION 49 DEPARTMENT HEADS	
49.1 Policy.....	86
49.2 General Provisions	86
49.3 Separation from Employment.....	86
49.4 Review of Termination Decision.....	86
49.5 Benefits Upon Termination.....	86
SECTION 50 CODE OF CONDUCT	87

GENERAL PROVISIONS

I. PURPOSE OF THIS MANUAL

The objective of this manual is to set forth the personnel policies of the City of Winter Springs and, if followed, it should ensure reasonable, fair, and equitable treatment for all City employees.

II. POSITIONS COVERED BY THIS MANUAL

With the exception, of the positions listed below, the rules set forth in this manual shall apply to everyone employed by the City.

- A. Members of the City Commission
- B. City Manager
- C. City Attorney
- D. Employees covered by a collective bargaining agreement as provided according to the terms of the agreement.
- E. Contractual Employees
- F. Appointed Members of Boards
- G. Temporary or Seasonal Employees

III. AMENDMENT AND REVISION OF RULES

Amendments and revisions to these rules shall be approved and ratified by resolution pursuant to Section 14-1 of the City Code of Ordinances of the City of Winter Springs.

IV. APPLICATION OF THE RULES

All positions existing and hereinafter created within the City's service, except those listed in II above, shall be subject to the rules and procedures in this Manual, or as are set forth by action of the Commission. This document is not to be construed as creating a contract, or a property right or interest in employment, or an expectation of employment for a definite term. An employee is free to terminate employment at any time, and the City retains the same right. The provisions of the Personnel Policies have been developed under the direction of the City Manager, and may be amended or cancelled at any time, at the City of Winter Springs's sole discretion.

V. PERSONNEL

The employees who work for the City of Winter Springs are its most important resource. The City believes the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their Department Heads.

Our experience has shown that when employees deal openly and directly with Department Heads, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City of Winter Springs amply demonstrates its commitment to employees by responding effectively to employee concerns.

GENERAL PROVISIONS

As some employees in the City of Winter Springs have already chosen third party representation, we affirm our commitment to retaining positive relationships with all existing bargaining units. If and when other employees examine the option of union representation, however, we strongly encourage careful consideration of such related issues as regular deductions from paychecks for union dues, the potential for outside interference with Department Head relationships, and the commitment to comply with directions from unions.

SECTION 1

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

1.1 Policy Statement

It is the policy of the City of Winter Springs to provide equal employment opportunities for all qualified persons, and to prohibit discrimination in employment with regard to marital status, veteran's status, race, color, citizenship, religion, national origin, sex, age or on the basis of disability.

1.2 Equal Employment Objectives of the City

The following Equal Employment objectives are designed to provide compliance with applicable Federal, State, and local laws relating to non-discrimination in public employment and service and to assure that:

- All the City's employees, including Department Heads and supervisors actively support and implement Equal Employment.
- Conditions of employment, recruitment and hiring practices are in accord with the intent of the Equal Employment Statement.
- Monitoring and periodic evaluation of the Equal Employment Statement effectiveness take place.

1.3 Responsibility for Implementation

Policy direction and program effectiveness are the responsibility of the City Commission. The implementation of the Equal Employment Opportunity policies is the responsibility of the City Manager. Supervisory personnel will be responsible for implementation at their respective levels.

A report shall be prepared by the City Manager, as may be required by the City Commission, regarding personnel activities including new hires, promotions, demotions, and terminations. Such reports will be used to assess the continuing effectiveness of the City's equal opportunity program. It is also the responsibility of the City Manager from time to time to recommend to the City commission that the Personnel Policies be amended to comply with revisions in State and Federal Law.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate Department Head. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

1.4 Complaint Procedure for Equal Employment Opportunity Issues

Employees shall have the right at any time to request consideration of any equal opportunity compliance. The submission of a complaint shall in no way adversely affect the employee or employment with the City. Any employee who feels aggrieved or desires to appeal a decision regarding employment with shall advise the Department Head in writing. Further, any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of

SECTION 1

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

their immediate Department Head. The opinion of the Department Head shall be forwarded to the City Manager. The City Manager shall arrange for joint discussion with the employee and the Department Head. The decision of the City Manager shall be final.

SECTION 2

SUBJECT: DEFINITIONS

As used in these rules, unless the context clearly requires otherwise, the following words shall have the meaning herein given them.

2.1 Alcohol Abuse

"Alcohol abuse" means the ingestion of alcohol or alcoholic beverages, on or off-duty, which adversely affects the employee's ability to perform his or her job duties.

2.2 Allocation

The assignment of a position to its appropriate pay grade in relation to duties performed.

2.3 Anniversary Date

The recurring date of original appointment or the date of promotion, demotion, or reclassification, whichever is the last to occur, except that such shall be adjusted for suspensions, unauthorized leaves of absence, and separation and re-employment.

2.4 Appeal

An application for review of an alleged grievance submitted or instituted by an employee to higher authority.

2.5 Applicant

An individual having completed and submitted an application for employment with the City.

2.6 Appointment

The offer provided an individual and acceptance for a full-time, part-time, temporary or seasonal position. A temporary appointment shall terminate automatically upon completion of the project necessitating the appointment.

2.7 Assembled Examination

An examination to be taken by applicants who are required to appear at a specific place for the purposes of taking the exam.

2.8 Certification

Documentation used for the purpose of demonstrating proof of meeting required standard.

2.9 Class/Classification

A position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

SECTION 2

SUBJECT: DEFINITIONS

2.10 Class Description

A written description of a class consisting of a title, a general statement of the level of work and of the distinguishing features of work, example of duties, and the desirable qualification.

2.11 Class Specification

A written statement describing the duties and responsibilities and minimum qualification requirements of a position.

2.12 Close Relative

Members of the employee's immediate family including spouse, parent, child, or sibling; spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

2.13 Compensation

The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

2.14 Complaint

An informal charge and/or accusation due to some displeasure or annoyance.

2.15 Continuous Service

Uninterrupted employment in the classified service except for authorized leaves of absence.

2.16 Demotion

The voluntary or involuntary assignment of an employee to a position in a lower pay class; that is, having a lower maximum salary than the class from which the assignment is made. Demotions involve an actual decrease in duties, responsibilities, and associated stresses from the previously held position.

2.17 Department

The primary organizational unit which is under the immediate charge of the Department Head who reports directly to the City Manager.

2.18 Department Head

Department Heads shall be defined as the City Clerk, Community Development Director, Finance Director, Fire Chief, General Services Director, Parks and Recreation Director, Police Chief, Public Works / Utility Director, and any other future positions carrying the title Department Head as established by the City Commission. The term also includes a designee of a Department Head.

SECTION 2

SUBJECT: DEFINITIONS

2.19 Dismissal

The act whereby an employee involuntarily discontinues employment with the City.

2.20 Drug Abuse

"Drug abuse" means the ingestion of any controlled substance as defined in Section 893.03, Florida Statutes, as amended, not pursuant to a lawful prescription. The term drug abuse also includes the commission of any act prohibited by Chapter 893, Florida Statutes, as amended.

2.21 Eligible

A person who has met in a satisfactory manner the qualification required by a particular job description.

2.22 Eligibility List

The ranking of applicants who are eligible for a vacancy according to the order of the overall qualifications of the position.

2.23 Employee

An individual employed and compensated by the City. Individual or groups compensated on a fee basis are not included.

2.24 Examination

The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.

2.25 Full-Time Employee

Any employee working a minimum of a forty (40) hour week in either a regular or probationary position budgeted on an annual basis.

2.26 Grievance

A matter where an employee feels wronged and brings the matter to the attention of management for correction. All grievance matters are considered a formal expression of complaint and must be filed in writing in accordance with defined procedures.

2.27 Harassment

Slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability. Also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, slander or spreading rumors as to another's sexual preferences or behavior, and other verbal, graphic, or physical conduct of a sexual nature.

SECTION 2

SUBJECT: DEFINITIONS

2.28 Immediate Family

Includes the employee's spouse, parent, child, or sibling; spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

2.29 Layoff

The involuntary separation of an employee from City government occurring as a result of a non-disciplinary event.

2.30 Leave

An approved type of absence from work. The types of leave include Holiday Leave, Sick Leave, Vacation Leave, Compensatory Leave, Leave Without Pay, Family & Medical Leave, Bereavement Leave, and Workers' Compensation leave.

2.31 Overtime

Overtime occurs when a non-exempt employee works more than 40 hours within a work-week, as dictated by contract for emergency services employees, and the City in accordance with the Fair Labor Standards Act.

2.32 Overtime Pay

Compensation paid to an employee in excess of their total normal working hours as required by the Fair Labor Standards Act and/or the City.

2.33 Part-Time Employee

An employee working less than 30 hours per week who is paid on an hourly basis for those hours actually worked and who is not entitled to City benefits. This definition does not include volunteer Firefighters or reserve Police Officers.

2.34 Pay Plan

A plan which assigns all positions within the City to a pay grade.

2.35 Pay Rate

A specific dollar amount, expressed as either an annual rate, or an hourly rate as shown in the salary range schedule.

2.36 Pay Status

An employee who is physically at work or is on approved leave with pay.

2.37 Performance Pay Increase

Any increase in compensation established in the Personnel Evaluation System which may be granted to an employee based on performance.

SECTION 2

SUBJECT: DEFINITIONS

2.38 Physical / Agility Test

A comprehensive medical examination consisting of tests of bodily condition, muscular strength, ability and physical fitness of competitors to perform the class of position to which employment is being sought.

2.39 Position

A group of duties assigned to one person or job.

2.40 Probationary Employee

Any employee who is serving a probationary period following original appointment (hiring) or following promotion.

2.41 Probationary Period

A period of six months following hiring during which the employee's performance is carefully evaluated (that is, interim evaluations will occur after two and four months) to determine if the individual should become a regular employee. Sworn Police Officers and Firefighters shall serve a one year probationary period and shall be evaluated at least quarterly to determine if they should become regular employees.

2.42 Promotion

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

2.43 Promotional Examinations

An eligibility test for qualified employees to determine the relative standing of applications for positions in the specific class to include employees working in a specific pay grade in all departments of the City. The employee's last service rating must have been satisfactory and a promotion must not have been received by the employee during the prior 12 months.

2.44 Qualifying Event

A qualifying event occurs when an employee no longer meets the requirements to be eligible for health insurance. Examples included are resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence, divorce or separation, and a dependent child no longer meeting eligibility requirements.

2.45 Regular Employee

An employee who has been appointed to a regular full-time or part-time position in the classified service in accordance with the provisions of these rules upon completion of a probationary period.

SECTION 2

SUBJECT: DEFINITIONS

2.46 Resignation

A planned separation initiated by the employee.

2.47 Retirement

A voluntary employment termination initiated by the employee meeting age, and any other criteria for retirement from the organization.

2.48 Salary Range

Specific salary range assigned to a pay grade for an assigned position.

2.49 Smoking

"Smoking," means inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco.

2.50 Suspension

An enforced leave of absence for disciplinary purposes with or without pay.

2.51 Temporary Employee

An employee holding a position other than regular, except as provided in the rules, which is of temporary, seasonal, casual or emergency nature. A temporary employee is not entitled to City benefits.

2.52 Temporary Position

A position that is not designated and budgeted as a regular position.

2.53 Transfer

The voluntary or involuntary change of an employee's assignment from one position to another position which is at a substantially similar level.

2.54 Unassembled Examinations

Examinations administered on an individual basis under circumstances whereby applicants are not available in sufficient numbers to justify holding an assembled examination as authorized by the Department Head. Unassembled examinations shall be administered continuously and at regularly established times until the position is filled.

2.55 Vacancy

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

SECTION 2

SUBJECT: DEFINITIONS

2.56 Work Area

"Work areas" are all areas on the City's premises other than employee break rooms and lunchrooms.

2.57 Work Day

The scheduled number of hours an employee is assigned to work.

2.58 Work Period

The scheduled number of hours an employee is assigned to work during a work cycle, for which the employee receives a paycheck. This may also be known as the Pay Period.

2.59 Work Time

"Work time" is all time on the premises other than before and after work, at meal periods and break times, during which an employee is performing duties and responsibilities for the city.

2.60 Work Week

The scheduled number of hours an employee is assigned to work during a calendar-week.

SECTION 3

SUBJECT: PERSONNEL ADMINISTRATION

3.1 Responsibility for Administration

The City Manager is responsible for developing and administering the City's personnel system including:

1. The classification plan for all City positions based on duties, authority, and responsibility of the positions.
2. Pay plan for all City positions.
3. Methods for determining the merit and fitness of candidates for appointment or promotion.
4. The policies and procedures regulating the reduction in the work force (i.e., lay-offs) and removal of employees.
5. The hours of work, attendance regulations and provisions for sick and vacation leave.
6. The policies and procedures governing persons wishing to examine personnel records pursuant to Chapter 119, Florida Statutes.
7. The policies and procedures governing relationships with employee organizations.
8. Policies regarding in-service training programs.
9. Other procedures and practices necessary to the administration of the City personnel system.

3.2 Role of the General Services Director

While the City Manager is ultimately responsible for the administration of the personnel system, the General Services Director has been delegated day-to-day management responsibility for the system and the records. Specifically, the General Services Director shall provide advice and guidance to the City's managers and employees. The Human Resources (HR) Coordinator shall maintain the employee's official personnel files. Materials maintained in departmental files are informal and informational only.

3.3 Personnel Files

One of the key functions of the HR Coordinator is to maintain the individual employee's personnel file. The information which should be in each file is listed as follows:

- Employment Application;
- Employee Address, Telephone Numbers and Emergency Contacts;
- City of Winter Springs employment history;
- Employee acknowledgement of policies manual;
- Attendance cards, as applicable;
- Hospitalization and Life Insurance forms;
- Personal History record;

SECTION 3

SUBJECT: PERSONNEL ADMINISTRATION

- New employee data record;
- Performance Evaluations;
- Changes in personnel status;
- Exit interview report, if applicable;
- The employee's response, if any, to any detrimental material;
- Miscellaneous forms/records relating to employee;
- Immigration and Naturalization Service's I-9 Form;
- Demographic or analytical data required;
- Beneficiaries, dependents, marital status; and
- Background investigation reports, if applicable.

The Human Resources Coordinator may require employees to provide information necessary to maintain or procure demographic or analytical data regarding City of Winter Springs employees.

3.4 Personnel Changes

Employees shall notify the Department Head whenever changes need to be made in the personnel records regarding change of address, marital or dependent status, home telephone number, or emergency contact information. The Department Head shall forward this information to the Human Resources Coordinator.

Before any change in an employee's status is implemented, the appropriate form must be completed and the required approvals obtained.

3.5 Inspection of Personnel Records

Requests for appointments to inspect personnel records may be made by telephone, in person, or in writing and directed to the Human Resources Coordinator. Appointments will be granted within a reasonable amount of time.

Employment records shall be open for personal inspection by any person with the exception of the following information:

- Addresses, telephone numbers, and other personal identification information of police officers, firefighters, former police officers, former firefighters, as well as the children and spouses of these employment categories pursuant to the provisions of Chapter 119, Florida Statutes; and
- Medical records and documents relating to any complaints of discrimination relating to race, color, religion, sex, national origin, age, handicap or marital status. (Documents relating to complaints of discrimination are kept separate from individual personnel files until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.)

SECTION 3

SUBJECT: PERSONNEL ADMINISTRATION

The individual originating the request may make any desired compilations, analyses, and summaries while inspecting the records. Photocopies are available upon request based on a fee schedule adopted by the City and will be made by the Human Resources Coordinator or by the person making the request under supervision.

SECTION 4

SUBJECT: RECRUITMENT

4.1 Recruitment – General

The goal of the City of Winter Springs is to select the most qualified individual without regard to race, color, religion, national origin, sex, marital status, age, citizenship, disability, or any other basis prohibited by law. Employment decisions at the City of Winter Springs will be based solely on merit, qualifications, and abilities.

The City treats all job candidates uniformly and gives consideration to internal promotion and affirmative recruitment.

4.2 Approval of Recruitment

When a vacancy occurs, the Department Head shall notify the City Manager and obtain approval to fill the position.

4.3 Vacancy Announcement

Upon approval of the City Manager, the General Services Director or designee shall prepare a vacancy announcement outlining the nature and requirements of the position.

4.4 Sources of Applicants

All job vacancies below the level of Department Head shall be posted in-house for a period of one week for promotional or transfer consideration.

Where an in-house appointment for the position does not occur, advertisements for the position shall be placed in the media to attract as many qualified persons as is economically feasible and prudent. Other sources of applicants which may be used are:

- The Florida State Employment services;
- Active applications on file; and
- Organizations focused on reaching minorities, women and handicapped individuals.

4.5 Recruitment Area

Individuals shall be recruited from a geographic area as wide as is necessary to obtain a qualified pool of applicants.

4.6 Employment Services – Prohibition

The City shall not pay placement fees to employment services, or place orders with commercial employment agencies without prior approval of the City Manager.

SECTION 5

SUBJECT: HIRING

5.1 Application for Employment

All candidates for positions in Winter Springs shall complete the City's official application which shall include at least the following: the employee's educational credentials, employment history, licenses, and references.

Falsification or deletion of pertinent information, orally or in an application, shall result in immediate termination of the interviewing process or of employment.

5.2 Interviewing

All applications shall be carefully screened by the City Manager or designee. The most highly rated applicants will be forwarded to the appropriate Department Head for further review and for interviewing.

5.3 Testing

The applicant may be tested for specific skills which are required to fulfill the duties of the vacancy. Such tests shall be designed and the parameters for satisfactory completion shall be promulgated by the Department Head and approved by the City Manager. Such tests may be designed for both outside recruitment and promotional purposes. Tests may be assembled or unassembled. All testing shall be consistent with State and Federal regulations concerning employee selection.

5.4 References

The Department Head or designee shall make all necessary contacts for the purpose of checking references. Should applicants be offered a position prior to the reference checks being completed, they will be notified the offer is conditional upon the results of the reference checks.

5.5 Former Employees

A former employee may be rehired providing his/her qualifications meet the requirements of the position and was in good standing at the time of separation.

A former employee who is rehired shall be processed in the same manner as a new hire. For purposes of computing benefits due, a rehired employee shall be considered as a new appointment and shall serve the required probationary period. This provision may be specifically waived by the City Manager.

5.6 Employment of Minors

All persons employed by the City shall be a minimum of 16 years of age. Where it is not possible to recruit a qualified applicant who has reached majority, employment of a minor shall be conducted in accordance with the State of Florida Child Labor Law.

Prior to employing a minor under 18 years of age, the City Manager or designee shall complete an Application for Employment Certificate. This form can be obtained by the minor from the school district or such other office designated by the Superintendent to issue certificates.

SECTION 5

SUBJECT: HIRING

Unless married, all minors at time of hire shall be required to have an Age Certificate. This certificate shall be obtained through the same channels as the Application for Employment Certificate.

The Employment Certificate and the Age Certificate shall remain in the employee's personnel file.

5.7 Pre-Employment Physicals

All employees may be required to submit to a physical examination. Anyone whose examination indicates possible substance abuse will not be hired.

5.8 Selection and Notification of Offer

The Department Head shall select the applicant whose qualifications most closely meet the requirements of the position. Once that is done, the Department Head will notify Human Resources of the selection which will obtain the City Manager's approval. Once granted, the General Services Director or designee will tender a conditional offer of employment.

5.9 Trainees

From time to time, the City may not be able to recruit fully qualified applicants. In such cases, the Department Head may request someone without the minimum qualifications be appointed as a "trainee." The category is used to train people on-the-job who have the potential to do the work but lack some of the essential skills or experience. Under normal circumstances the time a person remains in a trainee category is between six (6) months and twelve (12) months, but depends on the skills or experience needed in individual cases and/or certification requirements. The City Manager may extend the "trainee period" until the requirements are met up to but not to exceed a maximum of an additional twelve (12) months.

In such cases, the employee can be hired at a rate of up to ten percent (10%) below the minimum salary. Once he/she has attained the minimum qualifications, he/she shall receive a salary increase to the minimum.

5.10 Disqualification of Applicants

The City Manager or the Department Head may remove any candidate from further consideration for reasons including, but not limited to, the following:

- Does not possess the minimum job-related qualifications;
- Has established an unsatisfactory employment or personnel record as evidenced by the reference checks;
- Is unable to provide proof of citizenship or that he/she is a legal immigrant;

SECTION 5

SUBJECT: HIRING

- Has made false statements or practiced deception orally or in the application; and/or
- Fails to accept appointment within two days or fails to report for duty within the time prescribed in the employment offer.

5.11 Application Files

Applications of unsuccessful candidates shall be retained for a period of one year for subsequent review for future openings.

Applicants who are disqualified due to falsification or omission of pertinent information or failure to accept appointment within the time prescribed in the offer shall be entered into a closed file and not reconsidered.

The Fire and Police Departments have and maintain a hiring eligibility list.

5.12 Reporting for Duty

A new employee shall be instructed to report directly to the assigned department on the first day of work after which the various forms necessary for employment with Winter Springs shall be completed.

SECTION 6

SUBJECT: MEDICAL EXAMINATIONS

6.1 Medical Examinations

Upon acceptance of a conditional offer of employment, all prospective employees may be required to undergo a medical examination. It will be conducted by a City designated physician and will be sufficiently comprehensive to determine if the employee meets accepted standards of health for the position. It may include tests of health, physical agility and for illegal substances. This examination shall be performed at the City's expense.

An applicant determined to be physically or mentally unfit for service shall not be eligible for employment.

6.2 In-Service Examinations

An employee, at any time during employment, may be required to undergo examinations to determine physical and mental fitness to perform the job. Law Enforcement Officers and Firefighters may be required to undergo such examination annually on or about each anniversary date of their employment. Such periodic examinations shall be at the expense of the City except as noted below.

An employee of the City may appeal the decision of the examining physician or psychologist concerning fitness for duty within five business days of the date of his notification of the results. The employee, in that case, may select another physician to provide a second opinion. In the event there is a difference of opinion between the original examining professional and the professional chosen by the employee, the City Manager shall designate a third professional, whose decision shall be final and binding as to the physical and mental fitness of such employee to perform the work of the position. The City shall bear the expense of reasonable direct costs of the first and third examinations. The employee shall bear the expense of the second examination. The City shall provide the employee with reasonable time off to meet these appointments.

An employee determined to be physically or mentally unfit to continue in the job may be demoted, transferred or separated from City service.

SECTION 7

SUBJECT: ORIENTATION

The City recognizes the importance of a sound orientation program so that employees will have a clear understanding of duties, how to perform them, and the relationship of the department to the overall operation of the City.

Orientation of a new employee begins with processing by Human Resources and includes the completion of all hiring forms and an explanation of benefits and conditions of employment.

The Department Head shall accompany the employee to the area of employment and shall assure that the employee is introduced to co-workers and various facilities, has proper supplies and has a suitable working area. The employee's direct supervisor shall assure the employee becomes familiar with job duties and responsibilities and is properly trained.

The most important function of the Department Head during this process is to make every attempt to insure that a new employee is comfortable and familiar with their new surroundings.

SECTION 8

SUBJECT: PROBATIONARY PERIOD

8.1 Purpose

The purpose of the probationary period is to give the employee the opportunity to learn and demonstrate competency in a new position while providing the City with the opportunity to evaluate the employee and determine whether or not he/she is completely capable of performing the duties of the position.

8.2 Length of the Probationary Period

The length of the probationary period shall be six months for new employees and for those who are promoted and transferred with the exception of police officers and firefighters whose probationary period shall be one year.

8.3 Probationary Reviews

Employees serving a probationary period shall be evaluated three times: one third of the way through the period, two thirds of the way through and at the end of the period. The purpose of the interim reviews shall be to apprise the employee of his or her performance and areas of weakness. The final review shall determine whether or not the employee has demonstrated sufficient competency in the position to be retained. Each review shall be documented and information forwarded to the Human Resources Coordinator.

8.4 Extension of the Probationary Period

If the City of Winter Springs determines that the designated probationary period does not allow sufficient time to evaluate the employee's performance thoroughly, the probationary period may be extended for a specified period.

8.5 Failure to Demonstrate Competency

During the probationary period, any unsatisfactory aspect of the employee's work will be called to the employee's attention. At any time during the probationary period, the City may for any or no reason terminate the employment. Such termination shall be final with no right of appeal.

A promoted or transferred employee who performs unsatisfactorily during the probationary period is thereby determined ineligible to be granted regular appointment to the position. However, if the employee's work was satisfactory prior to the change in status, the employee may be returned to his previous position or to another suitable position in the same class previously held, if either is available. If no position is available, the employee may be terminated.

SECTION 9

SUBJECT: CLASSES OF EMPLOYEES

9.1 General

Winter Springs employs three class types of employees: regular full-time employees, regular part-time employees and temporary employees.

9.2 Regular, Full-time Employees

A year-round position where more than an average of 30 hours per week of work is expected is considered to be a regular, full-time employee. These employees serve a probationary period and are qualified for benefits offered to employees by the City. These benefits may include health insurance, life insurance, retirement, leave (vacation, sick, military, civil and bereavement) and paid holidays.

9.3 Regular, Part-time Employees

A continuous, year-round position budgeted for less than an average of 30 hours per week and paid on an hourly basis for hours actually worked shall be designated a regular, part-time employee. Part-time employees shall be recruited, hired and evaluated in the same manner as regular, full-time employees. Part-time employees may also be eligible for any special annual salary increase afforded to full-time employees by the City Commission, but receive only some of the benefits that regular, full-time employees receive. For example, part-time employees do not receive vacation leave, sick leave, health insurance, retirement, and life and disability insurance, but do receive holiday pay, mandated social security benefits and workers compensation insurance.

9.4 Temporary Employees

Temporary employees may be recruited to assist in handling unusually high workloads, seasonal employment, casual employment, or employment of an emergency nature, for a period of time not to exceed six consecutive months, or for completion of a specific task or project.

A temporary employee shall not be used to fill a continuing full-time position unless the position is temporarily vacant. A temporary employee shall not be hired at a rate less than the minimum of the pay grade into which the job is classified. A temporary employee shall not be entitled to City fringe benefits including retirement.

If a temporary employee changes status to a regular position, the employee shall be considered as a new hire at the time that employee's status is changed.

The provisions of this section shall not apply to temporary reassignments of a regular employee nor to restructuring of an employee's job description.

SECTION 10

SUBJECT: COMPENSATION AND CLASSIFICATION

10.1 Employee Classification

Every employee should have a job description which accurately reflects what he/she is actually doing. Based on these descriptions, employment classifications are developed. Every effort is made, through the classification plan, to group positions together into classes which are similar in type of work performed, complexity, and responsibility. Ideally these positions will then fall in the same pay range.

The job titles listed in the classification plan are used in all personnel records and transactions.

10.2 Pay Plan

The City of Winter Springs has adopted a Pay Plan wherein jobs are graded and appropriate pay levels established. The goal of the pay plan is for positions of like requirements and complexity to be paid comparable salaries. In actual fact, however, for the most part, market surveys are conducted and pay ranges established that ensure our employees are paid wages comparable with those in the labor marketplace.

From time to time, the City conducts reviews of other, similar jurisdictions and the private sector to determine if it is still paying a fair wage for the work performed. If it is not, the salaries are adjusted accordingly.

10.3 Reclassification

It is the duty of the City Manager to amend the position descriptions and classification specifications when necessary so that each class will accurately reflect the current duties and responsibilities of the position. A reorganization may have occurred and duties increased or decreased. An individual or group may have gradually assumed more responsibility. Technology may change the duties. Whatever the cause, when duties change, the position needs to be reclassified and compensation reviewed; that is, it needs to be evaluated (reclassified) and fair compensation established.

It is incumbent on the Department Heads and individual employees to bring classification/compensation concerns to the attention of the City Manager and for the City Manager to make a further investigation of the matter and to take appropriate action.

Specifically, a request for a reclassification should be submitted by the Department Head and shall be accompanied by written supporting documentation to the City Manager. This documentation should be sufficient to support a reclassification by documenting actual job duties and tasks. It should further explain what has changed to warrant reviewing the position. It should also be considered in light of other positions within the City's Classification System. Reclassification, in fact, should not take place independent of consideration of other positions within the overall classification system.

If the City Manager determines sufficient evidence exists to warrant a further review, he/she shall turn the matter over to the General Services Director who shall make an independent review. The employee(s) whose position(s) are under consideration may be asked to complete a questionnaire and/or submit additional information. Upon

SECTION 10

SUBJECT: COMPENSATION AND CLASSIFICATION

completion, the General Services Director shall make a recommendation to the City Manager. The City Manager shall approve or disapprove all reclassifications.

When a position is reclassified to a higher pay grade, adjustments to salary should be handled in the same manner as a "Promotion". When a reclassification results in assignment to a lower pay grade, adjustment should be made in accordance with the rules for a "Demotion".

SECTION 11

SUBJECT: PAY PLAN AND PROGRESSION THROUGH THE SALARY RANGES

11.1 Pay Plan

As noted, Winter Springs has developed a pay plan which guides the City in terms of what salaries employees will be paid. Under it, each position has a salary range associated with it. Employees progress through the range based on the following guidelines.

11.2 Salary Increases, Ranges and Raises

As noted each position has a salary range associated with it. New employees, with no experience in a particular position, will generally start at the bottom of the range. As they become familiar with the duties and demonstrate competency, they are eligible for raises.

Advancement to the mid-point of the salary range is considered as the developmental phase of the salary progression. Increases to this point are usually more rapid than after the mid-point is reached. The developmental phase includes the probationary period and signifies the time an individual should become totally effective and productive in the positions based on established City standards and/or desires. The area beyond the mid-point of the salary range is referred to as the incentive phase. Movement in this phase of the range is reserved for performance over and above that which is considered as an average acceptable job.

Most salary increases are in fact based on merit and result for the annual performance review the employee receives. An employee becomes eligible for consideration for a merit raise based on completing his/her first year of service. At that time, the employee's performance is reviewed and, if found to be of sufficient quality, he/she will receive a merit increase. The employee will be eligible for further merit increases on future anniversary dates or on the anniversary of his/her last promotion/demotion.

11.3 Other Increases

Employees may also receive raises through across-the-board increases, cost of living adjustments, promotion, reclassification, or salary range adjustment.

11.4 Performance Bonuses

Once an employee has reached the top of the range, he/she is eligible for a performance bonus but no further increases in base pay until the range is adjusted and the employee's salary again falls below the cap.

SECTION 12

SUBJECT: PERFORMANCE REVIEWS

12.1 Purpose

Employees shall have their performance evaluated at least annually for the purposes of encouraging improvement and for determining merit increases and bonuses.

12.2 Frequency

On the employee's anniversary date, and at other times as deemed appropriate, the employee's supervisor shall rate and discuss the overall job performance with the employee. The Performance Rating Form is used to evaluate quantity and quality of work as well as other factors such as dependability, initiative, knowledge of the work being performed, and relationships with fellow employees and the public. If the rated employee is a supervisor, supervisory ability will also be evaluated.

12.3 Procedure

The Department designee shall forward a Performance Rating Form for completion by the Supervisor when an employee becomes eligible for regular status, a merit increase, an annual rating, or for any other such purpose.

The supervisor will then rate the employee. When evaluating the employee, it is advisable to the supervisor to also consult with his superior and with others who may have had an opportunity to observe the employee's performance. Once the supervisor is satisfied he has considered all the necessary and appropriate factors in assessing performance, he will complete the Performance Rating Form and discuss the findings with the employee.

No matter whether the employee feels the appraisal is fair or not, he/she must acknowledge, by signing the form, the receipt of the evaluation form and the discussion of performance.

12.4 Appeals

If the employee differs with any portion of the review, he/she may submit a rebuttal statement for inclusion with the evaluation and such statement shall remain in the employee's personnel file as long as the evaluation is retained on file.

Within three working days, he/she may also appeal the performance evaluation to the City Manager for review and final decision. Employees will be allowed to furnish any supportive evidence or documentation to substantiate their rebuttal to the evaluation. The City Manager (or his/her designee) will conduct his/her own review of the employee's performance which may include interviewing the employee, supervisor and/or Department Head and consideration of any other relevant materials. In any case, the review must be completed and a decision rendered within 30 calendar days of the employee's appeal. The City Manager may sustain the evaluation as written, modify the evaluation, or direct that another evaluation be done.

Employee performance evaluations are not subject to the grievance procedure.

SECTION 12

SUBJECT: PERFORMANCE REVIEWS

12.5 Consequences of an Unsatisfactory Performance Appraisal

Employees who receive an unsatisfactory performance appraisal shall return to probationary status and be given an improvement plan. If performance does not improve sufficiently by the end of the new probationary period, employment may be terminated.

SECTION 13

SUBJECT: PROMOTION

13.1 Policy

When an employee has experienced a definite and significant increase in duties, he/she may be promoted. Such promotions may occur through an employee applying for and obtaining a new position with the City or through a reclassification. Promotions shall not be made merely for the purpose of affecting an increase in compensation.

13.2 Promotion via Selection to a Position of a Higher Classification

So far as is practical, Winter Springs shall attempt to fill vacancies by promoting existing employees of the City. Promotions may be either inter or intra-departmental and must be approved by the affected Department Heads and the City Manager.

13.3 Compensation for Promotions

A promoted employee shall receive a salary increase to at least the minimum rate of the salary range of the new position.

In the event the employee's salary is already above the minimum established for the pay grade the employee was promoted to, the salary may be increased by at least 5% above the existing salary. An amount higher than minimum, or the 5% factor, can be considered and approved by the City Manager if the employee's experience, skills or qualifications merit an increase of greater than the 5%.

13.4 Probationary Period

Employees who are promoted to a position in a higher classification than the position from which the assignment is made, shall be placed in probationary status for the usual period of six months. The employee shall, however, continue to receive the benefits he/she previously had qualified for.

13.5 Inability to Perform

If a promoted employee performs unsatisfactorily during the probationary period in the new position, he/she is ineligible to be granted regular appointment to the higher position. Assuming the affected employee's work was satisfactory prior to the promotion, the employee shall be returned to their previous position or to another suitable position in the same class, if either is available. If no position is available, the employee may be terminated.

SECTION 14

SUBJECT: DEMOTION

14.1 Policy

A demotion is the assignment of an employee to a position in a lower classification, having a lower maximum salary.

14.2 Authority

The Department Head shall have the authority to demote an employee. The action should be done in writing citing the reasons. The causes for demotion shall normally be due to the removal of higher level duties and responsibilities or the inability of the employee to assume or perform duties of the position, although the City reserves the right to demote an employee for disciplinary reasons as well. Prior to taking any action, the City Manager should be informed of the proposed action and the reasons.

14.3 Compensation

Employees receiving voluntary demotions or forced demotions due to the employee losing his/her ability to perform his/her duties shall have their salary reduced as nearly as possible by the same percentage in the new range as in the former pay range, or any other amount as determined by the City Manager.

Employees demoted for reasons of reduction-in-force initiated to increase efficiency or to meet budget restrictions, however, should be assigned at the same dollar level in the new classification range. Should the present salary of the employee exceed the maximum of the assigned range, the employee's salary should be capped or frozen at the top of the range, with continued eligibility for any merit awards granted to general employees.

14.4 Probationary Status

Regular employees may be required to serve a new probationary period if required by the Department Head. Employees who are in a probationary status will be required to serve a probationary period beginning when they assume the duties of the new position.

14.5 Appeal Rights

An employee not on a probationary status who has been demoted has the right to appeal demotions through the grievance procedure as outlined in this manual.

SECTION 15

SUBJECT: LATERAL TRANSFER

15.1 Definition

A lateral transfer is the changing of an employee to a job of the same classification level in the same or another department.

15.2 Authority

The City Manager may transfer an employee temporarily, or permanently, when said transfer is deemed to be in the best interests of the City. Because a transfer is not disciplinary, a transfer may be made against the will of the employee without right of appeal.

15.3 Procedure

Transfers shall generally be carried out through the in-house posting process and follow the guidelines outlined in the section on "Hiring."

15.4 Compensation

Employees transferred to a position in the same classification or to a different position with the same pay grade shall not be eligible for an increase, nor suffer a decrease. Employees transferred to another position in a lower classification or grade shall be handled in accordance with the rule established for "Demotions".

15.5 Probationary Status

A transferred employee shall be placed in probationary status but shall not lose his/her benefits; that is, all accrued benefits shall be transferred with the employee.

SECTION 16

SUBJECT: TEMPORARY ACTING POSITIONS

16.1 Policy and Authority

In an emergency, or in cases where the City Manager deems it in the interest of the City, an employee may be placed in a temporary "Acting" status. Such placements will be based on the needs of the City and include temporary transfers to positions of a higher, similar or lower classification.

16.2 Compensation

Employees temporarily reassigned for a period exceeding 30 calendar days in any given calendar year to a higher classification level, other than to fill in for personal leave or similar absences, shall be granted a five percent increase or the minimum level of the new pay grade, whichever is greater, for the duration of the temporary assignment. Regular increases shall be granted during the period of reassignment.

SECTION 17

SUBJECT: HOURS OF WORK

17.1 Definition

The hours of work are the hours the employees are expected to be on the job, at their appointed stations, performing their assignments.

17.2 Authority

The City Manager, in consultation with the Department Heads, establishes the hours of work for all departments of the City, depending on the functions and operations involved, with uniform starting and quitting times for supervisors and employees on all shifts.

Since job responsibilities differ among departments, hours of work should also be expected to vary. When the Department Head determines flexible time may benefit the City or the employees without harming service delivery, he/she may recommend the City Manager authorize its use.

17.3 Employee Responsibility

Employees are expected to learn and adhere to the hours of their jobs.

17.4 Meals and Breaks

*All employees will receive a lunch period of thirty (30) or sixty (60) minutes and **may receive two (2) breaks not-to-exceed 15 minutes each** during the course of the normal work day (**as established in the work schedule by Department Heads to accommodate operating requirements**).*

Employees will be relieved of all active responsibilities and restrictions (with the exception of shift employees) during meal periods and will not be compensated for that time. Employees must utilize their lunch period during the designated hours established for the department. The lunch hour shall not be accumulated and cannot be saved for the purposes of leaving work early. Employees are not permitted to work before or past their regularly scheduled hours or during their lunch period unless specifically authorized by the Department Head.

SECTION 18

SUBJECT: ATTENDANCE

18.1 General

Employees are expected to be on time for work and to work their full work schedule. Department Heads are responsible for accounting for the daily whereabouts and activities of all employees within their department.

18.2 Punctuality

Employees who will not be reporting for work must notify their workplace in accordance with their departmental procedure. Lateness, like absence, places a burden on the City and on co-workers. Therefore, employees are expected to be prompt and ready for work at the scheduled starting time of their shift and are not to make preparations for leaving before the end of their shift.

Emergencies occasionally occur causing an employee to be late. Whenever possible, the employee shall advise the Department Head prior to starting time.

If departmental operations require another employee to remain on an overtime basis to cover the absence of a tardy employee, the tardy employee shall not begin his shift until the replacement has completed the requested overtime amount. The tardy employee will not be paid until he/she actually starts work.

Repeated lateness and/or unexcused absences adversely impact the operational effectiveness of the City and are grounds for disciplinary action, up to and including termination of employment.

18.3 Unapproved Absence from Work

An employee who is not at work during his/her regularly scheduled shift, who is not on leave and who is not on approved leave without pay is considered to be on an unexcused absence. Such absence in excess of three days shall be considered job desertion or job abandonment and discharge may result.

SECTION 19

SUBJECT: APPEARANCE

19.1 General Policy

Employees are expected to maintain a neat and clean physical appearance particularly those in positions where considerable public contact is required.

19.2 Uniformed Personnel

It is the responsibility of the employee to keep uniforms in a neat and orderly manner. Employees are expected to begin their work period with a clean uniform. The complete uniform must be worn at all times while on duty, and no uniform may be altered or changed in appearance. Any employee who loses the uniform will be responsible to replace the uniform. The amount for replacement shall be deducted from the employee's regular paycheck.

Employees are only permitted to wear their uniform one (1) hour prior to commencing the work period, during the work period, and for one hour following the completion of the work period. Employees shall not wear their uniforms on off-duty hours in public places unless authorized to do so by their Department Head.

19.3 Non-Uniformed Personnel

All non-uniformed personnel are expected to dress appropriately for their assigned duties and responsibilities. Clothing should be neat and clean and appropriate for the particular office environment to which assigned. Shorts, t-shirts, and halter-tops are not considered appropriate apparel.

SECTION 20

SUBJECT: WORK WEEK AND PAY

20.1 Work Week

The standard workweek commences at 12:01 a.m. each Thursday and ends on Wednesday at 12:00 p.m. midnight. The standard number of working hours for full-time employees during any standard workweek will be 40 hours unless otherwise specified. The work hours for Fire and Police Department shift employees shall be governed by the Department Head and/or union contract.

20.2 Record Keeping and Pay

Employees are paid based on hours worked (as well as the time the employee is on leave, using compensatory time, and/or on workers' compensation hours). Consequently, the City shall maintain time records to insure that all employees are correctly paid for time worked as well as for vacation and sick time off. Consequently, accuracy in reporting time is extremely important.

Time sheets are required for all non-exempt personnel and shall reflect the same hours worked as the payroll record. Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.

Exempt employees should also keep track of their work and leave so that they may be properly paid.

It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded. The employee's supervisor will review, verify its accuracy and initial the time record. The Department Head ultimately has responsibility for the record's accuracy and will then sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the payroll record, the Department Head must verify the accuracy of the changes by initialing the time record.

The accuracy of the time records is, thus, the responsibility of both the employee and his/her supervisors. Inaccuracies due to carelessness or falsification will not be tolerated and may result in disciplinary action.

20.3 Pay Periods and Checks

Employees shall be paid on a bi-weekly basis and paychecks are distributed on Thursday. Each paycheck shall include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled payday falls on the date of a holiday, employees will receive pay on the last day of work prior to the regularly scheduled payday.

Paychecks, which arrive during an employee's vacation, will be held in a secure location by the Department Head or designee pending the employee's return.

SECTION 20

SUBJECT: WORK WEEK AND PAY

20.4 Administrative Pay Corrections

Employees shall promptly bring to the attention of the Department Head all pay discrepancies. In the unlikely event that there is an error in the amount of calculated pay, corrections shall be handled as promptly as possible.

20.5 Advances of Pay

It is the general policy of the City of Winter Springs not to make advances on employee pay. Exceptions are made for employees who will be on leave on pay day and who may receive pay in advance if requested a week in advance. Other exceptions can be made for emergencies with prior written approval of the City Manager.

SECTION 21

SUBJECT: OVERTIME

21.1 Policy

Overtime occurs when an employee works more than his/her normally assigned hours and should only occur in cases of emergency. Departmental schedules should be prepared to provide for the completion of work tasks and delivery of public services within the standard work period.

21.2 Definition

Overtime occurs when a non-exempt employee works beyond 40 hours during a workweek except as noted below. Police officers receive overtime pay following 86 hours of work within a 14-calendar day, time period. Firefighters receive overtime pay following 106 hours of work within a 14-calendar day, time period.

21.3 Authorization

Overtime hours must be approved in advance by the Department Head. The only exception to prior approval shall be in emergency situations where the work is essential to prevent loss of equipment or an interruption of essential public services.

21.4 Overtime Call-ins

Each employee is subject for call on any emergency at any time as determined by the Department Head or the City Manager.

Employees who are called into work from off duty shall be compensated for the greater of four hours straight time or the hours actually worked. The four-hour rule applies only to call-ins and not to hours which abut the beginning or end of a work shift. Pre-scheduled hours are also exempt from this provision. Employees who are on overtime cannot simultaneously receive any other premium pay.

21.5 Overtime Distribution

Overtime assignments shall be distributed as equitably as practical.

21.6 Compensation

All employees who are non-exempt from the provisions of the Fair Labor Standards Act (FLSA) shall be compensated for overtime at one and one-half times the regular hourly rate of pay. Compensatory time at the rate of one and one-half times base pay in lieu of paid overtime may be granted upon request of the employee subject to approval of the Department Head. Accrual of compensatory leave shall be governed by the provisions of the FLSA. Compensatory time shall be removed from the employee's record and "paid" to the employee as authorized leave at the time of termination.

21.7 Exempt Employees

Eligibility is to be defined by the provisions of the Fair Labor Standards Act. Generally, City personnel in salaried positions and primarily of a supervisory or administrative nature are not entitled to overtime payment.

SECTION 21

SUBJECT: OVERTIME

The City Manager shall have the authority to provide reasonable and commensurate work schedule flexibility, where not in conflict with the essential work and delivery of public services of the City, to salaried personnel whose duties and responsibilities regularly require hours of work beyond a normal workweek.

Positions within the classification plan which are exempt from the provisions of the Fair Labor Standards Act for overtime purposes are indicated in the classification and compensation plan.

21.8 Failure to Follow Overtime Guidelines

Employees violating this policy will be subject to appropriate disciplinary action.

SECTION 22

SUBJECT: HOLIDAYS

22.1 Holiday Observance

Eligible full-time, part-time, and probationary employees are entitled to paid holidays, which include the following:

- New Years Day January 1
- Martin Luther King's Birthday As designated
- Spring Holiday Good Friday
- Memorial Day Last Monday in May
- Independence Day July 4
- Labor Day First Monday in September
- Thanksgiving Day Fourth Thursday in November
- Day after Thanksgiving Friday
- Christmas Day December 25
- Birthday Holiday Observed on the employee's birthday, or with the approval of the supervisor, within 30 days thereafter.

According to the day of the week on which Christmas falls, an extra holiday will be granted. The schedule is as follows:

Christmas Falls On

Monday/Friday
Tuesday
Wednesday
Thursday

Days Off

No additional day off
Monday and Tuesday
No additional day off
Thursday and Friday

22.2 Special Cases of Holiday Observance

When a holiday that occurs on a Saturday or Sunday will be observed the proceeding Friday or following Monday for all employees who normally work Monday through Friday.

If an employee is not scheduled to work on the day a holiday is observed, he/she will receive an alternate day off as a substitute holiday or additional straight-time pay for that work week equal to one of that employee's regular work shifts to a maximum of eight hours.

22.3 Eligibility

To be eligible for holiday pay, the employee must be on the active payroll for his/her scheduled workday before and after the designated holiday.

Temporary and seasonal employees and employees on unpaid leave of absence are not eligible to receive holiday pay. Regular full-time, regular part-time and probationary employees are eligible to receive their regular rate of pay, for his/her normally scheduled hours, for each observed holiday.

SECTION 22

SUBJECT: HOLIDAYS

22.4 Other Holidays not recognized by the City

The City recognizes some employees may wish to observe certain religious or commemorative days which are not included in the City's holiday schedule. Accordingly, employees who would like to take a day off for such reasons may be permitted to do so if the employee's absence from work will not result in an undue hardship on the conduct of the City's business and if prior approval has been obtained from the employee's supervisor. Employees may use accumulated days of vacation time on such occasions, or they may take such time off as unpaid, excused absence.

22.5 City's Right to Schedule Work on Holidays

While the City makes every effort not to schedule employees to work on an observed holiday, that is not always possible. Work on an observed holiday will be paid twice, once for the holiday and once for the hours actually worked.

SECTION 23

SUBJECT: LEAVE

23.1 General Policy

The following types of leave are officially established: Holiday Leave, Sick Leave, Vacation Leave, Compensatory Leave, Leave Without Pay, Family & Medical Leave, Bereavement Leave, and Workers' Compensation Leave. Leave may be granted by the Department Head in conformance with the rules established for each type of leave.

Leaves Without Pay also requires the approval of the Department Head. Any employee on leave of absence who obtains employment elsewhere which conflicts with the employee's normal work schedule for the City, shall be deemed to have resigned with the City, without notice, and shall forfeit all Vacation Leave and Sick Leave.

Each of the leave types is described in the following pages.

SECTION 24

SUBJECT: VACATION LEAVE

24.1 Rate of Accrual - Vacation Leave

Vacation Leave shall accrue as set forth below:

Full-time:	40-Hour Work Week / Hours Per Biweekly Accrual	42-Hour Work Week / Hours Per Biweekly Accrual	56-Hour Work Week / Hours Per Biweekly Accrual
0-5 years	3.076923	3.230769	5.538461
5+ - 15 years	4.615384	4.846153	8.307692
15+ years	6.153846	6.461538	11.076923

24.2 Maximum Accrual - Vacation Leave

Vacation Leave may accrue to a maximum of hours as set forth below. An employee who has accrued the maximum hours of Vacation Leave shall not accrue additional Vacation Leave until said accrual is reduced to less than the maximum hours set forth.

Full-time:	40-Hour Work Week	42-Hour Work Week	56-Hour Work Week
Maximum Accrual	320 Hours	336 Hours	576 Hours

24.3 Eligibility - Vacation Leave

Employees who have completed 180 days of continuous employment in a full-time position will have the availability to schedule vacation hours.

24.4 Use of Vacation Leave

Requests for vacation time must be submitted in advance and will be reviewed by the Department Head, who has the authority to approve or disapprove the request based on the department's needs.

Employees should be aware that the Department Head must ensure that day-to-day operations continue effectively and hence, they are advised to submit a request as soon as they are aware of when they would like to take time off. Nonetheless, application for vacation time must be made at least seven (7) calendar days in advance of use. In emergency cases, the Department Head may waive this requirement.

Under no circumstances will an employee be able to borrow against Vacation hours to be earned in the future, or be paid in advance of the regular payday for Vacation hours.

24.5 Pay-Out Policy

Unused accumulated Vacation Leave shall be 100% compensated upon employment termination at the rate of pay which is effective at termination up to the maximum accrual rate.

SECTION 25

SUBJECT: SICK LEAVE

25.1 Rate of Accrual - Sick Leave

Sick Leave shall accrue as set forth below:

Full-time:	40-Hour Work Week / Hours Per Biweekly Accrual	42-Hour Work Week / Hours Per Biweekly Accrual	56-Hour Work Week / Hours Per Biweekly Accrual
Biweekly Accrual	3.692307	3.876923	5.538461

25.2 Maximum Accrual - Sick Leave

Sick Leave may accrue to a maximum of hours as set forth below. The City has a Sick Leave Buy Back Plan outlined in Section 25.5:

Full-time:	40-Hour Work Week	42-Hour Work Week	56-Hour Work Week
Maximum Accrual	960 Hours	1,008 Hours	1,440 Hours

25.3 Eligibility - Sick Leave

Employees accrue sick leave every biweekly pay period and are eligible to utilize time as it is accrued. Under no circumstances will an employee be able to borrow against Sick Leave hours to be earned in the future, or be paid in advance of the regular payday for Sick Leave hours.

25.4 Use of Sick Leave

To receive pay for Sick Leave, the employee must notify the Department Head according to his/her department's policy. Sick Leave usage is intended for personal illness or physical incapacity. The Department Head may request a written statement by a licensed medical physician certifying that the employee's condition prevented the employee from coming to work. Such statement is typically required if three or more consecutive calendar days are taken for Sick Leave.

Sick Leave may also be taken to care for members of the employee's immediate household when they are ill or physically incapacitated requiring the employee's immediate attention.

Sick Leave may also be utilized to keep a doctor or dentist appointment.

25.5 Sick Leave Buy Back Plan

Provided that the employee maintains the accrued balance as outlined below, the City will convert accrued sick leave to pay one time a year calculated on December 1st and paid out to the employee by December 15th. The employee must request the above action on a form provided by the Finance Department and the buy back of sick leave will be calculated on an hour for hour basis with the employee's hourly rate as of December 1st.

SECTION 25

SUBJECT: SICK LEAVE

40-Hour Work Week		42-Hour Work Week		56-Hour Work Week	
Accrued Balance	Conversion to Pay	Accrued Balance	Conversion to Pay	Accrued Balance	Conversion to Pay
240 Hours	40 Hours	252 Hours	42 Hours	360 Hours	72 Hours
480 Hours	80 Hours	504 Hours	84 Hours	720 Hours	144 Hours
960 Hours	160 Hours	1,008 Hours	168 Hours	1,440 Hours	288 Hours
1,920 Hours	320 Hours	2,016 Hours	336 Hours	2,880 Hours	576 Hours

25.6 Sick Leave Use for Early Retirement

Accrued sick leave may be used to bridge an employee to retirement. Retirement is defined as an employee who leaves employment with the City and has achieved either of the following:

1. Age 65
2. Age 55 with 10 years of service to the City
3. Any age with 25 years of service to the City

25.7 Donating Accrued Sick Leave

Employees may donate accrued sick leave to another employee in the event of a catastrophic illness, injury, or other extenuating circumstances. The employee requesting the donated sick leave must have used all of their accrued vacation leave and sick leave before accepting donated time, and the employee must be on an approved leave of absence by the City Manager. Also, as the employee accrues additional vacation leave and sick leave, this time is used before the donated time is utilized. Donated time will be on an hour for hour basis for the employee who is accepting the donated time hourly rate of pay. Employees' donating their sick leave does so on a voluntary basis.

SECTION 26

SUBJECT: FAMILY AND MEDICAL LEAVE POLICY

26.1 Policy

The City's policy regarding use of Family and Medical Leave is in compliance with and based upon the requirements of the Family and Medical Leave Act, 29 U.S.C. §2601, et seq. ("FMLA") and the regulations of the U.S. Department of Labor, 29 C.F.R. §825.100, et seq. The City's policy is designed to provide eligible employees with up to twelve weeks leave to address family and medical situations involving themselves or a family member as defined in the FMLA.

26.2 Eligibility

To be eligible for Family and Medical Leave, the employee must:

- (1) have worked for the city for at least 12 months, and
- (2) have worked at least 1,250 hours over the previous 12 months.

Family and Medical Leave will be calculated based upon the eligible employee's employment date and will be calculated on a rolling 12-month basis.

26.3 Reasons for Family and Medical Leave

Family and Medical Leave may be granted to eligible employees for up to 12 weeks for any of the following reasons:

- (1) for birth of the employee's child, or to care for the employee's child after birth or placement for adoption or foster care;
- (2) to care for the employee's spouse, son, daughter, or parent, who has a serious health condition, or
- (3) for a serious health condition that makes the employee unable to perform the employee's job.

Spouses employed by the city are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child. Leave for birth or placement for adoption or foster care must conclude within 12 months of birth or placement of the child.

26.4 Requests for Family and Medical Leave – Advance Notice

All requests for family or medical leave must be submitted to the City Manager through the employee's department head no less than 30 days prior to the start of the leave. Failure to give such notice may delay the requested FMLA leave. If it is not possible to submit the leave request at least 30 days in advance, such as in the case of an emergency, the leave request must be submitted as soon as possible.

In all cases, the city shall determine whether leave qualifies as FMLA leave based on information provided by the employee, and the employee's eligibility for FMLA leave.

26.5 Use of Accrued Vacation and Sick Leave

Employees who have accrued vacation and/or sick leave will be required to use all such accrued paid time off concurrently with Family and Medical Leave. If the Family and

SECTION 26

SUBJECT: FAMILY AND MEDICAL LEAVE POLICY

Medical Leave continues after all accrued leave has been used, the remainder of the FMLA leave will be without pay.

Worker's Compensation leave for a serious health condition will be designated by the city as family and medical leave and run concurrently.

26.6 Medical Certification Required

The City requires medical certification of an employee's or family member's serious health condition when FMLA leave is requested. Employees must submit a medical certification from a physician. Forms are available from the Human Resources Office for providing the required medical certification. The medical certification must specify the nature of the serious health condition, probable length of time treatment will be required, and the reasons the employee is required to care for a family member.

The city reserves the right to seek a second and/or third opinion as to the need for medical leave. An employee may be required to provide to the Human Resources Office re-certification of his/her own or family member's serious health condition every 30 days while he/she is on leave.

Prior to returning to work from medical leave due to an employee's own serious health condition, medical certification must be submitted indicating the employee's ability to perform the essential functions of his/her job, with or without reasonable accommodations.

Employees must make periodic reports to their supervisors during FMLA leave regarding the employee's status and intent to return to work. Any changes in their status must be promptly reported to the city.

26.7 Serious Health Condition Only

Family and Medical Leave does not apply to all medically related absences, and is not intended to cover short term conditions for which treatment and recovery are very brief. Routine physical exams, eye examinations, and dental examinations are not serious health conditions. Ordinarily, the common cold, flu, upset stomach, minor ulcers, routine dental or orthodontic problems, as well as periodontal disease, are not serious health conditions. Medical leave under the FMLA is only granted for serious health conditions, as defined by the Family and Medical Leave Act and the regulations issued by the U.S. Department of Labor.

26.8 Intermittent or Reduced Schedule FMLA Leave

FMLA leave may be taken intermittently or on a reduced schedule only when medically necessary under certain circumstances. Ordinarily, such leave must be requested and approved in advance. Intermittent and/or reduced schedule leave is not normally available for the birth or adoption of a child.

26.9 Benefits

All group health benefits including major medical, hospitalization, and dental insurance will continue during the leave provided regular employee contributions to these plans are

SECTION 26

SUBJECT: FAMILY AND MEDICAL LEAVE POLICY

continued. Benefit accruals, such as vacation leave, sick leave, or holiday benefits will be suspended during the leave and will resume upon return to active employment. Other benefits, such as retirement, life insurance, and long-term disability, will be governed in accordance with the terms of each benefit plan.

26.10 Return from FMLA Leave

Upon return from FMLA leave, an employee will be restored to his or her original job or an equivalent job with the equivalent pay, benefits, and other terms and conditions of employment, provided the job held before leave commenced has not been eliminated or the employee would not otherwise have been laid off due to lack of work. If an employee fails to return to work promptly at the end of FMLA leave, the employee may be terminated as a voluntary termination.

SECTION 27

SUBJECT: MILITARY LEAVE

27.1 Policy

Any employee who is a member of the National Guard or the Military Reserve Forces of the United States and who is ordered by the appropriate authorities to attend a prescribed training program or to perform other duties shall be granted leave. The leave shall be with pay as provided by Chapter 115 of Florida Statutes.

27.2 Procedure

Employees who request such Military Leave must present the supervisor a copy of the appropriate military service orders no later than two weeks prior to the scheduled date of departure. Reservists who are called to active duty status must notify superiors when put on alert for call-up. Copies of the notice of the duty assignment or service orders must be submitted to the City prior to military leave being granted.

Any regular employee who is drafted, or who enters active duty in the Armed Forces Reserve or National Guard, shall be granted Military Leave without pay for the period of military commitment. Reservists who are called to active duty will be eligible for reinstatement to a position with the level of seniority, status, and pay that would have been available to the employee if military service had not intervened.

27.3 Compensation

The employees shall receive pay for the number of working days occurring in the authorized period, according to work schedule, less any service pay received, or may retain military pay and use accrued Vacation Leave in lieu of Military Leave.

27.4 Benefits

Employment benefits do not accrue during the period of military service except that vacation and sick leave benefits will continue to accrue during a military leave of absence. Accrual resumes upon reinstatement.

27.5 Exceptions

Military Leave with pay shall not be granted to an employee who voluntarily extends the training time or who is required to spend additional training time caused by excessive absences to reserve meetings during the preceding year.

SECTION 28

SUBJECT: CIVIL LEAVE

28.1 Purpose

In an attempt to help an employee perform certain civic responsibilities when called upon, the City will grant Civil Leave for jury duty or appearance as a subpoenaed witness in cases related to the City.

An employee who is bringing suit upon another party or who is being sued, or who is a witness in a case not related to the City shall not be eligible for Civil Leave. Such employee shall request Leave Without Pay or Vacation Leave.

28.2 Procedures

Employees shall inform their supervisor that they have been notified to report for jury duty within 24 hours of receiving such notice and a copy of the jury duty summons or subpoena should be provided to the Department Head. The City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties for the City.

An employee on civil leave is expected to return to work testifying as a witness or if serving as a juror, after the jury is excused for the day, provided more than two hours remain in the working day.

28.3 Compensation

An employee on civil leave from the City must turn over any jury or witness fees to the City. Otherwise the employee will be placed on a leave without pay status.

28.4 Overtime Eligibility

Time off for jury duty shall not be included as hours worked in computation of hours necessary to qualify for overtime compensation.

SECTION 29

SUBJECT: BEREAVEMENT LEAVE

29.1 Purpose

Bereavement Leave is available to employees who wish to take time off due to the death of an immediate family member. Members of the immediate family include the employee's spouse, parent, child, or sibling; spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

29.2 Eligibility and Procedures

In order to qualify, the employee must have completed his/her initial probationary period and must immediately notify the Department Head. Bereavement Leave must be recommended by the Department Head and approved by the City Manager.

In case of the death in an employee's immediate family, a regular full-time employee will be allowed up to five calendar days off per occurrence with pay from the date of certification of death. The employee's time off from work must be taken immediately following the death and shall not exceed ten (10) days per year (up to two 24-hour shifts, per occurrence, not to exceed four shifts per year for Fire Department employees).

The City Manager may limit such leave to less than the specified time or refuse to grant such leave if the employee cannot demonstrate reasonable need for the amount requested.

29.3 Additional Time off

Employees may, with their Department Head's approval, use any available paid leave for additional time off as necessary.

SECTION 30

SUBJECT: LEAVE WITHOUT PAY

30.1 Purpose

The City recognizes that a matter of unusual or emergency nature may cause an employee to leave the job for a specific period of time.

30.2 Leave Without Pay

When recommended in writing by the Department Head and approved by the City Manager, an employee with at least 12 continuous months of service (including paid leave and holidays) with the City may grant a leave of absence without pay not to exceed six months. Such leave must be approved in advance. Leaves of absence may be granted for sickness and disability, to engage in a course of study, and for other good and sufficient reasons in the best interest of the City. If a leave of absence extends for more than 30 calendar days, the employee's position may not be held open. Should the position be filled, the employee may apply for any appropriate vacancy at the time the leave of absence ends.

Leaves of absence shall not be granted to permit an employee to accept employment elsewhere or to establish a business.

Any employee granted an authorized leave of absence may be required to pass a physical examination before being reinstated.

30.3 Benefits

Employees granted an authorized leave of absence for a "qualifying event" will be able to maintain City health insurance coverage through the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) at their own expense to include an administrative fee.

All job-related benefits cease when an employee is granted leave of absence without pay in excess of seven days. When an employee returns, the City Manager shall be notified immediately so that reinstatement may be effected. Approved absences shall not constitute a break in the continuity of service if less than seven days.

SECTION 31

SUBJECT: OCCUPATIONAL INJURY/DEATH

31.1 Injury Procedures

When an employee is injured on the job, the employee shall immediately notify his/her supervisor and the following steps taken:

- The Supervisor shall refer the employee to and shall set up the initial appointment with the doctor for treatment. The Department Head or immediate supervisor in cases of serious injury may authorize hospital emergency treatment.
- The supervisor shall also prepare and submit the Supervisor's Report of Accident/Injury/Illness. The report is not to be prepared by the injured employee.
- The supervisor shall immediately notify the Human Resources Coordinator and Risk Manager when an employee has been transported for emergency treatment. Employment verification by the treating entity will be made through that office.
- The Risk Manager shall be responsible for filing the Notice of Injury and for all future correspondence relating to the claim. The Human Resources Coordinator must be notified of any lost time due to the injury.
- Upon returning to work after an injury, an employee must have a physician's statement releasing the employee to resume duties.

31.2 Occupational Death

If an employee's death occurs during the performance of job duties and is not caused by willful negligence on the part of the employee, the survivors or beneficiaries of the employee may be entitled to line of duty accidental death benefits. State law requires that all employees' injuries or death in the line of duty be covered by Workers Compensation benefits (see Section 32.6).

SECTION 32

SUBJECT: RETIREMENT, INSURANCE AND UNIFORMS

The City of Winter Springs provides health, life insurance, employee retirement, and long term disability benefits to full-time employees.

32.1 Employee Retirement

All employees, including those classified as other than full-time, shall be covered by the United States Social Security Program. The cost of taxes paid to the Federal Government on the employee's behalf shall be shared equally by the employee and the City.

The City has a retirement system that is a "Floor-offset Plan". Briefly, this plan is a combined Defined Benefit and Defined Contribution Plan whereby at retirement the employee selects the plan he/she feels will best suits his/her retirement needs. The retirement plan is a contributory plan by both the City and the employee. Current contributions are 8% by the City and 2% by the employee.

The employee at retirement may accept the defined contribution amount or the defined benefit amount which equals the floor or the minimum amount the employee can receive. The current floor or minimum amount equals 2% per year of the employee's highest three years of total compensation averaged up to a maximum of 30 years. However, the employee must meet the following requirements for retirement:

- 65 years of age;
- 55 years of age with a minimum of 10 years of service; or
- 25 years of service at any age with an actuarial reduction for ages less than 55.

Employees must be considered to be full-time and contributions are mandatory in order to be included in the retirement system.

32.2 Life Insurance

Life insurance is provided for general employees to equal the amount of the annual salary not to exceed \$50,000. Police and Fire employee benefits are defined through existing contracts and applicable Florida statutes. Life insurance benefits are available on the first day of the calendar month following date of hire.

32.3 Health Insurance and Long Term Disability

Health and long-term disability benefits are provided to employees through the City's insurance policy. Employees are eligible for coverage on the first day of the calendar month following 30 days from the date of hire. Employees may purchase family health insurance for spouse and dependent children. Further information is available from the Human Resources Coordinator.

32.4 Vision, Dental and Optional Life Insurance

Vision care, dental care and optional life insurance is available through the City at the employee's expense.

SECTION 32

SUBJECT: RETIREMENT, INSURANCE AND UNIFORMS

32.5 Continuation of Coverage Rights under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA)

The group health plan offers continuation of coverage to certain persons who would otherwise lose coverage due to certain "qualifying" events. Examples of common qualifying events are resignation, termination of employment, or death of an employee, a reduction in an employee's hours or a leave of absence, employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under the plan, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administrative fee. The coverage offered shall be identical to the coverage the person had under the plan before such event. As a participant in the plan, employees and their dependents may be entitled to continuation of coverage if coverage under the plan terminates. The City shall provide each eligible employee with a written notice describing rights granted under COBRA and obligations when the employee becomes eligible for coverage under the City's health insurance plan. Further information is available from the Human Resources Coordinator.

32.6 Worker's Compensation Insurance

Employees of the City of Winter Springs are covered by Worker's Compensation from the date of employment and this program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Worker's Compensation insurance provides benefits after a short waiting period, or if the employee is hospitalized, benefits begin immediately, subject to applicable legal requirements. The City will comply with all relevant statutes in the administration of Worker's Compensation.

Employees shall report any on-the-job injury immediately to their supervisor who shall render the necessary aid and advise the Department Head. A Notice of Injury (DWC-1) filed with the Human Resources Coordinator no later than 12:00 PM the following workday. See Section 31 for further explanation of reporting injuries.

In the event of an on-the-job injury, for a maximum of calendar 90 days, the City will pay the employee the equivalent of his/her regular salary prior to the disability. The time lost as a result of the on-the-job injury during the 90 day period will not be charged against any existing type leave time. As a condition precedent to obtaining full pay from the City during disability, the employee must formally assign his Worker's Compensation weekly benefits to the City for the period of the disability leave and extension thereof.

Any employee injured on the job shall be paid a full day's wage for the day of the accident if the treating physician advises that the employee could not have or should not have returned to work that day.

When an employee is injured on the job but is able to work, an effort will be made to find an assignment he/she can perform. Known as light duty, this work may or may not be related to the employee's normal duties. While on light duty, the employee will continue to be paid at his/her salary prior to the injury.

SECTION 32

SUBJECT: RETIREMENT, INSURANCE AND UNIFORMS

32.7 Uniforms

For some jobs in the City, it is appropriate for the employees to wear uniforms. The City may either furnish them or an allowance may be granted to the employee. For the most part, the specifics concerning uniforms are defined under union contracts. Uniforms may be required and furnished to employees as determined appropriate by the City.

SECTION 33

SUBJECT: SEPARATION

33.1 General

Separation from the City may occur in several ways. Each is discussed in the following paragraphs.

33.2 Voluntary Resignation

An employee who desires to resign and who is in good standing shall submit a written resignation to the supervisor or Department Head at least 14 calendar days before leaving. The resignation letter must state the reason for separation and the intended last day of employment. Such resignation entitles the employee to payment of any benefits due. Failure to comply with this procedure may be considered cause for denying future employment by the City.

33.3 Retirement

Employees may retire from the City provided they meet the necessary requirements (see Section 32 for more information).

33.4 Separation for Disability

An employee may be separated from the City when he/she is no longer able to perform the essential functions of the assigned position.

When a question exists about an employee's ability to perform his or her duties due to disability, the employee, supervisor, or Department Head shall immediately notify the City Manager. The City shall investigate and may require an examination to be performed at its expense by a physician of its choice in order to document a disability

Once the extent of the disability becomes known, the City shall make every reasonable effort to accommodate the employee so that he/she may continue to work. Separation for a disability shall only occur if all reasonable efforts to accommodate the employee have been unsuccessful. Employees will be given the reasons for separation in writing, and the specific procedures to follow in appealing to the City Manager whose decision is final.

33.5 Resignation Due to Unauthorized Absence

A resignation as a result of unauthorized absence does not entitle the employee to payment of any benefits due. A resignation by an employee as a direct result of the unauthorized absence is considered to be "not in good standing".

33.6 Discharge

Discharge is an action taken by the City to terminate an employee's services because the individual has violated the conditions of employment and, continued employment, in the judgment of a Department Head, is not in the best interests of the City. Reasons for discharge include violations of City policies, lack of qualification and/or failure to perform work satisfactorily.

SECTION 33

SUBJECT: SEPARATION

Regular employees will be given the reasons for discharge in writing, and the specific procedures to follow in appealing the discharge to the City Manager, whose decision is final. Probationary employees do not have to be given the reasons for discharge and cannot appeal the decision.

33.7 Separation Due to Death

Separation from the City shall be effective as of the date of an employee's death. All compensation and other benefits due to the employee as of the time of death shall be paid to the next of kin or the estate in accordance with Florida Statutes, Section 222.15. Additionally, the Department Head shall take appropriate actions to obtain the return of any City property (badges, keys, tools, equipment, etc.) in the possession of the deceased.

33.8 Exit Interviews

The City will schedule exit interviews at the time of employment termination affording an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City, or return of City owned property.

Suggestions and complaints concerning how the City operates are also encouraged.

33.9 Benefits upon Departure

Employees will receive their final pay and benefits in accordance with applicable City policy.

Any employee who resigns will be allowed to carry health insurance coverage at his or her own expense through COBRA for a specified length of time. The Human Resources Coordinator will provide the necessary information concerning COBRA benefits to the employee.

An employee who elects to retire will receive the same benefits as an employee who resigns. Additionally, the employee who retires under the City's Retirement Plan may choose to retain hospital and life insurance benefits in effect at the employee's expense. All payments shall be paid at least quarterly in advance to the Human Resources Coordinator accompanied with a current mailing address. Otherwise, the individual will be deleted from the insurance program.

Employees whose employment is terminated by the City shall be paid all accrued, vested benefits that are due and payable at termination. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitation of such continuance.

SECTION 34

SUBJECT: LAYOFF AND RECALL

34.1 Layoffs

The City may lay off employees due to changes in duties or organization, lack of work or unavailability of funds.

34.2 Criteria for Layoffs

Once determined that a department will be laying off employees, it shall consult with the General Services Director and the City Manager in making the final determinations concerning which employees will be affected.

Guidelines have been developed to ensure that in the event of lay-offs, all affected Departments will utilize uniform criteria in developing lay-off strategies. It must, of course, be realized that individual departments have different missions and operate under different constraints so that the strategies may not be entirely consistent between departments. In any case, the following criteria should be applied.

1. Departmental Needs

Top priority should be given to minimizing the impact upon the delivery of services to the public. Therefore, those positions least critical to the accomplishment of departmental goals should be eliminated first.

2. Employee Performance and Productivity

Next the employees' work performance histories (as documented in their Performance Evaluation forms) should be consulted giving special consideration to the quality and quantity performance factors. Attendance, disciplinary and safety records should also be considered.

3. Employee Skills, Knowledge and Ability

If job duties or tasks have been restructured due to the lay-offs, consideration should be given to those employees who possess those skills, knowledge and ability what will meet the requirements of the new jobs and the needs of the department.

4. Length of Service with the City

Length of continuous service with the City should be considered.

34.3 Layoff Procedures

Once the City Manager has determined, in consultation with the Department, which employees will be laid-off, every effort will made to integrate these employees into other departments by transfer. Where that is not possible, Human Resources shall issue the necessary notices and employees shall be given a minimum of fourteen (14) calendar days notice prior to being laid off.

It should be noted that which employees will be laid off is ultimately a decision of the City Manager and not subject to appeal.

SECTION 34

SUBJECT: LAYOFF AND RECALL

34.4 Recall

Names of employees laid off by the City will be maintained on a recall register for a period of six (6) months. During this period, should an appropriate job become available for which the laid-off employee has adequate job-related skills, he/she will be notified.

Following this notice, the employee will subsequently be treated in the same manner as any new applicant applying for City employment. The employee on recall who is notified of a position opening will compete with other applicants for the position and the most suitable employee will be hired.

34.5 Severance Pay

If it becomes necessary for the City to abolish a position to reduce the number of employees, severance pay will be granted as per the following:

3-5 years of service	10 workdays
6-10 years of service	20 workdays
11-25 years of service	30 workdays
Over 25 years of service	40 workdays

Accrued Vacation Leave will be paid due to reduction in staff as defined under "Resignation or Retirement".

SECTION 35

SUBJECT: DISCIPLINE OF EMPLOYEES

35.1 Purpose

It is the policy of the City of Winter Springs to provide a well defined and consistent disciplinary system which sets forth fair standards of conduct as well as the guidelines for violation. Expectations for all employees will be applied equally and where violations occur, discipline will be applied equitably without bias or prejudice.

35.2 Intent

Disciplinary actions should first be characterized as corrective and constructive rather than punitive. They will be utilized as an element of an overall program to educate and motivate employees to exhibit behavior which will contribute to individual growth and development and to the successful operation of City government.

35.3 Eligibility

Any City employee who violates the City's standards of conduct and performance will be subject to disciplinary action. Specifically, they may result from:

1. Failure to perform the job in a satisfactory manner, that is, unsatisfactory performance as to one or more of the requirements of the job.
2. Infractions of the rules, regulations, policies or procedures as established by the City or the department.
3. Offenses or misconduct specifically prohibited by law.

35.4 Considerations in Applying Discipline

While the City desires to apply discipline (both departmental and citywide), it recognizes that numerous factors must be considered in determining the appropriate level of discipline for each infraction. Examples of these factors include the time intervals between offenses, the effectiveness of prior disciplinary actions, the willingness to improve, the overall work performance, the job attitudes and the disciplinary actions previously taken with other comparable employees for similar offenses.

Further, some infractions may be more serious in one situation because of the employee's responsibilities than in another.

A repetition of the same offense or some other serious offense indicates that more severe disciplinary measures may be necessary. Further, certain offenses are of such a serious nature that immediate discharge upon the first offense is applicable.

Finally, each incident of misconduct differs somewhat from similar incidents and the City retains the right to treat each occurrence individually without creating a precedent for cases that may arise in the future.

35.5 Progressive Discipline

When circumstances permit, Department Heads shall practice "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance

SECTION 35

SUBJECT: DISCIPLINE OF EMPLOYEES

of employee misconduct. Nonetheless, each instance shall be fully documented for inclusion in the employee's personnel file.

35.6 Types of Action

The approaches described herein are not to be construed as a limitation upon the retained rights of the City but are to be used as a guide.

1. Verbal Warning

The purpose of a warning is to allow the supervisor to bring to the employee's attention the need for improving his/her performance, work habits, behavior or attitude and to serve as a verbal warning against further repetition of the unsatisfactory conduct. The supervisor should utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved. Verbal warnings are to be documented and include the result of any further violation.

2. Reprimand

In situations where verbal warnings have not resulted in the desired improvement, or when an employee commits a more serious offense, a written reprimand should be given to the employee and placed in the employee's personnel file. The reprimand should include a complete description of the incident of misconduct and refer to specific times, dates, locations, personnel involved, rules violated and the result of any further violation.

3. Suspension

In the event of continued and repetitive offenses for which the employee has already received a reprimand, or where the nature of the offense is relatively serious, an employee may be suspended for a specific period of time without pay.

In cases where an investigation may have to be made of the employee's conduct or of the seriousness of the offense, an employee should be placed on indefinite suspension which may be changed to dismissal depending on the results of the investigation.

4. Dismissal

For offenses not remedied, the repetition of serious offenses, or on the occurrence of an extremely serious offense, an employee may be dismissed from City employment.

5. Demotion

In some instances, it may be appropriate for the employee to be demoted. Such cases include:

- Failure to perform the higher level job;

SECTION 35

SUBJECT: DISCIPLINE OF EMPLOYEES

- Failure to comply with employment conditions such as licensure or certification; or

In cases where the only alternative to demotion would be dismissal from City employment, such demotion should be utilized more as a means of retaining the employee rather than as a disciplinary action.

A voluntary demotion on the part of the employee shall be so designated and shall not be deemed a disciplinary measure.

35.7 Disciplinary Action Procedures

Most disciplinary actions are initiated by the immediate supervisor but are officially determined by the Department Head. The final authority to approve a disciplinary action is related to the type of action taken.

Before a disciplinary action, the Department Head should verify the facts and that the type of action is appropriate. In the event of disciplinary actions involving discharge, demotion or suspension of pay, the employee shall be given written notification of the violation and afforded the opportunity to meet with the Department Head and to offer an explanation. At the conclusion of the meeting, appropriate action will be determined with proper approvals, and the employee so notified.

While it is intended that Department Heads have sufficient authority to make reasonable reviews and investigations of situations involving possible disciplinary action, the City Manager retains the right to investigate any situation within any department.

35.8 Exception to Provisions of this Section - Probationary and Temporary Employees

Probationary and temporary employees may be terminated at any time with or without cause. Such decision shall be final with no right of appeal.

35.9 Schedule of Recommended Disciplinary Penalties

It is the policy of the City that any employee who violates or attempts to violate any of the City's standards of job performance or behavior shall be subject to disciplinary action. The schedule beginning on the next page provides guidelines for disciplinary actions. Since, as noted previously, a number of factors determine the seriousness of the offense (for example, the employee's duties, prior offences and so on), the penalties are suggestions. Consequently, depending on the circumstances of the violation, intermediary steps may be waived all the way to the point where the employee is discharged. It should also be noted that all suspensions noted herein shall be without pay.

SECTION 35

SUBJECT: DISCIPLINE OF EMPLOYEES

Recommended Schedule of Penalties

ATTENDANCE

NATURE OF VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Unexcused or unauthorized absence within a one year time frame (1 work day)	Written Reprimand	3 – Day Suspension	Discharge	
Tardiness (more than 15 minutes late reporting for work or reporting back to work from meal period or break)	Warning	Written Reprimand	3 – Day Suspension	Discharge
Absent for three consecutive days without proper notice (job abandonment)	Discharge			
Leaving work without permission, excessive absenteeism, or absence without notice	Written Reprimand	3 – Day Suspension	Discharge or Suspension	
Failure to return from a leave of absence within three days after expiration	Discharge			

WORK PERFORMANCE

NATURE OF VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Inaccurate work, failure to comply with standard procedures, recurrent errors, carelessness	Warning	Written Reprimand	3 – Day Suspension	Discharge
Stopping work before end of shift	Warning	Written Reprimand	3 – Day Suspension	Discharge
Unfriendly or uncooperative in dealing with co-workers, public or supervisors; poor public relations	Warning	3 – Day Suspension	10 – Day Suspension	Discharge
Insubordination	Grounds for Discharge	Discharge		
Improper use of or failure to exercise supervisory authority	Written Reprimand	3 – Day Suspension	10 – Day Suspension	Discharge

SECTION 35

SUBJECT: DISCIPLINE OF EMPLOYEES

GENERAL BEHAVIOR

NATURE OF VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Delaying or restricting operation, or influencing others to do so	Written Reprimand	3 – Day Suspension	10 – Day Suspension	Discharge
Speech or behavior to cause, or aggravate tension or animosity among persons of different racial, ethnic, religious groups, or overt discriminatory behavior	Written Reprimand	3 – Day Suspension	10 – Day Suspension	Discharge
Excessive interruption of work for personal phone calls, or personal visits by or to other employees or friends	Warning	Written Reprimand	3 – Day Suspension	Discharge
Use or possession of alcohol or narcotics on City property; or reporting to work under the influence	Discharge			
Sleeping on the job	3 - Day Suspension	Discharge		
Provoking/instigating a fight or threatening physical harm to or otherwise endangering others	Grounds for Discharge			
Possession of dangerous weapons or explosives	Discharge			
Not wearing uniform	Sent home on own time to change	1 – Day Suspension	1 – Day Suspension	3 – Day Suspension
Inappropriate dress (Non-uniformed personnel)	Sent home on own time to change	Sent home on own time to change	1 – Day Suspension	3 – Day Suspension
Gambling on City premises	Discharge			
Immoral or indecent conduct on the job	Suspension; Possible discharge			
Harassment as defined in Section 44	Written Reprimand	3 – Day Suspension	10 – Day Suspension	Discharge
Language that is abusive/offensive to co-workers	Written Reprimand	3 – Day Suspension	10 – Day Suspension	Discharge
Intentionally misusing or damaging City property	10 – Day Suspension	Discharge		
Revealing confidential information; removal of City records; or falsifying City documents	Discharge			

SECTION 35

SUBJECT: DISCIPLINE OF EMPLOYEES

GENERAL BEHAVIOR

NATURE OF VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Removing City property, negligence or improper conduct leading to damage or employer-owned, customer-owned property	10 – Day Suspension	Discharge		
Failure to maintain valid status of licenses and certifications required for the position	Discharge			

SECURITY

NATURE OF VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Theft	Discharge			
Falsification of employment application or other employment records; omission of pertinent facts	Discharge			
Falsification of own time cards or other work records	Discharge			
Repeated failure to complete own time cards or other work records	10 – Day Suspension	Discharge		
Conviction for any violation of law; (except minor traffic offenses)	Suspension			

SECTION 35

SUBJECT: DISCIPLINE OF EMPLOYEES

SAFETY AND HEALTH

NATURE OF VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Failure to follow safety rules and/or policies outlined in safety manual	Warning	Written Reprimand	3 – Day Suspension	Discharge
Failure to wear specified safety equipment	Warning	Written Reprimand	3 – Day Suspension	Discharge
Unauthorized operation of tools, machinery, or equipment	3 – Day Suspension	Discharge		
Possession of dangerous or unauthorized materials, such as explosives or firearms	10 – Day Suspension	Discharge		
Failure to observe traffic and parking laws	Written Reprimand	3 – Day Suspension		
Unsafe operation of a City vehicle or piece of equipment	Warning	Written Reprimand	3 – Day Suspension	Discharge
Failure to report an injury and/or accident	Warning	Written Reprimand	3 – Day Suspension	Discharge

SECTION 36

SUBJECT: EMPLOYEE APPEAL AND GRIEVANCE PROCEDURES

36.1 General Policy

Any regular employee who is suspended, discharged, dismissed or demoted or claims that the policies have been improperly applied or misinterpreted to the detriment of the employee may file an appeal in accordance with the procedures herein. Probationary and temporary employees are excluded from these provisions.

The submission of an appeal or grievance by an employee shall in no way adversely affect the employee or his employment with the City. Grievances are unacceptable if filed by one employee for another or for a group of employees. Employees may not submit grievances concerning management prerogative.

36.2 Appeals Involving Discipline

All supervisors and Department Heads (or those acting in their stead) shall arrange to discuss a disciplinary action with the affected employee within 3 working days of the time a written appeal is presented. Failure to do so automatically gives the employee the right to appeal to the City Manager within five (5) working days.

If the immediate supervisor cannot provide a satisfactory solution, the employee shall have the right to appeal to the Department Head in writing, within five (5) working days. The appeal may by-pass any intermediate supervisors.

The Department Head shall make a determination within ten (10) working days and, if not satisfied, the employee may appeal to the City Manager within five (5) working days of the decision of the Department Head. During the process, the Department Head shall assist the employee in every reasonable way.

The City Manager will meet with the employee, investigate the situation and make a determination. At this meeting, the employee may present evidence including any documents and witnesses relating to the discipline. The City Manager will provide a written decision within seven (7) working days. The decision of the City Manager will be final and binding.

36.3 Grievance Procedures

If a situation occurs when employees believe that a condition of employment, or a decision (other than disciplinary action) affecting them is unjust or inequitable, they are encouraged to consult their supervisor who should discuss the situation and provide any information, which may satisfy the employees' concerns. If not satisfied, employees are encouraged to make use of the following steps. At the outset, it should be noted that the employee may discontinue the procedures at any step.

Step 1

The aggrieved employee shall, within seven (7) calendar days of the incident, formulate in writing their grievance using the appropriate Grievance Form, and forward the form to their immediate supervisor. The grievance should specify dates, times, and details of grievance. If the immediate supervisor is unavailable, or the employee believes it would be inappropriate to contact the immediate supervisor, then the employee may present the grievance form to the next supervisory level.

SECTION 36

SUBJECT: EMPLOYEE APPEAL AND GRIEVANCE PROCEDURES

The supervisor will review the grievance and schedule a meeting with the employee. The supervisor will notify the employee in writing as to their decision, via the grievance form, within seven (7) calendar days from receipt of the grievance form.

Step 2

If the aggrieved employee feels that the matter has not been satisfied or adjusted to their acceptance in Step 1, they may proceed by forwarding the grievance form to the Department Head within three (3) calendar days of receipt of the grievance decision from Step 1.

The Department Head will schedule a meeting with the employee, and will notify the employee as to the decision on the matter within seven (7) calendar days from receipt of the grievance decision appeal from Step 1.

Step 3

If the grievance is not resolved to the employee's satisfaction in Step 2, he/she may appeal by submitting the grievance form to the City Manager within three (3) calendar days of the receipt of the decision in Step 2.

The City Manager, upon receipt of the grievance form, will proceed in one of three ways:

1. Review and consider the problem, and submit a written response to the employee;
2. Schedule a meeting with the employee to review and discuss the problem; or
3. Forward the grievance to a Grievance Board that will submit a recommendation, which may be accepted or rejected.

Should the City Manager elect to use a Grievance Board, it will be comprised of three-people. The Department Head will choose the first member. That person will then select an additional employee from outside of his or her own Department. Finally, the grievant will select an employee. The Board will review the grievance and submit a recommendation, to the City Manager. The Manager may either accept or reject the recommendation but in any case, render a final decision in writing to the employee within seven (7) calendar days upon receipt of the grievance decision appeal from Step 2.

A copy of the City Manager's decision will be forwarded to the Human Resources Coordinator. The decision of the City Manager shall be final and binding on the parties. The City Manager has total authority to make any adjustment(s) he deems appropriate to resolve the grievance.

36.4 General Provisions of the Grievance Procedure

The employee and management have the opportunity to call a witness at any step.

Grievants have three (3) calendar days to appeal the decision given in any step to the next higher step in the grievance procedure. Any grievance shall be considered settled at the completion of any step, unless it is appealed within the time limits set forth.

SECTION 36

SUBJECT: EMPLOYEE APPEAL AND GRIEVANCE PROCEDURES

All grievances at their conclusion shall be forwarded to the Human Resources Coordinator for appropriate action, coordination and filing.

If the response time limit falls on an employee's day off, the reply by management shall be given to the employee on his/her immediately following working day.

SECTION 37

SUBJECT: EMPLOYEE SELF IMPROVEMENT AND EDUCATIONAL PROGRAM

37.1 General Provisions

The City believes employee self-improvement and assisting where reasonable and possible. Classroom schedules, however, must not conflict with the employee's work schedule and the employee's job shall always take precedence over school.

37.2 Educational Reimbursement

The City Manager has the authority to approve the City's payment of tuition for any course provided the applicant is not receiving benefits under any other aid program. Courses recognized for financial educational assistance are as follows:

1. Job Improvement Courses

Courses directly related to the employee's assignment that will improve skills, knowledge, and ability to perform duties and increase, through more advanced technology, potential for promotion.

2. In-Service Training Courses

Pre-approved courses in management and supervisory development. All City employees are encouraged to participate in this type of training.

37.3 Eligibility for Participation

All regular, full-time employees are encouraged to participate in the City's educational program.

Employees on probation are not eligible to participate.

Employees receiving payment for their educational expense from other sources are not eligible for reimbursement.

37.4 Application Procedure

An employee interested in participating in the City's educational assistance program shall submit an application to the Department Head requesting approval for program participation.

37.5 Agreement and Certification by Employee

In order to participate in the educational assistance program, the employee must sign an agreement stipulating that the employee will remain in the City's employ for a minimum of two full years after completion of the approved course. Should the employee's services be terminated during this period, voluntarily or involuntarily, the City shall be reimbursed for funds paid the employee for educational expenses as provided in the following reimbursement formula:

SECTION 37

SUBJECT: EMPLOYEE SELF IMPROVEMENT AND EDUCATIONAL PROGRAM

Termination After Completion of Course(s)	Reimbursement to City
Less than 1 year	100%
Less than 2 years	50%
Over 2 years	0%

Payment shall be taken from the employee's benefits, if any, accrued at the time of termination. Any amount due the City over and above said benefits shall be repaid in monthly installments subject to prior arrangement with the City Manager. Upon termination of an employee who is indebted to the City, the City Manager will issue an official City invoice to the employee to be made payable to the City of Winter Springs and shall be deposited in the funds of the City.

37.6 Completion of Courses and Reimbursement of Expenses

Upon successful completion of the course, the employee's personnel record will be documented with his educational achievement and the Department will arrange for reimbursement to the employee expenses for tuition based on the following schedule:

Passing - letter grade "C"	50%
Letter grade "B"	75%
Letter grade "A"	100%

Reimbursement for courses in which letter grades are not issued will be in the following manner:

Satisfactory	100%
Unsatisfactory	0%

37.7 Retirement or Death

Should the employee, through death, disability, or regular retirement, fail to continue the required tenure of employment as provided herein, any remaining City liability for reimbursement of educational expenses shall be canceled immediately.

SECTION 38

SUBJECT: TRAINING AND CONFERENCE ATTENDANCE

38.1 General

From time to time, an employee may wish to attend a seminar, conference, professional meeting or training program. In order to do so, the employee will need to be away from work.

38.2 Procedure

All requests should be made in writing and forwarded to the appropriate Department Head. He/she may grant a request for absence with pay for regular employees who are attending conferences and/or training which benefits the City. The City Manager has approval responsibility for Department Heads. Approval must be obtained in advance.

SECTION 39

SUBJECT: TRAVEL POLICY

39.1 Travel Policy

Each City officer and employee who wishes to travel to a convention, conference, meeting, or to otherwise conduct bona fide City business outside the City must submit a written request and approved prior to travel commencing.

39.2 Travel Expenses

Provided the City Manager approves the request, the City will reimburse travel expenses as outlined in the following paragraphs.

1. Transportation by common carrier is reimbursable when substantiated by a receipt therefore, or on an advanced basis provided it is approved by the City Manager. All such travel shall be the most economical class available and employees whose travel plans have been approved are responsible for making their own travel arrangements.
2. Transportation by privately owned vehicles, including an automobile allowance in lieu of use of City vehicles, must be authorized by the City Manager. A mileage allowance will be provided for privately owned vehicles at the rate equal to the current State Statute allowance for business travel.
3. The following other incidental travel related expenses may be reimbursed provided they are substantiated by a receipt.
 - Taxi fare;
 - Ferry fares, bridge, turnpike, and other tolls;
 - Storage and parking fees; and
 - Communication expenses.
4. Meals are compensated by an allowance in accordance with the current Florida State Statute (Ch. 112.016). Note: The City will not reimburse the cost of alcoholic beverages.
5. Actual expenses for lodging at a single occupancy rate, to be substantiated by paid bills.

If deemed appropriate, the City Manager may adjust payment amounts to compensation for special conditions.

39.3 Travel Advances

The City Manager may make or authorize advances to cover anticipated travel. If the amount of the advance is more than the amount actually spent, the City officer or employee shall return the difference to the City. If the advance is less than actually spent, the City will reimburse the difference to the employee.

SECTION 39

SUBJECT: TRAVEL POLICY

39.4 Reimbursement Procedures

When travel is completed, employees should submit completed travel expense reports within seven (7) days or risk forfeiting reimbursement. Reports should be accompanied by receipts for all individual expenses when required. Employees shall contact their Department Head for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

39.5 Accidents While Traveling

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate Department Head.

39.6 Abuse

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

SECTION 40

SUBJECT: SAFETY PROGRAM AND PROCEDURES

40.1 Policy Statement

The City is vitally concerned about the safety of every employee and of the general public. As such, the City makes every effort to provide safe working conditions including safe equipment, procedures and surroundings for all employees.

The primary reason to have a safety policy shall be to protect employees and the public. Other reasons are:

1. To provide a base from which to implement and enforce safe practices and procedures;
2. To reduce the number of on-the-job accidents, thus reducing costs by:
 - Holding down Worker's Compensation claims and public liability costs;
 - Reducing uninsured costs such as:
 - a. Lost time due to injured workers;
 - b. Cost due to equipment damage;
 - c. Cost to employer under employee benefits;
 - d. Cost to employer in wage contributions of the injured worker;
 - e. Overhead costs per injured worker.

It is thus, extremely important that the City and its employees work together to locate and eliminate conditions which lead to accidents.

40.2 City Manager's Responsibility

The City Manager has responsibility for the establishment of a comprehensive safety program and for the administration and on-going development of safety education and training.

40.3 Supervisor's Responsibility

It is the supervisor's responsibility to eliminate safety hazards and to look out for the well being of the employees of the City. He/she should recommend procedures to reduce the frequency of job accidents by identifying, correcting, and reporting all unsafe conditions or unsafe acts as they occur. Each department is responsible for implementing, administering, and evaluating their respective safety program.

Some of the actions required to implement an effective safety program include:

1. Thorough knowledge of employees related to job assignment, job instruction, and the maintenance of discipline;
2. Pre-job planning and promoting the use of safety devices;
3. Frequent inspections of job sites and enforcement of safety rules;

SECTION 40

SUBJECT: SAFETY PROGRAM AND PROCEDURES

4. Close checks with employees to advise them of safety procedures and other relevant safety information such as safety training; and
5. Prompt action to correct unsafe conditions and work practices and reporting accidents within twenty-four (24) hours after the date of accident or following holidays and weekends.

40.4 Employee Responsibility

Employees shall exercise caution in all work activities and immediately report any unsafe conditions to appropriate Department Heads. Additionally, all employees are expected to familiarize themselves with and shall adhere to the following rules.

1. Report all injuries and accidents immediately to the supervisor and to the Human Resources Coordinator. Appropriate medical treatment must be obtained.
2. Use all safety devices and equipment properly.
3. Be safety conscious at all times. Employees are encouraged to offer suggestions that would improve safety conditions.
4. Avoid horseplay at the work site at any time.
5. Observe all safety precautions in the use of equipment of which could cause injury to one's self or other employees.
6. Seek explanation when the safety rules, work practices, procedures, or instructions are not clear.
7. Properly maintain all work areas and equipment.

Failure to observe proper safety procedures, failure to utilize safety equipment, or failure to report an accident, injury, or defective equipment or vehicles may result in disciplinary action.

40.5 Safety Committee

The Safety Committee shall be composed of no less than eight members. Time off with pay shall be granted to Committee members for attendance at Safety Meetings.

The Safety Committee shall meet on a monthly basis or such other times as required by the Risk Manager. It shall be the purpose of these meetings to discuss problems and areas of mutual concern regarding the safety and health of all City employees.

The Committee shall convene on a regular basis to review incident frequency and determine if remedial measures are available.

SECTION 41

SUBJECT: DRUG-FREE WORKPLACE

41.1 Drug-Free Workplace Policy

The City of Winter Springs is a drug-free workplace. The City takes this policy very seriously and employees violating the policy will be subject to disciplinary action up to and including termination of employment.

41.2 Purpose of the Drug-Free Workplace Policy

The Drug-Free Workplace Policy is designed to:

- Establish and maintain a safe, healthy working environment for all employees;
- Reduce the incidence of accidental injury;
- Provide assistance in rehabilitating any employee who seeks the City's help in overcoming an addiction to, dependence upon, or problem with alcohol or drugs; and
- Ensure the reputation of the City and its employees as good, responsible citizens worthy of the responsibilities entrusted to them.

41.3 Prohibited Substances

No alcoholic beverages will be used while on the job.

The use of an illegal drug or controlled substance or the possession of same on or off duty is prohibited. The City of Winter Springs maintains a list of prohibited substances and a copy can be obtained from the Human Resources Coordinator.

No prescription drugs shall be brought upon City premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination, and quantity prescribed. Any employee undergoing medically prescribed treatment which may limit the ability to perform the job must report this treatment to the supervisor prior to beginning work. Failure to comply with this requirement may be cause for disciplinary action.

41.4 Prohibited Conduct

No employee may possess, distribute, sell or be under the influence of alcohol or illegal drugs while conducting business-related activity in a drug-free, healthful, and safe workplace.

The "occasional" or "recreational" use of illegal drugs or controlled substances will not be excused whether on or off the job. The sale, trade, or delivery of illegal drugs or controlled substances by an employee to another person is cause for termination and referral to law enforcement authorities.

SECTION 41

SUBJECT: DRUG-FREE WORKPLACE

The legal use of prescribed drugs is permitted on the job only if it does not impact an employee's ability to perform the essential function of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

41.5 Drug Testing

Any employee suspected of being under the influence of alcohol, illegal drugs, or controlled substances due to reasonable suspicion, will be suspended from work and be required to submit to a drug/alcohol screening and evaluation. The employment of any employee refusing to take a drug test shall be terminated immediately.

41.6 Consequences of a Positive Drug Test

A regular, non-probationary employee whose blood or urine is found to contain the presence of illegal drugs, or who has been found to have used or been under the influence of alcohol, illegal drugs, or inappropriate use of legal drugs, while on duty, shall be subject to disciplinary action, up to, and including, dismissal. He/She may also be referred to treatment.

Any probationary employee who tests positive for a prohibited substance shall have his/her employment terminated immediately.

41.7 Voluntary Treatment

Any employee who feels that he or she has developed an addiction to, dependence upon, or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. Assistance may be sought by asking for a personal appointment with the City Manager. The employee will be referred to an appropriate treatment organization. Rehabilitation is the responsibility of the employee. Any employee seeking medical attention for alcoholism or drug addiction may use accrued personal leave for rehabilitation. The employee must provide certification of continuous enrollment and active participation in a treatment program. Upon successful completion or treatment, the employee will be returned to active status without reduction in pay.

41.8 Involuntary Treatment

If required to take a drug test, if the test is positive and the evaluation determines a dependency, the employee will be referred to an appropriate facility for treatment. The costs of such treatment shall be paid by the employee. A positive drug/alcohol screening is considered a major infraction of City regulations.

41.9 Failure to Submit to or Complete Treatment

Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged may be immediately terminated. No employee will be eligible for an assistance program more than once.

41.10 Recurrence of a Substance Abuse Problem

The recurrence of an alcohol or drug problem will result in immediate termination.

SECTION 41

SUBJECT: DRUG-FREE WORKPLACE

41.11 Commercial Driver's Licenses

Under Federal regulation, all employees with a Commercial Driver's License (CDL) must submit to alcohol and controlled substances tests periodically.

SECTION 42

SUBJECT: USE OF TOBACCO IN THE WORKPLACE

42.1 Purpose

The purpose of this policy is to protect the health, comfort, and environment of City employees and visitors by creating areas in City buildings and at public meetings that are reasonably free from tobacco (both smoking and smokeless).

42.2 Smoke Free Areas

While the City management respects the individual preferences of those who use tobacco, it also recognizes a responsibility to protect employees and visitors from harm from tobacco. Thus, use of tobacco, by both employees and visitors, is prohibited in all city buildings except in smoking areas which have been specifically designated by the City Manager. Further, smoking is prohibited in City-owned vehicles.

42.3 Smoking by Employees

With the exception of firefighters, employees are permitted to smoke in designated smoking areas while at work and whenever they please outside of working hours.

Employees in the Fire Department are not permitted to smoke and shall sign an affidavit affirming that they have not been a user of tobacco or tobacco products for at least one year preceding an application for certification as a Firefighter, in accordance with Section 633.34 (6), Florida Statutes. Those hired before January 1, 2000 are grandfathered in and may continue to smoke off the job.

SECTION 43

SUBJECT: OUTSIDE EMPLOYMENT

43.1 Policy

Employees may accept outside employment, so long as it is not detrimental to his/her performance or adverse reputation of the City. The City Manager or designee must approve all outside employment.

43.2 Procedures

Employees desiring to accept outside employment in addition to their city jobs must obtain approval of the City Manager or designee. Requests shall be in writing and shall explain the type of employment and hours involved for which the request is made. Such requests shall be submitted to the Department Head and then forwarded with a recommendation to the City Manager who will approve or disapprove the request. All questions concerning whether such employment may be in violation of City policy or detrimental to the reputation of the City shall be determined by the City Manager or designee.

Once permission is granted, it may be denied or withdrawn at any time should the Department Head feel such employment is interfering with the employee's efficiency or is in conflict with the interest or reputation of the City.

SECTION 44

SUBJECT: HARASSMENT

44.1 Policy

The City does not and will not tolerate any form of harassment, sexual harassment, or intimidation of city employees. The term "harassment" includes, but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, marital status, citizenship, age, or disability. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, slander or spreading rumors as to another's sexual preferences or behavior, and other verbal, graphic, or physical conduct of a sexual nature which has the effect of unreasonably interfering with an individual's work performance, or which creates an intimidating, hostile, or offensive work environment. Verbal abuse or insults of a sexual nature, inappropriate or unnecessary touching of an individual, or physical contact, and sexually degrading words used to describe an individual, as well as sexually suggestive pictures posters, cartoons, and drawings can also be considered sexual harassment.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

44.2 Employee Responsibility

Employees who feel that they have been subjected to sexual or other harassment, including but not limited to the conduct listed above, by another employee, a citizen, or a vendor, should notify the Department Head or General Services Director immediately. If for any reason the employee is reluctant to report the matter to the Department Head or the General Services Director, or is not satisfied after bringing it to their attention, the employee should immediately contact the City Manager. The city emphasizes that you are not required to complain first to your supervisor. The matter will be thoroughly and confidentially investigated by the General Services Director, and where appropriate, disciplinary action will be taken. A report documenting the case and subsequent findings will be forwarded to the City Manager.

Employees should not assume that the city is aware of a problem. It is the responsibility of the employee to bring any complaints and concerns to the attention of the city.

Employees will not be penalized in any way for reporting possible harassment concerning himself or herself or another employee.

44.3 Supervisory Responsibility

Sexual, racial, ethnic, or other illegal harassment of any employee by any member of the staff, or by a visitor to our workplace, will not be tolerated. All supervisory personnel have the explicit responsibility and duty to take immediate corrective action to prevent any harassment of our employees.

Successful implementation of this policy depends on the swift and effective action of the City's supervisory staff. All complaints must be reported immediately to the City Manager and the General Services Director. All complaints of sexual or other harassment will be promptly and confidentially investigated. Failure for a supervisor to carry out his/her responsibilities in this area will result in disciplinary action taken against the supervisor. Contact the General Services Director with questions about this policy.

SECTION 45

SUBJECT: NEPOTISM

45.1 Purpose

The purpose of a policy on nepotism is to prevent problems of supervision, safety, security and morale.

45.2 Hiring

No person shall be given a permanent full-time or part-time appointment when the individual is directly or indirectly supervised by a close relative. Additionally, an individual will not be placed in a position to work with or have access to sensitive or confidential information regarding a close relative.

45.3 Marriage

If employees become related after employment creating a situation where one of the couple is directly or indirectly supervised by the other, or, if a reorganization creates such a situation, a reasonable time shall be provided to resolve the matter. If the decision is not made within 30 calendar days, the Department Head will decide. If resolution is not possible, the City Manager or designee may require one or both of the employees to transfer or resign.

45.4 Personal Relationships

The City recognizes that there are many situations where two individuals who have a personal relationship may appropriately be allowed to work in the same program, activity or location without adverse impact. However, under circumstances where work, safety, morale, or impartial supervision is demonstrably and adversely impacted by a personal relationship, the affected employees may be accommodated by the reassignment of one or the other.

SECTION 46

SUBJECT: SOLICITATION, DISTRIBUTION AND VISITORS

46.1 Purpose

The City strives to establish a work environment that is productive and without undue disruptions to the workday.

46.2 Visitors

Only authorized visitors are allowed in the workplace. All visitors should enter City Hall at the Information Desk or the appropriate reception areas. This policy includes employee's children in attendance during the workday.

46.3 Solicitation

Soliciting by one City employee of another, or collecting from one employee by another, is prohibited while either employee is on work time unless an exception is approved by the City Manager. Examples of impermissible forms of solicitation include the collections for community, religious, political and charitable groups outside the scope of official organization business. Bulletin boards are reserved for official organization communications. Distributing literature and circulating petitions during work time or in work areas at any time is also prohibited.

If a non-city employee calls upon a City employee during working hours, he/she should be informed in a courteous manner that solicitation is not permitted.

Finally, trespassing, soliciting or distributing literature by anyone outside the City employ is prohibited on City premises.

None of the above should be construed to exclude sales representatives on bona fide business with the City.

SECTION 47

SUBJECT: POLITICAL ACTIVITY

47.1 Employees Seeking Elected or Appointed City Office

Any employee who wishes to accept or seek election or appointment to a political office within the City shall resign prior to declaring his/her intention to run for office. Should the employee fail to do so, upon presentation of proof, the City shall immediately terminate his/her employment.

47.2 Membership in a Political Party

Nothing in this policy, however, shall be construed as to prevent any employee from becoming or continuing to be a member of a political organization, or from attending any political meeting or from enjoying freedom from any interference in casting their vote.

SECTION 48

SUBJECT: MISCELLANEOUS PROVISIONS

48.1 Valid Driver's License

All operators of City vehicles must have a valid drivers license for the type of equipment the employee is required to drive. Employees are to keep supervisors informed of any change of status in their license. Proof of license will be filed in the employee's personnel file.

48.2 Use of City Owned Equipment and Vehicles

Vehicles and equipment required to carry out employee duties must be operated with utmost care and discretion to reflect a positive public image. Under no circumstance may vehicles and equipment be used for personal business or pleasure. Further, the Department Head should be promptly notified if equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Any questions about employee responsibilities for maintenance and care of equipment or vehicles used on the job shall be directed to Department Heads. Operating vehicles requires valid driver licenses issued by the State of Florida, use of safety belts, and off street parking at residences.

48.3 Federal Emergency Management Act

When a state of emergency has been declared, salaried employees will have their salaries converted to an hourly wage based on 2,080 hours per year. This conversion will allow the City to recover monies for actual hours worked under the Federal Emergency Management Act.

48.4 Emergency Closings

In the event that emergencies occur during non-working hours, local radio and/or television stations shall be asked to broadcast notification of the closing. When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid. Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

48.5 Public Relations/Complaints

When dealing or associating with the public, employees shall conduct themselves in a creditable and courteous manner. Comments and answers to questions will be dealt with in a courteous manner. If unable to supply a factual answer to a question from the public, every effort shall be made to obtain a factual reply or answer as soon as possible.

Complaints by any member of the public which are brought to the attention of any employee of the City shall be immediately relayed to his supervisor or Department Head.

SECTION 48

SUBJECT: MISCELLANEOUS PROVISIONS

48.6 Information Regarding Life-Threatening Illnesses

The City shall take reasonable precautions to protect the confidentiality of medical information regarding life-threatening illnesses, and anyone disclosing such information is subject to disciplinary action, up to and including termination of employment.

48.7 Recycling

Environmental awareness shall be encouraged through recycling and waste management in business practices and operating procedures. This policy includes the commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the environment while helping to solve trash disposal and control problems.

48.8 Return of Property

Employees shall be responsible for all property, materials, or written information issued to them or in their possession or control. Employees shall return all City property immediately upon request or upon termination of employment. Shortages shall be charged to the employee where necessary.

48.9 Use of Phone, Mail and Computer Systems

Employees are prohibited from making unauthorized personal calls and using City postage for personal correspondence. Employees shall be required to reimburse the City for any charges resulting from their personal use of the telephone system. Employees also must limit their use of the City's computer system (including e-mail and the internet) to City business.

48.10 Reference Checks

Employment reference check inquiries are to be submitted in writing for confirmation of dates of employment, wage rates, and positions held. Such inquiries will be responded to by the Human Resources Coordinator.

SECTION 49

SUBJECT: DEPARTMENT HEADS

49.1 Policy

As key members of the City's management staff, Department Heads serve at the pleasure of the City Manager.

49.2 General Provisions

Department Heads are expected to comply with the policies and procedures set forth in this document, and are governed by the policies and procedures set forth herein, except Sections 33, 34, 35, and 36.

49.3 Separation from Employment

Because Department Heads serve at the pleasure of the City Manager, they are employed at will and may be freely terminated at any time with or without reason.

49.4 Review of Termination Decision

Within two working days of notification that he or she will be terminated, a Department Head may request a meeting with the City Manager to present any reasons why he or she should not be terminated.

49.5 Benefits Upon Termination

To the extent a Department Head is terminated for reasons other than misconduct, misfeasance, or malfeasance, he or she will receive ninety (90) days separation pay and any accumulated vacation he or she may have.

SECTION 50

SUBJECT: CODE OF CONDUCT

The City of Winter Springs demands that all its employees adhere to certain recognized principles and practices in the conduct of their public lives. These principles are embodied in the following Code of Conduct:

- Employees may not, either directly or indirectly, use their official position with the City or information obtained in connection with their employment for private gain.
- Employees shall not accept any gift, favor or service that may reasonably tend to influence, or give the appearance of improperly influencing, the discharge of their official duties.
- No employee shall make false statement, certify, or recommend 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.
- No City employee shall transact any business in his/her official capacity with any business entity of which that employee is an officer, agent or member, or which will create a substantial conflict between the private interest and the public interest.
- No City employee shall have personal investments in any enterprise if it will create a substantial conflict between the private interest and the public interest.
- Employees shall not conduct personal business while in City uniform, nor shall they consume alcoholic beverages, illegal drugs or prescribed drugs except under the direction of a licensed physician while on duty, inclusive of mealtime.
- The political activities of any employee shall be in accordance with and regulated by Florida Statute section 104.31 as may be amended from time to time.

Any violations of the provisions of this policy shall be subject to review and appropriate disciplinary action. If the employee has any doubt as to the application of the policy as it relates to specific actions, the actions in question should be discussed with the Department Head, who shall either approve or forbid the activity, or refer the question to the City Manager.