

**RESOLUTION NO. 11 -99**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF  
THE CITY OF DORAL, FLORIDA ADOPTING THE EMPLOYEE  
POLICIES AND PROCEDURES MANUAL REVISED AS OF  
AUGUST 12, 2011; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral Employee Policies and Procedures Manual is designed to acquaint employees with the City's employment policies and procedures and to provide highlights of certain benefits; and

**WHEREAS**, the City of Doral Employee Policies and Procedures Manual has been revised as of August 12, 2011; and

**WHEREAS**, Staff respectfully requests that the City Council adopt the revised Employee Policies and Procedures Manual presented herein as Exhibit "A."

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF DORAL AS FOLLOWS:**

**Section 1.** The City Council hereby adopts the revised Employee Policies and Procedures Manual presented herein as Exhibit "A."

**Section 2.** This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Councilman Boria who moved its adoption. The motion was seconded by Vice Mayor DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

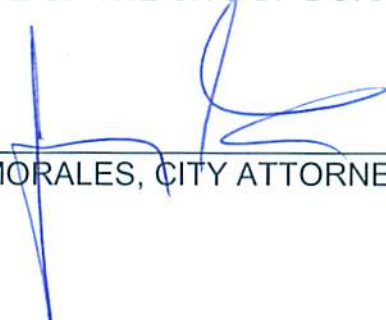
PASSED and ADOPTED this 14<sup>th</sup> day of September, 2011.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE CITY OF DORAL:

  
\_\_\_\_\_  
JIMMY MORALES, CITY ATTORNEY

# EXHIBIT “A”



# Employee Policies & Procedures Manual

August 2011

**City of Doral Employee Policies & Procedures Manual**

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## **SECTION 1: INTRODUCTION**

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### **1.1 ABOUT THE EMPLOYEE MANUAL**

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

This Employee Manual supersedes all previously issued manuals and any contrary policy statements or memos. This Employee Manual should give you the answers to most of the general questions you may have about your employment at the City of Doral, however, no manual can be all-inclusive or anticipate every circumstance. You should use the Employee Manual as a guide and, if you have questions on a policy, please ask your department head/manager or the Human Resources Department.

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

The City has the sole discretion to modify, amend or rescind any part of this Employee Manual or any other City-issued policy at any time, with or without notice. None of the provisions in this Employee Manual should be construed in any way as limiting or altering your status as an “at will employee,” or creating a contractual relationship between you and the City of Doral. The Employee Manual and other policies issued by Human Resources should not be interpreted to give any employee the right to be retained as an employee or to receive any benefits from the City. For more information on employment at will, please see Policy No. 2.1 in this Manual.

The Employee Manual applies to all City of Doral employees, including employees covered by a collective bargaining agreement. To the extent that any portion of the Employee Manual conflicts with a collective bargaining agreement, the terms of the collective bargaining agreement will control the issue.

### **1.2 ADMINISTRATION OF THE EMPLOYEE MANUAL**

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

The City Council established the authority for the preparation and administration of this Manual in Section 3.03 of the City Charter, which describes the powers and duties of the City Manager.

## **SECTION 2: GENERAL EMPLOYMENT POLICIES**

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### **2.1 EMPLOYMENT AT WILL**

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

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

### **2.2 EQUAL EMPLOYMENT OPPORTUNITY**

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

- All matters related to recruitment and advertising;
- All matters related to hiring and initial selection for employment; and
- All aspects of employment, including, but not limited to, compensation, promotion, demotion, transfer, lay-offs, corrective action, termination, leaves of absence, training opportunities and other terms and conditions of employment.

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

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

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

### **2.3 AMERICANS WITH DISABILITIES ACT**

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

Consistent with this policy of non-discrimination, the City will provide reasonable accommodations to an employee with a disability who is a qualified individual, as defined in the

ADAAA, who has made the City aware of his or her disability, provided such accommodation does not constitute an undue hardship to the City. Any employee with a disability who believes that he or she needs a reasonable accommodation to perform the essential functions of the job should contact the Human Resources Director.

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

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

## **2.4 HARASSMENT-FREE WORKPLACE**

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

City employees, including, but not limited to, Department Heads, managers and supervisors, do not have authority to engage in any conduct or activity which would constitute discrimination or harassment. **The City will not condone such behavior.**

### **A. SEXUAL HARASSMENT**

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or of creating an intimidating, hostile or offensive work environment.

Some of the more common examples of sexual harassment include:

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

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

Sexual harassment is not limited to harassment of women by men. It includes the harassment of men by women and of gender-based harassment of individuals of the same sex as the harasser.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is offensive both objectively and subjectively, that fails to respect the rights of others, that lowers morale, and that interferes with work effectiveness.

## **B. DISCRIMINATORY HARASSMENT**

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

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

Examples of conduct that can constitute discriminatory harassment in violation of this Policy include:

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

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

## **C. PROCEDURE FOR REPORTING HARASSMENT**

Any employee who feels that he or she has been harassed by any employee, elected official, outside vendor or member of the public should promptly report the incident(s) to any of the following individuals: Human Resources Director, City Manager, Assistant City Manager, or the employee's Department Head. If the employee feels that he or she is being harassed by a supervisor, manager or Department Head, the employee should report the incident(s) to the Director of Human Resources, City Manager or Assistant City Manager.

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

If an employee reports the incident(s) in writing, the report shall be placed in a sealed envelope marked "Personal and Confidential" and the envelope should be delivered to the City Manager, Assistant City Manager, Human Resources Director, or Department Head. The following information should be included in the written statement: the date(s) of the incident(s), identity of the alleged harasser, identity of any witnesses and details about the incident(s).

An employee should follow this same reporting procedure if he or she observes or has direct knowledge of harassment of another City employee.

#### **D. THE CITY'S INVESTIGATION**

- The City will investigate all complaints of harassment promptly irrespective of the identity of the alleged harasser.
- The investigation will include, for example, inquiry into the alleged harasser's identity, the specific conduct complained of, the identity of any witnesses, and the number of times the conduct has occurred.
- The City will conduct confidential interviews of the alleged victim, alleged discriminator/harasser and all witnesses.
- In determining whether the alleged conduct constitutes harassment in violation of this policy, the City will consider the totality of the circumstances, the nature of the incident(s) and the context in which the alleged incident(s) occurred.
- The City will keep all information concerning the incident(s) confidential to the extent possible. The City will provide access to and disclose information to only those individuals involved in conducting the investigation and resolving the matter.
- The City will inform the alleged victim and the alleged harasser about the results of the investigations and the steps the City will be taking in response to the complaint.

#### **E. CORRECTIVE ACTION**

If the investigation discloses evidence supporting the occurrence of an incident of sexual or discriminatory harassment, the City will take prompt remedial action based on the specifics of the case, including appropriate corrective action against any employee who violates this policy, which may include a warning, suspension or termination from employment. If the investigation does not disclose evidence of sexual or discriminatory harassment, the City reserves the right to take appropriate action, which may include counseling, a reminder of the City's Harassment-Free Workplace policy, or a written warning to be included in the personnel file of the alleged harasser.

An employee who feels that his or her complaint was not appropriately addressed or that he or she is still being subject to harassing conduct should immediately notify the Director of Human Resources, City Manager or Assistant City Manager.

**F. PROHIBITION AGAINST RETALIATION**

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

**G. FOLLOW-UP AFTER INVESTIGATION**

Once the matter has been resolved, the City will continue to monitor the employees involved to ensure that no future incidents of harassment occur.

The City is dedicated to maintaining a working environment free of harassment and based on professionalism. We expect that all employees will continue to act responsibly to fulfill the City's commitment to working in an environment free of discrimination and harassment. Employees should not hesitate to ask the Director of Human Resources any questions regarding harassment.

## **2.5 OPEN DOOR POLICY**

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

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

Additionally, the City is interested in all employee concerns, no matter how big or small. The City believes in open and clear communication with its employees. In most situations, a discussion between the employee and the supervisor is the most effective way to deal with a concern or question. However, the employee may discuss any concerns or questions with a higher level manager, up to the City Manager, instead of, or in addition to, the employee's supervisor. The employee may also contact the Human Resources Department. It is the City's policy that any concerns or questions raised by an employee should be resolved as quickly as possible. The City prohibits retaliation against any employee raising concerns or questions pursuant to this policy.

NOTE: The Open Door Policy does not apply to complaints or reports of discrimination or harassment. An employee with a complaint or report of harassment or discrimination should follow the City's Equal Employment Opportunity, Americans With Disabilities Act and Harassment-Free Workplace policies.

## **2.6 EMPLOYEE DISPUTE RESOLUTION PROCEDURE**

The dispute resolution procedure is a formal mechanism for employees to request review of corrective action taken against the employee or of any other issue, concern or complaint related to the employee's employment.

The steps of the procedure are as follows:

Step 1: The employee submits a written statement explaining the basis of the employee's dispute to his or her supervisor within five (5) work days from the event(s) causing the dispute. The written statement shall contain the date, time, place and nature of the dispute and relief requested. Within five (5) days of the receipt, the supervisor shall provide written notice to the employee of the result of the supervisor's review.

Step 2: If the employee does not believe that his or her dispute was satisfactorily resolved, the employee may submit a written request for review of the supervisor's decision. The request for review must be submitted to the employee's Department Head within three (3) working days from the employee's receipt of the supervisor's decision pursuant to Step 1, and must include a copy of the supervisor's decision. The Department Head shall provide a written response to the employee within five (5) working days of receipt of the review request.

Step 3: If the employee does not believe that his or her dispute was satisfactorily resolved during Step 2, the employee may submit a written request for review of the Department Head's decision. The request for review must be submitted to the City Manager within three (3)

working days of the employee's receipt of the Department Head's decision pursuant to Step 2, and must include copies of the decisions from the supervisor and Department Head. The City Manager (or the City Manager's designee) will meet with the employee within fifteen (15) days from receipt of the review request, and will provide a written response to the employee within fifteen (15) days after the meeting. The City Manager's decision shall be final and binding on all parties.

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

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

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

NOTE: The Employee Dispute Resolution Procedure does not apply to any dispute, issue, concern or complaint of discrimination or harassment. Any employee with a dispute, issue, concern or complaint of discrimination or harassment should follow the City's Equal Employment Opportunity, Americans With Disabilities Act and Harassment-Free Workplace policies. Similarly, requests for review of matters covered by a collective bargaining agreement are handled in accordance with that agreement and are not subject to the Employee Dispute Resolution Procedure.



## **SECTION 3: WORKING AT THE CITY OF DORAL**

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### **3.1 CATEGORIES OF EMPLOYMENT**

- Full-time:** An employee who is regularly scheduled to work a 37.5-40 hour work week.
- Part-time:** An employee who is regularly scheduled to work 32 or less hours per week.
- Temporary:** An employee hired for a specified project or time frame. The scheduled work week can range from 20 to 40 hours per week.
- Seasonal:** An employee hired either full-time or part-time during one or more defined seasons (e.g. Summer Seasonal employee).
- Provisional:** A temporary employee hired to fill an open position for a maximum of two (2) six-month periods. Provisional employees must meet the education, experience and other requirements for the position and be approved by the City Manager.
- Acting:** In the event of a vacancy in a Department Head position, the City Manager may appoint an existing full-time employee to be the Acting Department Head for a maximum of two (2) six-month periods. Any employee appointed to an acting position may receive a temporary salary increase of fifteen percent (15%) above his/her current salary, but in no case shall the temporary salary be more than the salary budgeted for the Department Head position.

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

### **3.2 EXEMPT/NON-EXEMPT**

The Fair Labor Standards Act divides all employees into two categories, exempt and non-exempt, with respect to receiving overtime payment. Employees will be advised of their classification.

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

**Non-exempt** employees are eligible for overtime pay for all hours worked over 40 per work week. These employees are compensated as follows: (i) an hourly rate of at least the statutory minimum wage for all hours worked up to 40 hours of work per week; and (ii) one and one-half (1½) times the employee's regular pay rate for all hours worked over 40 per work week.

### **3.3 TIMEKEEPING**

#### **NON-EXEMPT EMPLOYEES**

All non-exempt employees are required to “punch in” at the commencement of their workday via a biometric index finger scan at the timekeeping system. Employees are not permitted to punch in unless they are proceeding directly to their assigned work area or upon approval, an administrative office, including the Human Resources Department or City Manager’s office. Non-exempt employees are required to “punch out” via a biometric index finger scan at the timekeeping system at the conclusion of their workday. Non-exempt employees are also required to “punch in” and “punch out” for meal periods. (*See Policy No. 3.8 Rest and Meal Periods For Non-Exempt Employees*)

If a non-exempt employee has an error punching in or out in accordance with this policy or the Rest and Meal Periods For Non-Exempt Employees policy (*see Policy No. 3.8*, the employee is required to immediately notify his or her supervisor or Department Head so that the supervisor/Department Head can take appropriate steps to correct the timekeeping system.

Non-exempt employees are not permitted to perform any work at home unless approved in advance in writing by the Department Head or the City Manager. If approved, the employees must submit an accurate written record of all time worked at home to the Department Head within two (2) days of performing the work.

Non-exempt employees are required to accurately record their time and attendance through the timekeeping system. Alteration, falsification or tampering with time and attendance records will result in corrective action, up to and including termination from employment.

#### **EXEMPT EMPLOYEES**

Exempt employees are not required to punch in or out from the timekeeping system at the commencement or end of their workday, unless otherwise directed by the Department Head or City Manager.

### **3.4 ATTENDANCE AND PUNCTUALITY**

Punctuality and regular attendance are essential to the proper operation of the City of Doral and employees are expected to be at work on all scheduled work days, during all scheduled work hours and to report to work on time. If an employee will be absent, tardy or must leave prior to the end of regular work day, the employee must contact his or her supervisor or Department Head (if the supervisor is unavailable) at least one (1) hour in advance of the employee’s scheduled start time or end time, or as soon as reasonably feasible.

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

If the employee fails to notify his or her supervisor or Department Head of absences for three (3) or more consecutive work days, the employee will be considered to have voluntarily abandoned his or her job.

NOTE: Authorized leaves under the City's Family and Medical Leave Act (FMLA) policy or other leave policies, or under applicable state or local laws, will not be treated as excessive absenteeism or tardiness.

### **3.5 OVERTIME**

Overtime is paid to non-exempt employees for all hours worked over 40 hours of work per week, at a rate of one and one-half the employee's regular rate of pay. Overtime shall be calculated in accordance with the Fair Labor Standards Act.

It is the City's policy to keep overtime work to a minimum and supervisors are responsible for planning and scheduling work assignments and projects so that they can be performed within the non-exempt employees' regularly scheduled hours. All overtime work must be approved in advance by the employee's supervisor and Department Head. If an employee works overtime hours that are not approved by the supervisor and Department Head, the employee will be paid for those hours and the employee may be subject to corrective action.

All non-exempt employees are expected to work overtime when needed to meet the needs of the City. The City will provide as much advance notice as practicable for mandatory overtime work. Refusal of an employee to work mandatory overtime may result in corrective action, up to and including, termination from employment.

### **3.6 CALL BACK TIME**

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

### **3.7 EXPEDITE TIME**

Expedite processing is a plan review performed on an overtime basis. The expedite processing service may be requested by a permit applicant due to a hardship. The applicant pays a fee for the service which covers the cost of overtime for the plan examiner. The plan examiner receives compensation on an overtime basis of one and one-half of the actual time spent working on the plan review, with a minimum of one (1) hour.

Expedite processing compensation is paid to the employee regardless of the number of hours worked that week due to sick, vacation, holiday or any other type of leave. This is a service provided for the benefit of the City's customers, and the department must maintain enough eligible employees to fulfill the requests.

If a full-time employee is asked to perform plan reviews outside normal working hours, the employee shall be paid for the actual time worked multiplied by one and one-half or a minimum

of one (1) hour of the employee's regular rate of pay, whichever is greater, for each expedited plan review.

### **3.8 REST AND MEAL PERIODS FOR NON-EXEMPT EMPLOYEES**

#### **A. NON-SWORN EMPLOYEES**

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

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

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

Non-exempt employees who work at City Hall or on the City's premises are required to punch out at the start of their meal period and to punch in upon returning to work. Non-exempt employees who work offsite from City premises are not required to punch in or out for their meal periods. If a non-exempt employee who works offsite is unable to take their complete meal period, the employee must immediately notify a supervisor or Department Head so that the employee's time records can be appropriately adjusted.

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

The minimum meal period is 60 minutes for full-time non-exempt employees and 30 minutes for part-time non-exempt employees. Non-exempt employees are required to take at least the minimum meal period applicable to their employment status, unless a shorter meal period is approved by the supervisor or Department Head.

#### **B. SWORN EMPLOYEES**

Non-exempt sworn personnel are permitted to take rest periods and one meal break of 30 minutes per shift, as permitted by the employee's work duties. Sworn employees are paid for this time and are not required to punch in or out from the City's timekeeping system for a meal period.

### **3.9 BREAKS FOR NURSING MOTHERS**

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

For non-exempt employees, this break time is unpaid and employees are required to punch out at the start of the break and to punch in upon returning to work. Non-exempt employees may elect to use their paid rest periods for the purpose of expressing breast milk, in which case, the

employees do not have to punch out for the break. Non-exempt employees must schedule any break time to express breast milk with their supervisor.

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

If the employee has a private office, the employee may use her office for the purpose of expressing breast milk. If the employee does not have a private office, the employee should notify her supervisor or Department Head, who will provide the employee with a private area for the purpose of expressing breast milk.

### **3.10 POLICY PROHIBITING DEDUCTIONS FROM COMPENSATION OF SALARIED, EXEMPT EMPLOYEES**

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

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

#### **EXCEPTIONS**

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

- Deductions from pay may be made when the employee is absent from work for one or more full days for personal reasons, other than sickness or disability.
- Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with the City's plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. Deductions from pay may also be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance there under.
- No deductions will be made from pay absences occasioned by jury duty, attendance as a witness, or temporary military leave. An offset of any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that week may be made.
- Deductions from pay may be made for penalties imposed in good faith against an employee for violation or infractions of safety rules of major significance (i.e., those rules relating to the prevention of serious danger in the workplace or to other employees), if the

City concludes in good faith after its investigation that the employee committed such violation.

- Deductions from pay may be made for unpaid disciplinary suspensions of one or more full days for violation of workplace conduct rules which are reflected in the City's written policies applicable to all employees (including, but not limited to, violation of the City's Equal Employment Opportunity, Americans With Disabilities Act, Harassment-Free Workplace, Workplace Violence and/or Drug-Free Workplace policies), if the City concludes after its investigation that the employee committed such a violation.
- Employees in their first or last weeks of employment may not be paid their full salary, but instead will be paid a proportionate part of the employee's salary for the time actually worked.
- Employees may not be paid their full salary for weeks in which they take unpaid leave under the Family and Medical Leave Act and instead, will be paid a proportionate part of their salary for time actually worked.

If a salaried, exempt employee believes that an unauthorized or improper deduction has been made from his or her salary or the salary of anyone he or she supervises, the employee should notify the City immediately by bringing the matter to the attention of the supervisor, Department Head or the Human Resources Department. If the employee prefers not to raise the matter with his or her supervisor or Department Head, the employee should report the concern to the Human Resources Department.

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

### 3.11 DRESS CODE

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

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

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

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

1. Slacks — Cotton slacks are acceptable provided they are clean and wrinkle-free. Inappropriate items include jeans of any color, sweatpants, wind suits, shorts of any kind, overalls, Capri pants, leggings, spandex or other form-fitting pants. Ripped, wrinkled, torn, or faded clothing is not acceptable.
2. Shirts — Dress shirts, sweaters and turtlenecks are acceptable. Inappropriate items include tank tops, sweatshirts, shirts with large lettering, logos or slogans, low cut shirts or blouses, halter-tops, tops with bare shoulders, see-through garments, and t-shirts unless worn under another blouse, shirt, or jacket.
3. Dresses and Skirts — Dresses and skirts, and split skirts at or below the knee are acceptable. Dress and skirt length should be no shorter than two inches above the knee. Mini-skirts and spaghetti-strap dresses should not be worn to the office.
4. Shoes – Acceptable for Women: High and mid-heeled shoes and sandals, and dressy flats and open toed shoes. Not acceptable for all employees: flip flops, flat sandals, athletic shoes (unless it is part of an assigned uniform) and over-accessorized sandals.
5. Tattoos and Body Piercing —Tattoos are not permitted in any visible location, including but not limited to, arms, legs, neck, face, head, scalp, or hands. Employees with tattoos shall wear the appropriate uniform or attire that provides coverage of the tattoo.
6. Employees should not wear any item of ornamentation in their nose, eyebrow, tongue, or any other location of their body that is visible during work hours or any work related function. Exception: earrings are permitted for female personnel.

7. Personal hygiene — Hairstyles, make-up, nails, grooming of beards and mustaches, and personal hygiene should be reasonable and in accordance with customary business practices. An employee's personal grooming and hygiene should reflect a clean and neat appearance and impression.
8. Employees are permitted to wear pins or buttons, not exceeding one inch in diameter, provided that the pins or buttons do not jeopardize the City's business operations or interfere with the City's ability to maintain employee safety and discipline. Pins or buttons worn by employees shall not contain profanity or any vulgar or obscene content.

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

Exceptions: Supervisors or other management personnel can specify additional or alternative dress and grooming requirements for employee safety reasons or based on the business needs of their departments.

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

### **3.12 OUTSIDE EMPLOYMENT**

An employee may engage in outside employment (including self-employment) with the approval of the City Manager and with the understanding that the employee's primary duty, obligation and responsibility is to the City of Doral. Outside employment shall not be permitted when the City Manager determines that such outside employment would result in a conflict of interest, interfere with the employee's City work schedule, or otherwise be a conflict with the employee's employment with the City.

To request approval, an employee should:

- File an "Outside Employment Request Form & Affidavit" with the Human Resources Department. The employee must notify the Human Resources Department of changes in conditions of any outside employment.
- Make arrangements with the outside employer to be relieved from duty if called for work by the City.

An employee must report all injuries sustained during any outside employment to the employee's supervisor at the City prior to the employee's next scheduled workday at the City. An employee's failure to report an injury sustained during outside employment shall be grounds for corrective action.



### **3.13 EMPLOYMENT OF RELATIVES**

“Relative” is defined as an individual who is related to an employee of the City as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

#### **RELATIVES OF PUBLIC OFFICIALS**

In accordance with section 112.3135, Florida Statutes, a public official may not employ, promote, advance, or advocate the employment, promotion, or advancement of an individual who is a relative to a position at the City over which the public official exercises jurisdiction or control.

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

#### **RELATIVES OF ANY CITY EMPLOYEE**

Relatives of a current City employee will be considered for employment on the basis of their background and qualifications. Relatives will not be hired for employment with the City if:

- The current employee and relative would work in the same department;
- The employment would create a supervisor-subordinate reporting relationship (either direct or indirect) between the relative and current employee; or
- The current employee would work for, or directly above, the relative’s supervisor or manager.

Employee-relatives working for the City cannot transfer into a reporting relationship with each other, or into positions in the same department.

If the relative relationship is established after employment (i.e., by marriage or otherwise), the City may require that the relative-employees propose which one of them will transfer positions or departments. In the event that no such transfer is possible, or if such a transfer is not accepted by the City or the employees, and if neither employee will resign, the City may terminate the employment of one of the relative-employees. In that circumstance, it shall be within the sole discretion of the City to determine which relative-employee to terminate.

### **3.14 FRATERNIZATION**

The City respects the rights of its employees to conduct their personal lives as they wish. However, the City recognizes that romantic relationships can create a conflict of interest (actual or perceived) or adversely affect work performance and employee morale, create concerns of favoritism, and potentially result in claims of harassment.

## **REPORTING RELATIONSHIPS**

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

If a romantic relationship develops between a supervisor/manager and an employee, the supervisor/manager shall promptly disclose the existence of the relationship to the City’s Human Resources Director. The employee may make the disclosure as well, but the obligation of doing so rests with the supervisor/manager.

The City will take action so that the employee will no longer be in a reporting relationship (direct or indirect) with the supervisor/manager. To do so, the City may require that the employees propose which one of them will transfer positions or departments. In the event that no such transfer is possible, or if such a transfer is not accepted by the City or the employees, and if neither employee will resign, the City may terminate the employment of one of the employees. In that circumstance, it shall be within the sole discretion of the City to determine which employee to terminate.

## **CO-WORKER RELATIONSHIPS**

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

### **3.15 COLLECTIVE BARGAINING AGREEMENTS**

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

## **SECTION 4: SECTION 4: STANDARDS OF CONDUCT**

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### **4.1 CONFLICT OF INTEREST**

The City expects its employees to adhere to the highest ethical standards of conduct in performing their duties and to devote their best efforts to the interests of the City and its residents. Activities and dealings by employees that appear to create a conflict between the City and the employee are unacceptable. The City recognizes that employees can engage in activities outside of their employment which are private in nature and unrelated to the City's operations. However, no officer or employee of the City shall have any interest (financial or otherwise, direct or indirect), engage in any business transaction or professional or personal activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of the employee's duties in the public interest.

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

Because of the potential for a conflict of interest, an employee must disclose if he or she is a board member or holds a leadership position with any condominium association or homeowners association for a community located within the City of Doral.

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

### **4.2 CODE OF CONDUCT**

High moral and ethical standards among public officials, both elected and appointed, and public employees are essential to gain and maintain the confidence of the public. It is the policy of the City of Doral to maintain an ethical and accountable local government which earns the public's full confidence for integrity. This policy governs the conduct of all City employees.

#### **PROHIBITED BEHAVIORS**

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

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

- a. Conviction of a felony or other crime involving moral turpitude.
- b. Violation of the provisions of the Charter of the City of Doral, the Employee Manual, or any other policy or procedure of the City of Doral.
- c. Act of incompetence or chronic inefficiency in the performance of assigned duties.

- d. Neglect of duty or loitering while on duty.
- e. Insubordination.
- f. Deliberate misuse, destruction, or damaging any City property or the property of another employee.
- g. Misappropriation, theft, conversion, or removal of any City funds, City property, or the property of another employee without proper authorization.
- h. Unauthorized possession of firearms, explosives or weapons on City property in violation of the City's Workplace Violence policy.
- i. Engaging in any conduct, activity, enterprise or outside employment that is inconsistent, incompatible or immoral, or in legal or technical conflict with your duties, functions and responsibilities as a City employee, or in violation of the City Code or Ordinances, Miami-Dade County Ethics Code, or the State of Florida Code of Ethics for Public Officers and Employees, Ch. 112, Florida Statutes.
- j. Acts of employee showing lack of good moral character.
- k. Unauthorized alteration of time records, failure to accurately record or report time worked, and working overtime without prior authorization.
- l. Absence without leave or failure to report for duty after an administrative leave or suspension has expired; abandonment of position.
- m. Making false claims or misrepresentations to obtain sickness, disability, workers' compensation or any other benefits.
- n. Dishonesty or untruthfulness.
- o. Use or attempted use of political influence or bribery to secure an advantage of any manner.
- p. Tardiness and/or absenteeism in violation of the City's Attendance and Punctuality policy.
- q. Falsifying personnel or other City records, including, but not limited to, employment applications, accident records, work records, purchase orders, time and attendance records, or any other report, record or application.
- r. Failure or refusal to carry out instructions.
- s. Refusal to testify before a judicial proceeding or any other investigating committee concerning a matter within the scope of the employee's job duties.
- t. Having been refused a surety bond, if required for employment.

- u. Failure to obtain or maintain any license or certification required for employment.
- v. Instigating or participating in a walkout, strike, unlawful picketing, slow-down, or other concerted stoppage of work.
- w. Having been involved in an excessive number of accidents resulting in injuries or property damage.
- x. Violation of the City's Drug-Free Workplace policy.
- y. Smoking of any tobacco products in violation of the Smoke Free Workplace Policy.
- z. Failure to notify Department Head of any felony conviction within five (5) days of the conviction.
- aa. Failure to report to the City when employee's driver's license is revoked or suspended when the employee's position requires the operation of a motor vehicle.
- bb. Allowing hitchhikers or otherwise unauthorized persons to ride in City vehicles.
- cc. Acts of misconduct while on duty.
- dd. Violating a safety rule, departmental rule, City policy, or special orders.
- ee. Provoking or instigating a fight, or fighting at anytime on City property or while on duty.
- ff. Threatening, intimidating, coercing, or abusing fellow employees, supervisors or the public in the line of duty; behaving in a way that interferes with the cooperation of employees or impairs the efficiency of municipal service.
- gg. Use of profane, abusive or offensive language in the workplace or directed toward co-workers, elected officials, or members of the public.
- hh. Posting or removing any matter on bulletin boards or City property at any time unless authorized.
- ii. Unauthorized release of confidential information.
- jj. Distributing or causing to be distributed, during normal working hours, written matter of any kind on City premises without proper authorization. The purpose of this provision is to prohibit interference by one or more employees with the work of other employees or with the operation of the City's business.
- kk. Receiving from any person, or participation in any fee, gift, or other valuable item in the course of work, or any violation of City Codes, Ordinances or the Miami-Dade County Ethics Code.
- ll. Gambling or engaging in any other game of chance during working hours, while in a City uniform or on City property.

- mm. Failing to expose through appropriate means and channels corruption, misconduct, or neglect of duty whenever discovered.
- nn. Using a position of public trust to gain access to the media for the purposes of criticizing colleagues, other public officials, citizens, or staff, impugning their integrity or vilifying their professional beliefs.
- oo. Using information gained confidentially in the performance of governmental duties as a means of making private profit.
- pp. All City employees shall practice civility and decorum in their dealings with others. Belligerent, personal, derogatory, impertinent, slanderous, threatening, abusive or disparaging comments will not be tolerated. No shouting or physical actions that could be construed as threatening will be tolerated.
- qq. Unauthorized absence from work for a period of three (3) or more work days will be considered as the employee's voluntary abandonment of his or her position.
- rr. Engaging in any other actions which are determined by the City Manager to warrant corrective action.

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

### **4.3 CORRECTIVE ACTION**

The City expects employees to perform their job duties in accordance with the law and the established performance and attendance standards for their positions, to conduct themselves appropriately in the workplace and to comply with City policies, including, but not limited to, the employee code of conduct. Employees who do not satisfy the applicable performance, attendance and conduct expectations are subject to appropriate corrective action. The purpose of such corrective action is to identify and correct the issue, prevent recurrence, and improve the employee's job-related performance and workplace conduct.

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

1. Counseling and verbal warning
2. Written warning
3. Final warning
4. Termination from employment.

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

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

The determination of the appropriate corrective action step will be at the discretion of the employee's supervisor, manager or Department Head in consultation with Human Resources Department and the City Manager. If the City determines that suspension or termination is the appropriate corrective action, the City will follow the procedure described in the applicable sections of the Employee Manual.

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

#### **4.4 SUSPENSIONS**

The Department Head (or his/her designee) may suspend an employee for up to twenty (20) work days for violation of the Employee Code of Conduct or any other departmental or City policy, including but not limited to, the policies in the Employee Manual. An employee may request that the City Manager review the suspension pursuant to Step 3 of the Employee Dispute Resolution Procedure (*see* section 2.6 of this Manual). If the employee makes such a request, the suspension shall be stayed until the conclusion of the City Manager's review.

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

#### **4.5 INTERNAL INVESTIGATIONS**

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

Where circumstances warrant, the City Manager may place an employee on administrative leave, pending the City's investigation.

#### **4.6 SOLICITATION/DISTRIBUTION**

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

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

to corrective action. Distributions, as described above, are not permitted at any time on City premises by persons not employed by the City.

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

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

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

#### **4.7 GIFTS, GRATUITIES AND FAVORS**

It is the policy of the City that all employees are prohibited from accepting any personal gift and/or favor in excess of \$50.00 from any individual or corporation related to one's employment by the City. Furthermore, no matter how small in value, an employee may not accept any gift or benefit from any person or company where there is a real or potential risk of compromise or conflict of interest.



## **SECTION 5: COMPUTER AND ELECTRONIC RESOURCES**

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

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

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

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

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

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

The City recognizes that brief and occasional personal use of e-mail and the internet is acceptable as long as it is: (1) not excessive or inappropriate, (2) is restricted to non-working time (i.e., during break time or meal periods), (3) does not violate any of the prohibitions listed in this Employee Manual, (4) not in support of a personal business venture, (5) has no video, graphic, picture, or massive attachments, (6) not a chain letter or transmission of unsolicited commercial mail (“spam”), (7) does not violate the law, and (8) does not interfere with the City’s business operations or cause congestion, disruption, or impairment of the City’s networks or systems. The City reserves the exclusive right to determine whether any personal email use is inappropriate, excessive and/or violates this policy.

Employees are expected to exercise professionalism in all business communications including those in electronic and voice format.

The City’s Harassment-Free Workplace policy also applies to an employee’s use of the City’s computer system, internet, email, voicemail and City-issued cell phones. Using the City’s computers, e-mail system or internet or a City-issued cell phone to send, post, receive or access inappropriate and offensive messages, posts, images or other communications or information in violation of the City’s Harassment-Free Workplace policy is strictly prohibited. Violation of this policy will result in immediate and appropriate corrective action, up to and including termination from employment. In addition, sexually explicit or other inappropriate material may not be archived, stored, distributed, edited or recorded using the City’s network or computing resources.

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

## **5.2 TELEPHONE CALLS AND CELL PHONE USAGE**

Although the City realizes that there are times when an employee may need to use the telephone for personal reasons, it is expected that good judgment will be used in limiting the length and frequency of such calls (*i.e.*, not to exceed 2-5 minutes), and in making such calls only during breaks. Additionally, no long distance personal calls, other than toll free calls, may be made on City phones without prior approval from the employee’s supervisor. During work time and while in the office, employees should limit the use of their personal cell phones (including smart phones and personal digital assistants (PDA)) for calls and text messages in the same way they must limit personal use of their office telephone. Employees that have excessive telephone or cell usage for personal calls or text messages will be subject to corrective action, up to and including termination.

The City requires the safe use of cell phones by employees while conducting business; this applies whether or not the cell phone is City-issued. Employees should not use their cell phones while driving for City-related business or operating a City-issued vehicle because of safety concerns, but should instead pull over to a safe location and fully stop prior to making or receiving telephone calls, reading or sending any text or email messages, or conducting any internet search. The City does not permit employees who are conducting business to drive while using a cell phone.

Additionally, the use of the camera and video or sound recording functions on a cell phone, smart phone or PDA on City premises or while conducting City business is prohibited without the express prior permission of the employee's supervisor or Department Head.

### **5.3 BLOGGING AND SOCIAL NETWORKING**

The City recognizes that employees may engage in "blogging" or use other forms of social media or social networking while off duty.

"Blogging," for purposes of this policy, means posting information on an employee's own, or on someone else's, Web log, journal or diary on the Internet. "Blogging" also includes any other form of posting information on the Internet, such as postings on a personal Web site, bulletin or message board, or in a chat room. Social media and "social networking" include the usage of Web 2.0 technologies such as blogging, microblogging (Twitter, Plurk), photosharing (Flickr, Twitpic), video sharing (YouTube, Vimeo), lifecasting (blogtv, qik), networking (LinkedIn, Plaxo, Facebook, MySpace), and countless others. The absence of, or lack of explicit reference to a specific site does not limit the extent of application of this policy.

Employees who engage in blogging or social networking on the Internet should be mindful that their postings, even if done off premises and while off-duty, could have an adverse effect on the City's legitimate business interests. For example, the information posted could be non-public information regarding an on-going law enforcement investigation, or information exempt from disclosure under Florida's public record law. In addition, some readers may view an employee as a *de facto* spokesperson for the City.

To reduce the likelihood that an employee's personal blogging or social networking will have an adverse effect on the City, the City asks that employees observe the following guidelines:

- Employees are not permitted to blog or use other forms of social media or social networking during working time or on any City-supplied computer or electronic resources or other devices, unless specifically authorized by the City to do so as part of an employee's position.
- Blogging is subject to all of the policies in the Employee Manual, including "Equal Employment Opportunity," "Harassment Free Workplace", "Outside Employment" "Anti-Harassment," "Workplace Violence", "Conflicts of Interest," "Outside Employment," "Code of Conduct" and "Computer System, Internet, E-mail and Voicemail".
- If an employee's blogging or social networking includes any information related to the City, please do the following:
  - Make it clear to the readers that the views expressed are the employee's alone and that they do not reflect the views of the City, by stating, for example, "*The views expressed in this blog [or blog posting] are my own; they have not been reviewed or approved by my employer.*"
  - Do not link to the City's website.
  - Do not use the City's logo, other intellectual property, or proprietary graphics, or any copyrighted materials.

- Do not disclose any confidential information regarding on-going law enforcement investigations.

The City encourages employees to resolve personal complaints about work by speaking directly with co-workers, supervisor, manager, or the Human Resources Department rather than by posting those complaints in a blog or a social networking site. If an employee, nonetheless, decides to post personal complaints or criticism, the City requests that the employee avoid doing so in a way that is defamatory to the City or any of its employees, or is profane or obscene.

If an employee needs clarification on any aspect of this policy, he/she should contact the Human Resources Department. Failure to comply with this policy may result in corrective action, up to and including immediate termination from employment.

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

## **SECTION 6: SAFETY AND SECURITY**

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### **6.1 CITY IDENTIFICATION**

All employees of the City of Doral shall carry with them a City issued photo identification (ID) card. Employees must present their ID card for entry to the City during periods of emergency or when necessary to identify themselves to residents when conducting City business. Employees must report any loss or damage to their ID card as soon as possible. Employees who lose their ID card and need a replacement will incur a \$10.00 fee to obtain a new ID card. The ID card must be returned to the City upon termination of employment.

### **6.2 SAFETY MEASURES**

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

Each department shall communicate that department's safety rules and procedures to the employees. Employees are responsible for reading these rules and for knowing and complying with the department's rules as well as any workplace safety rules or procedures adopted by the City. A comprehensive guide to the City's safety procedures is contained in the Workplace Safety and Health Manual, a copy of which may be obtained through the Human Resources Department.

### **6.3 WORKPLACE VIOLENCE POLICY**

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

The objective of this policy is to ensure the highest standard of health and safety for all employees, residents, vendors, contractors, and the general public, and those acting for them (hereinafter referred to as employees and business partners), and to provide for the efficient and effective operation of the City.

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

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

- Verbal Harassment: Verbal threats toward persons or property, the use of vulgar or profane language toward others, disparaging or derogatory comments or slurs, verbal intimidation, exaggerated criticism, name calling or belittling behavior.

- **Physical Harassment:** Acts of physical harm directed towards an individual such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person or using, threatening or implying the use of any offensive weapon or any article or object that could be used as such.
- **Visual Harassment:** Derogatory or offensive posters, cartoons, publications, drawings, images, pictures or items..
- **Property Damage:** The intentional destruction or threat of destruction of City property or another employee's property.

### **PROHIBITED ITEMS ON CITY PROPERTY**

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

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

### **EXCEPTION FOR LAW ENFORCEMENT PERSONNEL**

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

### **REPORTING WORKPLACE VIOLENCE**

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

### **REPORTING PROCEDURE**

All reports of threats or acts of violence should be made in person or in writing and should be reported to a Department Head, the Human Resources Director, City Manager or Assistant City Manager. No employee acting in good faith, who reports real or potentially violent behavior will be subject to retaliation based upon their report.

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

#### **6.4 SMOKE-FREE WORKPLACE**

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

The City of Doral does not employ individuals who have used tobacco products within twelve (12) months of submitting an employment application. All applicants for employment must sign an affidavit certifying that they have not used tobacco or tobacco products for at least twelve (12) months immediately preceding the date of application. Furthermore, an employee is prohibited from using tobacco products during his or her employment with the City of Doral.

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

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

#### **6.5 DRUG AND ALCOHOL FREE WORKPLACE POLICY**

The City recognizes that substance abuse is a problem on the job for all of us, as well as a social problem. The City believes that the abuse of alcohol and use of illegal drugs endangers the health and safety of the abusers and all others around them. It also leads to decreased productivity, high turnover, and decreased morale. Therefore, the City has committed to creating and maintaining a drug-free workplace.

The City's Drug-Free Workplace Program and Policy is intended to comply with Florida Workers' Compensation Drug-Free Workplace Program laws, Florida Statutes section 440.101, et. seq., and its implementing drug testing rules.

#### **GENERAL POLICY STATEMENT**

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

Employees who are found to be under the influence of illegal drugs or alcohol, or who violate this Policy in other ways are subject to corrective action, up to and including termination from

employment. Because of the serious nature of those violations, each individual case will be thoroughly investigated to determine the appropriate course of action.

The City will test, at its own expense, all job applicants for illegal drug or alcohol use as outlined in this Policy. A positive drug test can lead to withdrawal of an offer of employment for job applicants. In addition, the City will test, at its own expense, *any* current employee for illegal drug or alcohol use if a reasonable suspicion exists that the employee is in violation of this Policy, post-accident or injury, pursuant to a fitness-for duty examination, and as a follow-up procedure to any drug or alcohol treatment program. The City may also conduct random drug testing, and testing required by federal law for employees who operate commercial motor vehicles. All drug testing will conform to the requirements of this Policy and to applicable state and federal law. Employees should review Florida Statutes Section 440.102, which discusses the requirements to comply with, and their rights under, Florida's Drug-Free Workplace statute.

### **DEFINITIONS**

- A. "Legal Drug," includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.
- B. "Illegal Drug" includes any drug (a) which is not legally obtainable; (b) which may be legally obtainable but has not been legally obtained; (c) which is being used in a manner or for a purpose other than as prescribed. NOTE: Nothing in this Policy precludes the appropriate use of legally prescribed and over-the-counter medication.
- C. "Safety-sensitive position" means a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to a security background check as provided in §110.1127, Florida Statutes; or a position in which a momentary lapse in attention could result in injury or death to another person.
- D. "Special-risk position" means a position that is required to be filled by a person who is certified under chapter 633 (Fire Prevention and Control) or chapter 943 (Law Enforcement) of the Florida Statutes.

### **PRE-EMPLOYMENT TESTING**

All offers of employment will be conditioned on the applicant's taking and passing a screening test for evidence of improper drug use and the presence of alcohol.

Applicants will be required to voluntarily submit to a test at a laboratory chosen by the City, and sign an agreement releasing the City from liability in connection with the test.

No applicant for employment who is currently alcohol and drug-free will be denied employment or otherwise discriminated against solely because of such individual's prior abuse of alcohol or drugs, prior treatment for alcohol or drug abuse, or status as a recovering alcoholic or drug addict. It is the current abuse of drugs or alcohol which prevents employees from properly performing their jobs that the City will not tolerate. Any applicant who tests positive or who



refuses to undergo testing will not be employed by the City and may not reapply for at least 180 days.

## **ACTIVE EMPLOYEE TESTING**

### **A. REASONABLE SUSPICION TESTING**

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

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

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

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

Nothing herein shall prevent the City from immediately terminating any employee selling or otherwise soliciting illegal drugs or providing or selling alcohol to any other person during working hours upon a report by the supervisors to the person in charge of terminating employees.

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

### **B. FITNESS FOR DUTY**

An employee may be required to submit to a drug test as part of routinely scheduled employee fitness-for-duty medical examination.

**C. POST ACCIDENT OR INJURY**

All employees are subject to drug and/or alcohol testing after a work-related vehicular accident, after an accident or injury involving a City-owned vehicle, and after an accident or injury which causes injury to the employee or to any other person or damage to any property. Employees who are off duty and are involved in a vehicular accident or injury involving a City owned vehicle shall immediately submit to drug and/or alcohol screening.

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

**D. RANDOM DRUG TESTING**

The City may conduct random drug testing of all employees occupying safety-sensitive and special-risk positions. A random drug test will not be announced in advance.

**E. FOLLOW-UP DRUG TESTING**

As a condition of continued employment, all employees who were referred to the Employee Assistance Program or who enrolled in a drug or alcohol abuse program shall take follow-up drug and/or alcohol tests on a random, periodic basis for at least two (2) years after the referral or enrollment. This testing is only applicable to those employees who report their abuse prior to being asked to take a test. The City reserves the right to waive follow-up testing in the event an employee voluntarily submits to an Employee Assistance Program or drug or alcohol abuse program.

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

**DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE DRIVERS**

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

**POSSESSION OR ILLEGAL DRUGS AND ALCOHOL ON PREMISES**

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

### **POSITIVE DRUG TEST RESULTS**

Any employee or job applicant who receives a positive confirmed drug test result may contest or explain the results to the Medical Review Officer (MRO) within five (5) working days after written notification of the positive test results. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the medical review officer shall report a positive test result back to the City and that the person may contest the drug test pursuant to Florida law.

### **LOSS OF WORKERS' COMPENSATION BENEFITS**

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

### **CONFIDENTIALITY STATEMENT**

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

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

### **USE OF PRESCRIPTION AND NON-PRESCRIPTION MEDICATIONS**

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

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

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

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

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

## **CONSEQUENCES OF REFUSING A DRUG TEST OR TREATMENT**

### **A. REFUSAL TO COOPERATE – JOB APPLICANTS**

Any person receiving a conditional offer of employment who refuses to submit to drug and alcohol testing, or who provides a false sample, or alters, adulterates, taints, tampers, or otherwise interferes with drug testing collection, samples, or analysis is immediately disqualified from employment by the City.

### **B. REFUSAL TO COOPERATE – EMPLOYEES**

Any employee who refuses to submit to drug and alcohol testing when required will be terminated from employment. Any employee who provides a false sample, or alters, adulterates, taints, tampers, or otherwise interferes with drug testing collection, samples, or analysis, will be immediately terminated from employment.

### **C. REFUSAL TO ACCEPT TREATMENT OR FAILURE TO REHABILITATE**

Any employee who rejects a treatment program offered through the Employee Assistance Program, or who leaves a treatment program prior to being properly discharged by the program will be immediately terminated from employment with the City. This sanction applies regardless of whether the City referred the employee to the treatment program or Employee Assistance Program or whether the employee voluntarily sought treatment.

### **D. LIMITATIONS ON REFERRAL TO EMPLOYEE ASSISTANCE PROGRAM**

The City wishes to make every effort to rehabilitate its employees who may be experiencing drug or alcohol problems. To this end, the City will not retaliate in any manner against an employee who is referred to an Employee Assistance Program or treatment program, or who voluntarily refers themselves to the Employee Assistance Program or submits to treatment in a drug or alcohol abuse program. Use of the Employee Assistance Program is the employee's full financial responsibility. Should an employee be referred to an Employee Assistance Program for drug or alcohol treatment or enroll in a drug or alcohol treatment program more than one time, that employee will be immediately dismissed from employment.

## **EMPLOYEE ASSISTANCE PROGRAMS AND LOCAL DRUG REHABILITATION PROGRAMS**

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

Miami-Dade County  
Switchboard of Miami  
(305) 358-4357

Monroe County  
Help Crisis Line  
(305) 296-4357

Broward County  
Crisis Information Line  
(954) 831-4000

Other available resources include:

1-800-356-9996	Al-Anon
1-800-527-5344	American Council of Alcoholism Helpline
1-800-NCA-CALL	National Council on Alcoholism
1-800-662-HELP	National Institute on Drug Abuse Hotline
1-800-967-5752	Substance Abuse Mental Health Services Administration

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

### **DUTY TO NOTIFY LABORATORY OF LEGAL ACTION CONCERNING TEST RESULTS**

It is each applicant's or employee's responsibility to notify the City and the Drug Testing laboratory of any administrative or civil action brought pursuant to the Florida Workers' Compensation Drug Free Workplace Program laws, Section 440.101, et.seq.

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

### **DRUG TESTING INFORMATION**

*The City may test for one or more of the following drugs:*

Alcohol (beer, wine, booze, liquor, etc.)  
Amphetamines (speed, eve, biphphetamine, desoxyn dexedrine, etc.)  
Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, reefer, roach, spleaf, grass, weed, etc.)  
Cocaine (coke, blow, snow, flake, crack, etc.)  
Phencyclidine (PCP, angel dust, hog, etc.)  
Hallucinogens (LSD, acid, mushrooms, shrooms, etc.)  
Methaqualone (quaaludes, ludes, etc.)  
Opiates (heroin, codeine, morphine, opium, Dover's powder, paregoric, parepectolin, etc.)  
Barbiturates (phenobarbital, butabarbital, secobarbital, tuinal, amytal, etc.)  
Benzodiazepine (librium, valium, ativan, azene, clonopin, dalmone, diozepam, halcion, poxipam, restoril, serax, transene, vertron, xanax, etc.)  
Synthetic narcotics, including Methadone (dolophine, methadose, etc.)  
Propoxyphene (designer drugs [ecstasy], etc.);  
Hallucinogens (LSD, acid, mushrooms, etc.); and  
The metabolite of any of the substances listed in this paragraph.

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

## **REHABILITATION PROCEDURES FOR SAFETY-SENSITIVE AND SPECIAL-RISK POSITIONS**

An employee in a safety-sensitive position who enters a voluntary substance abuse rehabilitation program shall be assigned to a position other than a safety-sensitive position, or if such a position is not available, shall be placed on leave while the employee is participating in the program. The employee shall be required to use any accumulated leave credits, such as compensatory time, paid time off (PTO), vacation and sick leave, before being placed on leave without pay.

An employee in a special-risk position shall be discharged for the first positive confirmed test result if the drug confirmed is an illicit drug under Section 893.03, Florida Statutes. A special-risk employee who is participating in a substance abuse program shall not be allowed to continue to work in a safety-sensitive or special-risk position, but (if available) may be assigned to a position other than a safety-sensitive position or placed on leave while the employee is participating in the program. The employee shall be required to use any accumulated leave credits, such as compensatory time, PTO, vacation and sick leave before being placed on leave without pay.

## **REPORT OF DRUG CONVICTIONS**

Employees shall notify the Human Resources Director of any drug or alcohol related criminal charges no later than five days after such charge has been filed. Arrest for a drug or alcohol offense shall be considered Reasonable Suspicion allowing the City to test the arrested employee for the presence of alcohol or illegal drugs.

Employees in positions which require driving a City of Doral vehicle or personal vehicle on Doral business shall notify the Human Resources Director of any alcohol or drug related arrest (e.g., including but not limited to Driving While Under the Influence) on the next workday.

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

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

## **EMPLOYEE RESPONSIBILITIES**

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

## **RIGHTS UNDER COLLECTIVE BARGAINING AGREEMENTS**

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

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

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

Alcohol: All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

Amphetamines: Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex

Cannabinoids: Marinol (Dronabinol, THC)

Cocaine: Cocaine HCl topical solution (Roxanne)

Phencyclidine: Not legal by prescription

Methaqualone: Not legal by prescription

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

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

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

Methadone: Dolophine, Methadose

Propoxyphene: Darvocet, Darvon N, Dolene, etc.

### **Brand Name**

Anusol Suppos  
Anusol Suppos HC  
Aristocort Cr. Oint./Kenalog  
Atarax  
Bactrim/Septra  
Benadryl  
Betadine Oint./Efodine  
Betalin-S  
Cardizem  
Calan/Isoptin  
Colace  
Compazine  
Decadron/Hexadrol  
Demerol  
Diabeta/Micronase

### **Generic Name**

Hemorrhoidal Inserts  
Hemorrhoidal Inserts HC  
Triamcinolone  
Hydroxyzine HCL  
Trimethoprim, Sulfamethoxazole  
Diphenhydramine  
Povidone Iodine Oint.  
Thiamine  
Diltiazem  
Verapamil  
Docusate Sodium  
Prochlorperazine  
Dexamethasone  
Meperidine  
Glyburide

Dramamine	Dimenhydrinate
Dulcolax	Bisacodyl
Ecotrinq	Enteric Coated Aspirin
Elavil/Endep	Amitriptyline
Erythrocin	Erythromycin Stearate
Esidrix/Hydrodiuril	Hydrochlorothiazide
Isoptin/Calan	Verapamil
Isordil	Isosorbide Dinitrate
Kayexalate	Polystyrens Sulfonate Sodium
Kenalog cr/oint./Aristocort	Triamcinolone
K-lor	Potassium Chloride 20meg Powder
Larotid	Amoxicillin
Lasix	Furosemide
Lomotil	Diphenoxylate, Atropine
Micronase/Diabeta	Glyburide
Motrin/Rufen	Ibuprofen
M.S.	Morphine Sulfate
Mycolog/Mytrex	Nystatin, Neomycin, Gramicidin, Triamcinolone
Mycostatin/Nilstat	Nystatin
Nilstat/Mycostatin	Nystatin
Nipride	Nitroprusside
Noctec	Chloral Hydrate
Normodyne-Trandate	Labetalol Hydrochloride
Norpramine/Pertrofane	Desipramine
Parafon Forte	Chlorzoxazone, Acetaminophen
Pen VK/V-Cillin K	Penicillin VK
Peri-Colace	Docusate Sodium, Casanthranol
Persantine	Dipyridamole
Pertrofana/Norpramine	Desipramine
Phenergan	Promethazine
Pitocin	Oxytocin
Polycillin	Ampicillin
Procardia	Nifedipine
Pronestyl	Procainamide
Prostaphlin	Oxacillin
Proventil/Vantolin	Albuterol
Pyridium	Phenazopyridine
Robaxin	Methocarbamol
Robinul	Glycopyrrolate
Rufin/Motrin	Ibuprofen
Septra/Bactrim	Trimethoprim/Sulfamethoxazole
Solu-Medrol	Methylprednisolone
Soma	Carisoprodol
Sumycin	Tetracycline
Surfak	Docusate Calcium 240 mg.
Tambocor	Flecainide
Therogran	Therapeutic Multivitamin
Theragran-M	Therapeutic Multivitamin with Minerals
Theragran Hematinic	Therapeutic Hematinic Vitamin
Thorazine	Chlorpromazine
Tonocard	Tocainida Hydrochloride
Urscholina/Duvold	Bethanechol
Valium	Diazepam
Vibramycin	Doxycycline
Vistarll Injection	Hydroxyzine HCl
Vistarll Capsules	Hydroxyzine Pamoate



## **6.6 EMPLOYEE REPORTING PROCEDURES DURING DISASTER OPERATIONS**

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

City employees are required to report for duty during disaster operations as directed by their Department Head. The Department Head will assign duties to the employees as outlined in the Hurricane Preparedness and Recovery Plan. All employees called to duty shall be given a specific reporting time, allowing for reasonable time to make arrangements for the safety of family and personal property. Employees may also be recalled to duty based upon the type and severity of the emergency. Failure to report for duty without prior leave approval from the Department Head shall result in termination of employment. After reporting to work, employees are prohibited from leaving their assigned post unless approved by the Department Head.

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

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

## **6.7 CHILDREN IN THE WORKPLACE**

The City supports "Take your Child to Work Day" one day a year during the spring. Beyond that day, children shall not be brought to the workplace by employees.

## **SECTION 7: LEAVES OF ABSENCE**

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### **7.1 FAMILY AND MEDICAL LEAVE OF ABSENCE**

#### **I INTRODUCTION**

This policy is being adopted to comply with the federal Family and Medical Leave Act as amended (FMLA). The policy governs leave qualifying under FMLA and the City of Doral's ("City") other leave policies, such as sick leave, vacation leave, and personal time off (PTO). If you are taking leave other than FMLA leave, please review the City's specific policy on that type of leave.

The City provides FMLA leave to eligible employees as specified below. To the extent permitted by law, FMLA and any family/medical leave provided under state or local law will run concurrently. Any questions not covered by this policy or the City's other leave policies should be directed to the Human Resources Department.

#### **II DEFINITIONS**

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

A. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient Care: An overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care. "Incapacity," for purposes of the FMLA means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from.

2. Absence Plus Treatment: A period of incapacity of more than three consecutive, full calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves: a) Treatment two (2) or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or b) Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider. For purposes of the FMLA, "treatment by a health care provider" means an in-person visit to a health care provider, and the initial (or only) treatment visit must take place within seven (7) days of the first day of incapacity.

3. Pregnancy: Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments: A chronic condition which: a) Requires periodic visits at least twice a year for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; b) Continues over an

extended period of time (including recurring episodes of a single underlying condition); and c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's disease, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for: a) restorative surgery after an accident or other injury; or b) a condition that would likely result in a period of incapacity of more than three (3) consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

B. “Son or Daughter” means a biological, adoptive, foster or stepchild, a legal ward, or a child of a person standing in loco parentis by providing day-to-day care and financial support, where the child is under age 18, or age 18 or older and incapable of self-care because of a physical or mental disability. For military family leave, a son or daughter may be of any age.

C. “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter (as defined above). This term does not include the employee’s parents “in law.”

D. “Intermittent Leave” is leave taken in separate blocks of time due to a single qualifying reason rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. A “reduced leave” schedule is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday.

E. “Qualifying Exigency” includes leave for one or more of the following arising out of the fact that the spouse, son, daughter, or parent of the employee is a servicemember on covered active duty (or has been notified of an impending call or order to covered active duty):

1. Short-notice deployment (up to seven (7) calendar days).
2. Attending certain military events and related activities, such as official ceremonies or programs related to the servicemember’s active duty status or to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are relative to the servicemember’s active duty status;
3. Certain childcare and related school activities such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, or attending certain meetings at a school

or a daycare facility if they are necessary due to circumstances arising from the active duty or call to active duty or the covered family member;

4. Making or updating financial and legal arrangements to address a covered military member's absence while on active duty or call to active duty status or to act as the covered military member's representative before a federal, state or local agency for the purposes of obtaining or arranging or appealing military service benefits while the covered military member is on active duty or a call to active duty status;

5. Attending counseling provided by someone other than a health care provider for oneself, for the covered military member, or for the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.

6. Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during the period of deployment.

7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member.

8. Any other event that the City and the employee agree is a qualifying exigency.

F. "Covered Active Duty" means - (i) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (ii) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

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

### **III WHO IS ELIGIBLE FOR FMLA LEAVE?**

An employee is eligible for FMLA leave if he or she has worked for the City of Doral for at least twelve (12) months and for at least 1,250 hours of service during the twelve-month period immediately preceding the commencement of the leave.

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

1. The birth of a son or daughter, and to care for the employee's newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for an employee's immediate family member (i.e., the spouse, child, parent of the employee), if such person has a serious health condition;
4. When a serious health condition makes the employee unable to perform the functions of his or her job; and
5. Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a servicemember on covered active duty (or has been notified of an impending call or order to covered active duty).

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

#### **IV RESTRICTIONS ON FMLA LEAVE**

A. Birth of a Child: An employee cannot take leave for the birth, adoption, or foster care of a child if 12 months have passed since the birth, adoption, or placement of the child.

B. Spouses Working for the City of Doral: A husband and wife who both work for the City of Doral and who are both eligible for FMLA leave may be: (i) limited to a combined total of 12 workweeks of leave during any 12-month period if the leave is taken for the birth, adoption or foster care placement of a son or daughter, or to care for the employee's parent with a serious health condition, or (ii) limited to a combined total of 26 workweeks of leave during any single 12-month period for leave taken to care for a covered servicemember with a serious illness or injury and any other FMLA qualifying reason. This limitation applies even if the husband and wife are employed at different City of Doral worksites. NOTE: A husband and wife may each take 12 weeks of FMLA leave if they are needed to care for their newborn, adopted or foster child who has a serious health condition, provided that the husband and wife have not previously exhausted their FMLA entitlements during the applicable 12-month FMLA leave period.

C. Computation of the 12-week Period: An eligible employee is entitled to 12 workweeks of FMLA leave in a rolling 12-month period for the FMLA circumstances listed above (III. A. 1 through 5), measured backward from the date an employee uses any leave under this policy. Each time an employee takes FMLA leave, the remaining FMLA leave entitlement would be any balance of the 12 workweeks which has not been used during the immediately preceding 12 months. For example, if you take eight (8) weeks of FMLA qualifying leave during a rolling 12-month period, an additional four (4) weeks of FMLA leave could be taken during the same 12-month period.

D. Computation of the 26-week FMLA period: An eligible employee who takes leave to care for a covered servicemember (section III. B.) is entitled to 26 workweeks of leave in a single 12-month period. This single 12-month period is measured forward from the date of the employee's first use of FMLA leave to care for a covered servicemember and ends 12 months after that date. This leave is applied on a per covered servicemember, per injury basis, except that no more than 26 workweeks of leave may be taken within any single 12-month period. During the single 12 month period, the employee is entitled to a combined total of 26 workweeks of leave for the employee's leave to care for a covered servicemember and leave for any other FMLA qualifying reason, as listed above. Leave for any other FMLA qualifying reason is limited to 12 workweeks, even if the employee takes less than 14 workweeks of leave to care for the covered servicemember.

## **V PROCEDURE FOR REQUESTING FMLA LEAVE (REQUIRED EMPLOYEE NOTICE)**

A. Foreseeable Leave: An employee must provide the City's Human Resources Director at least 30 days' advance written notice before FMLA leave or other leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. Employees shall submit their request for FMLA leave in writing to the Human Resources Director on the appropriate form which may be obtained from the Human Resources Department. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. When planning medical treatment, the employee must consult with the City and make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations, subject to the approval of the health care provider. If the employee fails to give timely notice for a foreseeable leave or fails to comply with the City's notice and procedural requirements as required by this Section, and no unusual circumstances justify the failure to comply, the City may delay FMLA leave until 30 days after the date the employee provides notice. Additionally, an employee must respond to any inquiry by the City as to the reasons for providing less than 30 days notice. The employee must also advise the City as soon as practicable (e.g., on the same day or the next business day) if the dates of a scheduled leave change are extended, or were initially unknown.

B. Unforeseeable Leave: When an employee's request for FMLA leave is not foreseeable, or is due to a qualifying exigency (regardless of how far in advance such leave is foreseeable), the employee must provide notice (verbal or written) to his or her immediate supervisor or the Human Resources Director as soon as is practicable under the facts and circumstances of the particular case. If an employee fails to provide notice (verbal or written) to his or her immediate supervisor or the Human Resources Director, and no unusual circumstances justify the failure to comply, the FMLA-protected leave may be delayed or denied depending on the facts of the particular case.

C. Employee Responsibilities: When an employee provides notice of the need for leave, the employee must explain the reasons for the needed leave so as to provide sufficient information for the City to determine whether the leave qualifies as FMLA leave. If the employee fails to

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

## **VI NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES**

When an employee requests FMLA leave, or when the City acquires knowledge that an employee’s leave may be for an FMLA-qualifying reason, the City will notify the employee of his or her eligibility to take FMLA leave. The eligibility notice will state whether the employee is eligible for FMLA leave and will identify the specific expectations and obligations of the employee and explain the consequences of a failure to meet these obligations. An employee has an obligation to respond to the City’s questions designed to determine whether an absence is potentially FMLA-qualifying. The failure to respond to reasonable inquiries regarding the leave request may result in the denial of FMLA protection if the City is unable to determine whether the leave is FMLA-qualifying.

## **VII CERTIFICATION REQUIREMENTS**

A. Certification of Health Care Provider for a Serious Health Condition: When requesting leave based on a serious health condition of an employee or covered family member, the employee must give the City a certification of a health care provider that includes all information required by the FMLA and in the format of the certification form provided by the City. The employee can obtain the required certification form from the Human Resources Department. The certification must be completed by the employee’s or covered family member’s health care provider. The completed certification form must be provided to the Human Resources Department within 15 calendar days, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

B. Annual Medical Certification: If the employee’s need for leave due to the employee’s own serious health condition, or the serious health condition of the employee’s covered family member, lasts beyond a single year, the City requires that the employee provide a new medical certification in each subsequent leave year.

C. Consequences if an Employee Fails to Obtain the Required Certificate: If the certificate is incomplete, the employee will have a reasonable opportunity to provide the missing information. If the leave is foreseeable and the employee fails to provide the certificate within the required time, the employee will be denied leave until the required certificate is provided. If the leave is unforeseeable, the employee must provide the certificate as soon as is practicable after the leave starts. If an employee never produces the requested medical certification, the leave is not a FMLA-qualifying leave and will be governed by the City’s other leave policies.

D. Consequences of an Incomplete or Insufficient Certification: If the City determines that the certification of the health care provider is incomplete or insufficient, the City will advise the

employee (in writing) of any deficiencies in the certification and the additional information that the employee must provide to make the certification complete and sufficient. The employee will have seven (7) calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any deficiencies in the certification. If the employee does not cure the deficiencies specified by the City in the resubmitted certification, the City may deny the taking of leave. A certification that is not returned to the City is not considered incomplete or insufficient, but constitutes a failure to provide certification.

The City may directly contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial or recertification), after the employee has been given the opportunity to cure any deficiencies. This contact will be made using a health care professional, a human resources professional, or a management official. The City will not use the employee's direct supervisor for this contact. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information. If the employee does not provide the City with authorization to clarify the certification directly with the health care provider, and does not otherwise clarify the certification, the City may deny the taking of FMLA leave.

If FMLA leave is denied for failure to provide a complete and sufficient certification, the employee's absences will be governed by the City's other leave policies, if applicable. If the absences do not qualify as leave under the City's other leave policies, the absences ordinarily will be treated as unexcused absences and may result in disciplinary action up to and including termination of employment.

E. Authorization or Release: As an alternative to submitting a certification of health care provider form, the employee may choose to comply with the certification requirement by providing an executed authorization, release or waiver allowing the City to communicate directly with the health care provider of the employee or his or her covered family member.

F. Additional Medical Opinions: If the City has reason to doubt the validity of a medical certification, it may require the employee to obtain a second opinion from a health care provider designated or approved by the City. If this second opinion differs from that provided by the employee's physician, the City may require the opinion of a third health care provider, designated or approved jointly by the City and the employee. The third opinion shall be final and binding. The City will pay for any second or third opinion it requires.

Pending the receipt of the additional opinion, the employee will be considered as provisionally entitled to FMLA. If the additional opinion does not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the City's established leave policies. The City will provide the employee with a copy of the additional opinion, if requested. If the City requires an additional opinion, it will reimburse the employee or family member for any reasonable "out of pocket" travel expenses incurred to obtain the opinion.

G. Recertification Requirements: The City may request recertification for leave taken because of an employee's own serious health condition, the serious health condition of a covered family member, or any other type of leave used for medical or health reasons, in accordance with



the applicable FMLA requirements. The employee has the same obligation to participate in the recertification process as in the initial certification process.

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

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

## **VIII DESIGNATION OF FMLA LEAVE**

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

## **IX INTERMITTENT OR REDUCED SCHEDULE LEAVE**

An employee may not take FMLA leave on an intermittent or reduced schedule basis for the birth or adoption of a healthy child without the prior written approval of the City. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An employee may take FMLA leave on an intermittent or a reduced schedule if medically necessary (and such medical need can best be accommodated through an intermittent or reduced leave schedule) because of the employee's or family member's serious health condition, or to care for a covered servicemember with a serious injury or illness. Leave due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule basis. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, including during a period of recovery from the employee's own serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury or illness of a covered servicemember, the City reserves the right to transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of FMLA leave. The alternative position will have equivalent pay and benefits as the previous position, but need not have equivalent duties.

## **X REPORTING TO THE CITY WHILE ON LEAVE**

When the employee takes FMLA leave on an intermittent or reduced leave schedule basis, the City will account for the leave in ¼ hour (15-minute) increments. The employee's FMLA entitlement is reduced by the amount of leave taken during the applicable period. The employee is responsible for tracking his or her individual intermittent leave time taken. Failure to accurately record intermittent leave time, or recording non-FMLA absences as intermittent FMLA leave, may result in disciplinary action, up to and including termination from employment.

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

## **XI WHAT RELATIONSHIP DOES FMLA HAVE TO PAID LEAVE?**

The City requires that the employee substitute (run concurrently) any unused, accrued paid leave (sick leave, vacation leave or paid time off (PTO)) for FMLA leave. After the employee exhausts his or her paid leave, the remainder of the employee's FMLA leave will be unpaid with the exception of any payments for workers' compensation injuries or short-term disability benefits. Once the City knows that the leave to be taken is for FMLA purposes, the City will give the employee timely notice as required by the FMLA, which will indicate that the paid leave will count toward the employee's FMLA leave.

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

B. Short Term Disability: If the employee is eligible for and is using the City's short-term disability plan for a serious health condition, the City requires that the time off taken under the disability plan be counted against the employee's FMLA leave entitlement. Under those circumstances, neither the City nor the employee may require substitution of any unused, accrued paid leave. However, the City and the employee may agree to have unused, accrued paid leave supplement the employee's short-term disability benefits where the plan only provides replacement income for a portion of an employee's regular pay or salary. The employee is not required to use any unused, accrued paid leave while receiving benefits under the City's short-term disability plan, and the employee is not required to apply for short-term disability benefits to take FMLA leave. The employee must comply with the requirements of the City's short-term disability plan unless the employee elects to use unpaid FMLA leave or to substitute unused, accrued paid leave.

## **XII ACCRUAL OF BENEFITS WHILE ON FMLA LEAVE**

The employee will not accrue any seniority or employment benefits while on unpaid FMLA leave. Accrual of any seniority or benefits will resume upon return to active employment. The taking of FMLA leave will not result in the loss of any employment benefits that the employee accrued prior to the date on which FMLA leave started except to the extent such benefits are used.

## **XIII BENEFITS WHILE ON FMLA LEAVE**

The City will continue to maintain the employee's coverage under any group health plan while the employee is on FMLA leave on the same conditions as coverage would have been provided if the employee had been actively working. The employee must pay his or her portion of the premium while on FMLA leave.

If FMLA leave is foreseeable, the employee may pre-pay the required premium by withholding this additional amount from his or her paycheck prior to the start of FMLA leave. Otherwise, the employee must pay the premium on the first day of the month during FMLA leave. If FMLA leave is taken with paid leave such as sick time or PTO, the premiums will be deducted from the employee's paycheck during FMLA leave as a regular payroll deduction. An employee who fails to pay the required premium risks losing health insurance coverage.

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

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

Other insurance benefits provided by the City to an employee and optional insurance benefits elected by an employee will continue during FMLA leave, subject to the payment of any required premiums by the employee and the terms of the insurance policies.

#### **XIV ISSUES INVOLVING AN EMPLOYEE RETURNING FROM FMLA LEAVE**

A. Fitness-for-Duty Certification: To return to work from a FMLA leave for the serious health condition of the employee, the employee must provide the City with a fitness for duty certificate completed by the employee's health care provider. The fitness for duty certificate is available at the City's Human Resources office. The employee must pay any costs associated with the completion of the fitness for duty certification (including the costs of the applicable health care provider) and the employee is not entitled to be paid for the time or travel costs spent to obtain the certification. If employee fails to provide such a fitness for duty certification before the FMLA leave ends, the City may delay the employee's restoration to employment until the completed fitness for duty certificate is provided.

B. Failure to Return to Work from Designated FMLA Leave: The failure to return to active employment on the day following the FMLA leave end date will be regarded as abandonment of the employee's job.

#### **XV WHAT RIGHTS DOES AN EMPLOYEE HAVE WHEN HE OR SHE RETURNS TO WORK FROM FMLA LEAVE?**

When the employee returns from FMLA leave, he or she will be restored to the position held when FMLA leave started, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The City will not guarantee reinstatement of a position to an employee on any other type of leave, unless required by law. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if he or she had been continuously employed during FMLA leave.

A. Key Employee Exception: Salaried eligible employees (who are among the highest paid 10 percent of the employees employed by the City within 75 miles of the facility at which the employees are employed) will not be guaranteed restoration to the position held at the start of the FMLA leave or to an equivalent position on the return to work from FMLA leave if restoration would create a substantial and grievous economic injury to the City's operations and if the City notifies the employee in accordance with the FMLA.

#### **XVI TRANSFER ELIGIBILITY**

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

#### **XVII OUTSIDE EMPLOYMENT DURING FMLA LEAVE**

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

## **XVIII ADMINISTRATION OF THIS POLICY**

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between the policy and the applicable law, employees will be afforded all rights required by law. The City will also administer this policy in a uniform, non-discriminatory fashion in accordance with all applicable laws, including but not limited to, the Americans With Disabilities Act.

## **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**



**For additional information:**  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

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## **7.2 GRANDPARENT LEAVE**

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

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

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

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

## **7.3 DISABILITY LEAVE AND WORKERS’ COMPENSATION SUPPLEMENTAL PAY**

An employee is required to immediately report all work-related accidents, injuries and illnesses to his or her supervisor. In the event of a serious or life-threatening work-related injury, accident or illness, immediate action must be taken and the supervisor must ensure that the employee proceeds, or is transported, to a hospital or designated health care provider for medical treatment. The supervisor is responsible for forwarding notice of the injury, accident or illness to the Department Head and Human Resources.

A full-time employee who is absent from work for three (3) or more days due to a work-related injury, accident or illness will be placed on a disability leave of absence. If the full-time employee’s injury or illness qualifies as a serious health condition under Family and Medical Leave Act (FMLA), the City requires that the time off for the workers’ compensation injury be counted against the employee’s FMLA leave entitlement, if any. The employee may use accrued paid leave (sick leave, vacation or paid time off (PTO)) during his or her FMLA leave for the work-related injury or illness as provided in the City’s FMLA policy. (*See* Policy No. 7.1 Family and Medical Leave of Absence at §XI (A))

If a full-time employee’s absence for a work-related injury or illness exceeds twelve (12) weeks and the employee is awarded a salary compensation benefit under the Florida Workers’ Compensation Law, the employee may be eligible for supplemental pay from the City. In this circumstance, the City will pay the full-time employee the difference between the Workers’ Compensation salary compensation benefit amount and the employee’s regular rate of pay. The supplemental pay shall be paid for absences that occur between thirteen (13) and twenty-four (24) weeks from the date of the employee’s injury or illness. An employee may not use any accrued paid leave (sick leave, vacation leave or PTO) during the time that he or she receives supplemental pay from the City under this policy.

After twenty-four (24) weeks of absence for a work-related injury or illness, a full-time employee may use his or her unused, accrued paid leave (sick leave, vacation leave or PTO) to supplement their Workers' Compensation salary compensation benefit amount up to the amount of the employee's regular pay or salary. If an employee exhausts his or her paid leave, the remainder of the employee's leave will be unpaid, with the exception of any Workers' Compensation salary benefits from the State of Florida.

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

If an employee fails to immediately report a work-related injury, accident or illness, the employee may be excluded from any supplemental compensation benefit from the City and the employee may be subject to corrective action for failure to comply with the Employee Manual.

Any injuries due to the employee's own misconduct or willful negligence will not be considered for supplemental Workers' Compensation pay and the employee may be subject to corrective action for failure to comply with the Employee Manual and other departmental policies.

#### **7.4 MILITARY LEAVE**

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

#### **FLORIDA NATIONAL GUARD SERVICE LEAVE**

An employee who is a member of the Florida National Guard shall, upon presentation of a copy of the employee's official orders issued pursuant to Chapter 250, Florida Statutes, to the Human Resources Department, be granted leave during periods in which the employee is ordered to active state service by the Governor of Florida. The first thirty (30) calendar days of leave for each period of active state service shall be with pay. Employees may elect to be paid their accrued vacation and sick time or paid time off (PTO) for any active state service time in excess of 30 calendar days.

#### **MILITARY RESERVE AND NATIONAL GUARD TRAINING LEAVE**

An employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or a member of the Florida National Guard shall, upon presentation of a copy of the employee's official orders to the Human Resources Department, be



granted leave with pay for a maximum of seventeen (17) working days per calendar year (January-December) during which the employee is ordered to active or inactive duty training. Employees may elect to be paid their accrued vacation and sick time or PTO for any training time in excess of 17 working days.

### **ACTIVE MILITARY SERVICE LEAVE**

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

## **7.5 JURY DUTY AND WITNESS LEAVE**

### **JURY DUTY**

A full-time employee who is summoned to Jury Duty by a court of competent jurisdiction shall be granted time off with pay provided the employee provides a copy of the summons to his or her supervisor at least five (5) work days prior to commencement of service as a juror. Any employee who is released from Jury Duty and has a half a day or more of regularly scheduled work time remaining, shall report to work as soon as possible. Proof of time served on Jury Duty shall be required. According to Florida Statute section 40.24, each juror who serves more than three (3) days is entitled to be paid by the State for the fourth day of service and each day thereafter at the rate of thirty dollars (\$30) per day of service. The City shall withhold from the employee's usual wages or salary an amount equal to the statutory fees to which the employee is entitled for serving as a juror as permitted in the Miami-Dade County Code, section 11-32.

### **WITNESS IN A LEGAL ACTION**

If an employee is required to act as a witness or is deposed in a legal action at the request of the City or where the employee has been subpoenaed to testify on behalf of the City or concerning City business, the employee will receive the necessary time off with full pay. An employee is required to notify his or her Department Head as soon as practicable after receiving a subpoena or other notice to attend any judicial proceeding involving the City.

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

## **7.6 BEREAVEMENT LEAVE**

Upon approval of the Department Head, a full-time employee may, upon request, be granted up to four (4) working days of leave with pay in the unfortunate event of a death in his or her immediate family. The employee's immediate family shall be defined as the employee's spouse, father, mother, step-parents, natural, step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents, brother-in-law and sister-in-law, and grandparents-in-law.

The four days of bereavement leave must be taken consecutively and the employee must attend the funeral of the deceased family member to be eligible for bereavement leave. If an employee needs time in excess of four days, he or she may request accrued vacation time or PTO with the approval of the City Manager. The City reserves the right to request all pertinent information including deceased relative's name, relationship of the employee to the deceased, the name and address of the funeral home, and the date of the funeral.

## **7.7 VOTING**

Employees are encouraged to exercise their right to vote outside of their scheduled working hours.

## **7.8 DOMESTIC AND SEXUAL VIOLENCE LEAVE OF ABSENCE**

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

### **ELIGIBILITY**

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

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

### **REASONS FOR LEAVE**

#### **A. DOMESTIC VIOLENCE LEAVE**

Eligible employees who are victims of domestic violence are entitled to a total of thirty (30) work days of unpaid domestic violence leave during any twelve (12) month period for one or more of the following:

1. To obtain or receive medical and/or dental assistance for a medical and/or dental problem resulting from domestic or repeat violence, including obtaining such services for the employee's family or household member;

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<sup>1</sup> An employee who has worked for the City for at least 3 months, but has not met the hours of service requirement under the Miami-Dade County Ordinance (i.e., 308 hours during the previous 90 days), is only eligible for 3 days of domestic violence leave under Florida law.

2. To obtain and receive legal assistance relating to domestic or repeat violence, including but not limited to criminal prosecution, injunction for protection, protective order, divorce, custody of children, and child support;
3. To attend court appearances relating to domestic or repeat violence, including but not limited to criminal prosecution, injunction for protection, protective order, divorce, custody of children, and child support;
4. To attend counseling or support services, including counseling or support services for dependent children;
5. To make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
6. To make any other arrangements necessary to provide for the safety and well-being of an employee subject to domestic or repeat violence.

## **B. SEXUAL VIOLENCE LEAVE**

Eligible employees who are victims of sexual violence are entitled to a total of 3 days of sexual violence leave for the purposes outlined in paragraphs A.1-6 above.

### **REQUEST FOR LEAVE**

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

Prior to requesting domestic violence leave, an employee must use all of his or her accrued vacation or PTO. Prior to requesting sexual violence leave, an employee must use all of his or her accrued vacation and sick time or PTO. Based on the employee's individual circumstances, the City Manager may approve a domestic violence or sexual violence leave before the employee has used all of his or her accrued leave time.

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

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

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

## **CERTIFICATION AND CONFIDENTIALITY**

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

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

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

## **EMPLOYMENT AND BENEFITS PROTECTION**

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

Upon his or her return to work from a domestic or sexual violence leave, the employee shall be entitled to: restoration to the position of employment held by the employee when leave commenced; or restoration to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. However, an employee taking domestic violence leave for three (3) days or less will be restored to the same position held by the employee at the time leave commenced.

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

## **PROHIBITION AGAINST RETALIATION**

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

## **DEFINITIONS**

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

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

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

## **7.9 LEAVE OF ABSENCE WITHOUT PAY**

The City provides an opportunity for eligible employees to request a leave of absence without pay (“LWOP”) for personal reasons.

### **ELIGIBILITY**

To be eligible for a leave of absence without pay, an employee must be employed by the City on a full-time basis for one (1) year and must be in good standing at the time of the leave. The City defines “good standing” as an employee who has not received any corrective action or other formal discipline, a performance improvement plan or unsatisfactory performance evaluation within the previous 12 month period.

Part-time, temporary, and seasonal employees do not qualify for a leave of absence without pay. Provisional and substitute employees do not qualify for a leave of absence without pay, unless they are already existing full-time City employees.

### **POLICY**

Eligible employees may request a leave of absence without pay for reasons not covered by the City’s other leave policies. Examples of reasons for a leave of absence without pay may include, but are not limited to, the following:

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

Approval of a leave of absence without pay is at the sole discretion of the City. In deciding whether to approve an unpaid leave of absence, the City will consider the employee’s request

(including the reason and length of the leave) and the staffing and operational needs of the City for the period of the requested leave.

### **PROCEDURE**

An employee must provide the City with at least 30 days advance **written** notice of his or her need for a leave of absence without pay if the request for leave is based on foreseeable circumstances. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be necessary, or because the need for leave was unforeseeable, the employee must provide notice (verbal or written) as soon as practicable and in accordance with his or her department's procedures for an unforeseeable absence.

The employee's request for a leave of absence without pay should be submitted to his or her Department Head and the Human Resources Department. The employee should include any documentation supporting his or her leave request.

### **COMPENSATION DURING LEAVE**

Leave under this policy is unpaid. Prior to requesting a leave of absence without pay, an employee must first use all of his or her accrued vacation, sick, holiday and/or PTO time.

### **OUTSIDE EMPLOYMENT DURING LEAVE**

An employee on a leave of absence without pay may not work at another job during the duration of the leave if such outside employment is inconsistent with the leave of absence offered by the City. An employee on leave must notify his or her Department Head and the Human Resources Department if he or she is employed in another position with an outside employer. Failure to disclose this information may lead to revocation of the employee's leave from the City and corrective action.

### **RETURN FROM LEAVE**

When the employee returns from a leave of absence without pay within the time approved by the City, the City will restore the employee to the position held when the leave started, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The City will not guarantee reinstatement to an employee on a leave of absence without pay that exceeds the amount of leave time initially approved by the City.

Failure to return to active employment on the day following the approved leave end date will be regarded as voluntary abandonment of the employee's job.

## **SECTION 8: BENEFITS FOR ALL FULL-TIME EMPLOYEES**

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### **8.1 EMPLOYEE INSURANCE BENEFITS**

The City provides group insurance coverage for all full-time employees and their dependents. The group insurance plan consists of group health coverage, dental, short-term and long-term disability, life and accidental death and dismemberment insurance coverage. Insurance benefit information and the applicable employee premiums may be obtained through the Human Resources Department.

### **8.2 LEAVE SHARING PLAN**

The City of Doral has established a Leave Sharing Plan (“LSP”) to provide full-time employees an opportunity to voluntarily donate their accrued sick leave or paid time off (PTO) to the LSP for use by employees who are suffering financial hardship due to a catastrophic illness or injury.

#### **DEFINITIONS**

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

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

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

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

#### **ELIGIBILITY**

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

- The employee has been employed for at least one (1) continuous year;
- The employee or the employee’s immediate family member has a catastrophic illness or injury; and
- The employee has used, or is expected to use, all of his or her accrued sick and vacation leave or PTO and, in the absence of using donated leave, the employee would have at least one full workweek of unpaid absences.

#### **GENERAL INFORMATION**

An Employee-Donor may donate up to 80 hours of his or her accrued sick leave or PTO per year to the City’s LSP bank, provided that the Employee-Donor maintains a balance of at least 80

hours of sick leave or PTO for his or her personal use. An Employee-Donor is not permitted to donate sick leave or PTO to the account of a specific Employee-Recipient. The donated leave will be transferred to an Employee-Recipient in accordance with this policy.

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

### **PROCEDURE**

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

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

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

### **SELECTION COMMITTEE**

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

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

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

## **8.3 SERVICE RECOGNITION**

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

The City may award a "Five Year Performance Bonus" to employees after every five (5) years of continuous employment with the City. The amount of the bonus pool will vary from year to year and, at the discretion of the City, there may be no bonus pool for a particular year. If the City Council does not approve funds for the "Five Year Performance Bonus" program as part of the City's annual budget, employees will not receive a bonus for that year.



All employees are considered for the bonus after every five (5) year of continuous employment with the City. Employees are eligible for the bonus if they have an overall performance rating of “Exceptional,” “Fully Successful” or “Minimally Successful” on each of their annual performance evaluations during the five (5) year period and if they are in good standing. The City defines “good standing” as an employee who has not received any corrective action or other formal discipline or a performance improvement plan within the previous 12 months.

NOTE: The City modified its performance rating system on October 1, 2011. For employees employed prior to that date, the performance ratings of “Above Average” and “Satisfactory” equate to ratings of “Fully Successful” and “Minimally Successful.”

#### **8.4 EDUCATION REIMBURSEMENT PROGRAM**

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

##### **EMPLOYEE ELIGIBILITY**

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

##### **UNDERGRADUATE AND GRADUATE PROGRAMS**

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

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

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

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

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

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

### **CERTIFICATION OR TRAINING PROGRAMS**

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

This policy only applies to certification or training programs that cost \$1,200.00 or more, inclusive of registration and attendance fees and related expenses, such as travel, lodging and food.

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

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

## **APPROVAL PROCEDURE**

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

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

## **PROGRAM TERMS**

The reimbursement amounts provided to eligible employees by the City are considered a loan for educational expenses. Accordingly, if the employee is approved to participate in the City's educational reimbursement program, the employee is required to remain employed with the City in a full-time capacity for a continuous 12 month period from the date of each reimbursement payment received by the employee or on the date that the Employee completes the undergraduate or graduate course or the certification or training program, whichever is later.

If the employee completes the 12 month period of employment, the City will forgive the loan for that 12 month period. However, if the employee resigns or terminates employment at any time during the 12 month employment period (for any reason other than due to a reduction in force or due to circumstances beyond the employee's control, as determined by the City Manager), the City will forgive the loan on a pro rata basis. The prorated amount will be calculated as follows: the total reimbursement amount in the prior 12 month period divided by the number of months of the employment period completed by the employee. The balance of the loan not forgiven under this policy is due in full within seven (7) days of the employee's separation from employment. In appropriate circumstances, the City and employee may agree to a monthly payment plan for repayment of the balance of the loan.

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

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

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

## **PAYMENT AND REIMBURSEMENT PROCEDURE**

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

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

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

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

## **TERMINATION FROM EMPLOYMENT**

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

## **MISCELLANEOUS**

The City may change the provisions of this policy at any time, including the eligibility and reimbursement criteria and the reimbursement amount. The employee's reimbursement request will be processed in accordance with the policy in effect at the time of the request, not the time of the employee's enrollment in the undergraduate or graduate course, or certification or training program.

## **SECTION 9: TIME OFF AND BENEFITS FOR NON-SWORN FULL-TIME EMPLOYEES**

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### **9.1 DESIGNATED HOLIDAYS**

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

- New Year’s Day
- Martin Luther King’s Birthday
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans’ Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day
- 2 Personal Days (Must be taken before the end of the fiscal year)

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

Temporary, seasonal, provisional or part-time employees are not eligible for Holiday Pay.

Employees must be on active pay status and/or work their regularly scheduled hours on the work days immediately prior to and following a holiday to qualify for Holiday Pay. If an employee is on authorized leave of absence with pay when a holiday occurs, that holiday shall be paid as “Holiday Pay” and not charged to the employee’s vacation or sick time, paid time off (PTO) or other such leaves.

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

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

Exempt employees eligible for holiday leave who are scheduled to work on the designated holiday may take an alternative day off from work during the same month in which the holiday occurred. Carryover of holiday leave is not allowed.

All full-time employees are granted two (2) Personal Days. The Personal Days shall be taken before the end of the fiscal year or they will be forfeited by the employee. New employees hired 90 days prior to October 1 will not be eligible for any Personal Days during the fiscal year in which they were hired.

**9.2 ANNUAL VACATION LEAVE**

Full-time employees shall be entitled to earn and accrue annual vacation leave with pay. Temporary, seasonal, provisional and part time employees do not accrue vacation leave time.

Annual vacation leave shall accrue at the following rate up to a maximum of 240 hours:

	<b>40 Hr. Work-Week Employees</b>	<b>37.5 Hr. Work-Week and Exempt Employees</b>
<b>Years of Employment</b>	<b>Vacation Accrual Rate (Maximum Annual Hours)</b>	<b>Vacation Accrual Rate (Maximum Annual Hours)</b>
Less than 5 years	6.66 hrs/month (80 hrs)	6.25 hrs/month (75 hours)
Between 5 to 10 years	10.00 hrs/month (120 hrs)	9.38 hrs/month (112.5 hours)
10 years or more	13.33 hrs/month (160 hrs)	12.50 hrs/month (150 hours)

Upon separation from employment for any reason, the employee shall be paid for all accrued unused vacation. Such payment shall not be construed to extend employment beyond the last day actually worked.

**ACCUMULATION OF ANNUAL VACATION LEAVE**

The City recognizes the value of time off for employees to rest and return to work with renewed vigor and, therefore, encourages the use of vacation leave. Employees may use vacation time as it is accrued.

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

Employees do not earn annual vacation leave during an unpaid leave of absence, suspension, or when the employee is otherwise on a non-pay status.

## **PROCEDURE FOR SCHEDULING VACATION LEAVE**

Department Heads shall schedule annual vacation leave of employees in their department with consideration to the needs of the City, wishes of the employees, and seniority. The Department Head's determination of the schedule of leaves shall be final. Requests for vacation leave shall be on a Personnel Action Form and be approved prior to the dates of leave. Except in the event of an unforeseen emergency, vacation leave must be scheduled and approved by the Department Head in advance.

## **ANNUAL LEAVE PAYMENT PROGRAM**

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

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

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

## **9.3 SICK LEAVE**

Full-time employees shall be entitled to earn and accrue annual sick leave with pay. Temporary, seasonal, provisional and part time employees do not accrue sick leave time.

Sick leave shall be granted for the following:

- a. When an employee is unable to perform his or her duties because of sickness (including childbirth) or non-job related injury;
- b. Personal medical, dental and optical appointments; and
- c. Absence due to illness of spouse, or dependent members of the household.

Sick leave shall accrue at the rate of eight (8) hours per month for employees with a forty (40) hour work-week, and at the rate of seven and one-half (7.5) hours per month for exempt employees and non-exempt employees with a thirty-seven and one-half (37.5) hour work-week. Sick leave shall not accrue during an unpaid leave of absence, suspension or when the employee is otherwise on a non-pay status.

Sick leave shall not be charged for disability leave due to an on-the-job injury for which Workers' Compensation benefits are paid.

Accrued vacation leave shall be used as sick leave when all sick leave credits have been exhausted. However, sick leave shall not be used as vacation leave under any circumstances.

Use of sick leave shall be counted as working time for purposes of the calculation of all other benefits provided for under these rules, with the exception of overtime.

### **ACCUMULATION OF SICK LEAVE**

Employees who are eligible to accrue sick leave may accumulate a maximum of one thousand and forty (1,040) hours if on a forty (40) hour work-week, and nine hundred and seventy-five (975) hours if on a thirty-seven and one-half (37.5) hour work-week. This equals six (6) months of sick time which is income protection for the six-month waiting period before the long term disability policy begins providing a benefit to eligible employees. There shall be no payment for unused accumulated sick leave upon the employee's termination from employment.

### **PROCEDURE FOR REQUESTING SICK LEAVE**

Records of sick leave used shall be kept by the Human Resources Director and Department Head on prescribed forms.

It is the employee's responsibility to notify his or her Department Head of any absences as far in advance as possible of any absence, but no later than one (1) hour prior to the employee's scheduled start or end time. If the employee fails to provide timely notification of his/her absence, without good cause, the employee will not be permitted to use sick time for that absence and the absence will be unpaid.

When an employee is absent due to illness for a period longer than one day, he or she may be required to submit medical evidence of the reason for absence, upon request by his or her Department Head. If an employee has a record of multiple one-day absences, the employee may, at the discretion of the Department Head, be required to submit evidence of the reason for one-day absences going forward.

Absences for medical, dental, and optical appointments shall be counted based on the actual time used in increments of one-quarter hour.

Employees are required to call in every day to report sick leave absences, unless the employee is on an authorized leave of absence under the City's Family Medical Leave or other leave policies.

### **SICK LEAVE PAYMENT PROGRAM**

An employee may elect to be paid for accrued, unused sick leave up to a maximum of twenty-four (24) hours per year, provided that the employee maintains a minimum of 80 hours of sick leave in his or her sick leave balance. An employee may also elect not to be paid for accrued, unused sick leave and instead, maintain it in his or her sick leave balance.

The City requires that each employee make an annual election either to be paid for accrued sick leave (and the number of hours) or to maintain accrued sick leave in the employee's sick leave balance. The election must be made in the year before the employee accrues the sick leave and



the election will be irrevocable, except for financial hardship circumstances of the employee as determined by the City Manager. If the employee does not make a timely election, the City will consider the employee to have elected not to be paid for accrued sick leave.

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

#### **9.4 RETIREMENT BENEFITS**

All full-time, non-sworn employees are required to participate in the City's 401a Plan. The plan requires employees to contribute a mandatory set percentage of base pay (6%). The City also has established a uniform percentage of contribution on behalf of each employee (12% of base pay).

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

**SECTION 10: TIME OFF AND BENEFITS FOR SWORN FULL-TIME EMPLOYEES**

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**10.1 DESIGNATED HOLIDAYS**

All full-time sworn personnel shall be paid for the designated holidays as provided in Section 9.1 “Designated Holidays.” If required to work on such days, non-exempt sworn personnel shall be paid at a rate of regular time for their hours worked on the holiday or, alternatively, they may bank the holiday time at an hour for hour basis in lieu of financial payment during the pay period.

There shall be no limit on holiday hours accrued.

All other provisions under Section 9.1 “Designated Holidays” are applicable to sworn personnel.

**10.2 PAID TIME OFF (PTO)**

Full-time sworn employees accrue paid time off (PTO) that can be used for any reason without accrual limits. Sworn employees do not accrue sick or vacation leave.

All full-time sworn employees shall start with forty (40) hours of PTO on their date of hire. Forty (40) hours of PTO shall be added to the employee’s PTO balance on the anniversary of the employee’s hire date every year thereafter. Additionally, sworn employees shall accrue PTO on a bi-weekly basis at the following rates:

<b>Years of Service</b>	<b>Maximum Days Per Year</b>	<b>Maximum Hours Per Year</b>	<b>Bi-weekly Accrual</b>
0-4	25	200 (including 40 hours credited on anniversary date)	6.15 hours
5-9	30	240 (including 40 hours credited on anniversary date)	7.68 hours
10 or more	35	280 (including 40 hours credited on anniversary date)	9.23 hours

PTO shall not be earned or accrued by an employee during an unpaid leave of absence, suspension, or when the employee is otherwise on a non-pay status. NOTE: The terms of PTO applicable to the Police Chief are set forth in Policy No. 11.3.

### 10.3 VACATION SCHEDULING

Department Heads shall schedule annually for vacation time for sworn employees in their department with consideration to the needs of the City, wishes of the employees, and seniority. The Department Head's determination of the schedule of leaves shall be final. Requests to use PTO for vacation time shall be on a Personnel Action Form and be approved prior to the dates of leave. Except in the event of an unforeseen emergency, vacation time must be scheduled and approved by the Department Head in advance.

### 10.4 COMPENSATORY TIME

Non-exempt sworn employees may earn compensatory ("comp") time which is earned at the rate of one and one-half hours for each overtime hour worked. There shall be a maximum accrual of 480 hours of compensatory time. Employees who have accrued 480 hours of compensatory time will be paid overtime compensation for additional overtime hours worked.

### 10.5 ACCRUED LEAVE PAYOUT UPON SEPARATION FROM EMPLOYMENT

#### NON-EXEMPT SWORN EMPLOYEES

Non-exempt sworn employees who separate from City employment will be paid for all of their accrued compensatory time, regardless of their number of years of employment with the City.

Upon separation from employment, full-time non-exempt sworn employees employed by the City for three (3) or more continuous years will be paid for their accrued compensatory time, PTO and holiday time as specified in the chart below:

Years	Compensatory Time Payout	PTO and Holiday Time Payout	Maximum Hours Payout (including all Compensatory Time)
3	All accrued hours	No hours cap per category of leave	300 hours (50% of 600 hours)
4	All accrued hours	No hours cap per category of leave	450 hours (75% of 600 hours)
5 or more	All accrued hours	Up to 200 hours per category of leave	600 hours

## **EXEMPT SWORN EMPLOYEES**

Upon separation from employment, full-time exempt sworn employees employed by the City for three (3) or more continuous years will be paid for their PTO and holiday time as specified in the chart below:

<b>Years</b>	<b>PTO and Holiday Time Payout</b>	<b>Maximum Hours Payout (including all Compensatory Time)</b>
3	No hours cap per category of leave	200 hours (50% of 400 hours)
4	No hours cap per category of leave	300 hours (75% of 400 hours)
5 or more	Up to 200 hours per category of leave	400 hours

NOTE: The terms of payout for accrued PTO and holiday time for the Police Chief are set forth in Policy Nos. 11.2 and 11.3.

### **10.6 PTO PAYMENT PROGRAM**

A full-time sworn employee may elect to be paid for accrued, unused PTO up to a maximum of 200 hours per year, provided that the employee maintains a minimum of one (1) full workweek of PTO (based on the employee's regularly scheduled hours or work schedule) in his or her PTO balance. An employee may also elect not to be paid for accrued, unused PTO and instead, maintain it in his or her PTO balance.

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

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

### **10.7 TAKE HOME VEHICLE PROGRAM**

Sworn employees will be provided with a take home vehicle benefit at the following rates:

Miami-Dade County residents pay \$100.00 per month

Broward County residents pay \$200.00 per month

Palm Beach County residents pay \$400.00 per month

## **10.8 RETIREMENT BENEFITS**

Sworn employees are entitled to retirement benefits from the Florida Retirement System (FRS). The FRS offers members two types of pension plans: a traditional defined benefits plan and a 401 portable "Investment Plan". Employees vest in the traditional defined benefits plan at six (6) years of full-time employment and in the investment plan at one (1) year of full time employment.

Sworn employees may also elect to participate in the City's 457 deferred compensation plan. Under this plan, the employee makes contributions to his/her retirement, but the City does not make any contributions.

Sworn personnel who have retired under the FRS and are no longer eligible for the "special risk" retirement rate will receive regular class rate contributions to their FRS plan. The City will contribute the difference between the special risk rate and the regular class rate into the employee's 401a retirement account. 401a retirement accounts are only applicable to officers who have retired under FRS and are no longer eligible to receive "special risk" rate in FRS.

**SECTION 11: TIME OFF AND BENEFITS FOR ADMINISTRATIVE EMPLOYEES**

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**11.1 ADMINISTRATIVE EMPLOYEES**

The following employees are classified by the City as “Administrative Salaries” for purposes of the State of Florida Uniform Accounting Code: City Manager, Assistant City Manager, Building Director, Code Compliance Director, Planning Director, Parks & Recreation Director, Human Resources Director, Public Works Director, Finance Director, Information Technology Director, City Clerk, Administrative Aide to the Mayor and Police Chief. These employees will be referred to as “Administrative Employees” for purposes of this section and the Employee Manual.

**11.2 DESIGNATED HOLIDAYS**

Administrative Employees shall be paid for the designated holidays as provided in Section 9.1 “Designated Holidays.” Administrative Employees who are scheduled to work on the designated holiday may take an alternative day off from work during the same month in which the holiday occurred or alternatively, they may bank the holiday time and there shall be no limit on holiday hours accrued. All other provisions of Section 9.1 “Designated Holidays” are applicable to Administrative Employees.

**11.3 PAID TIME OFF**

Administrative Employees do not accrue sick leave or annual vacation leave. Administrative Employees accrue paid time off (PTO) that can be used for any reason without accrual limits.

Administrative Employees shall start with forty (40) hours of PTO on their date of hire. Forty (40) hours of PTO shall be added to the Administrative Employee’s PTO balance on the anniversary of the employee’s hire date every year thereafter. Additionally, Administrative Employees accrue PTO on a bi-weekly basis at the following rates:

<b>Years of Service</b>	<b>Maximum Days Per Year</b>	<b>Maximum Hours Per Year</b>	<b>Bi-weekly Accrual</b>
0-4	25	200 (including 40 hours credited on anniversary date)	6.15 hours
5-9	30	240 (including 40 hours credited on anniversary date)	7.68 hours
10 or more	35	280 (including 40 hours credited on anniversary date)	9.23 hours

PTO shall not be earned or accrued by an Administrative Employee during an unpaid leave of absence, suspension, or when the employee is otherwise on a non-pay status.

#### **11.4 PTO PAYMENT PROGRAM**

An Administrative Employee may elect to be paid for accrued, unused PTO up to a maximum of 200 hours per year, provided that the employee maintains a minimum of one (1) full workweek of PTO (based on the employee's regular work schedule) in his or her PTO balance. An Administrative Employee may also elect not to be paid for accrued, unused PTO and instead, maintain it in his or her PTO balance.

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

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

#### **11.5 ACCRUED LEAVE PAYOUT UPON SEPARATION FROM EMPLOYMENT**

Upon separation from employment, Administrative Employees employed by the City for five (5) or more continuous years will be paid up to 200 hours per category of their accrued PTO and holiday time. The maximum number of hours paid shall not exceed 400 hours.

#### **11.6 VEHICLE POLICY**

At the City Manager's discretion, Administrative Employees may be provided a vehicle allowance or a take-home vehicle.

#### **11.7 RETIREMENT BENEFITS FOR POLICE CHIEF**

The terms of the retirement benefits for the Police Chief are set forth in Policy No. 10.8 "Retirement Benefits."

## **SECTION 12: CLASSIFICATION, COMPENSATION AND PERFORMANCE MANAGEMENT**

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### **12.1 EMPLOYEE PERFORMANCE EVALUATIONS AND PROGRESSIVE PAY SYSTEM POLICY**

The City of Doral has established a progressive pay system to motivate and reward employees according to their job performance and the contributions they make towards the accomplishment of City goals and objectives. The purpose of the system is to also promote continuous improvement and quality performance through teamwork, assist in career development and advancement, identify individual training needs and to determine suitability for assignments, effectiveness in the assigned position and the ability for acquiring more responsibility. All employees should continually work together towards the mission, goals, and objectives of the City.

Performance evaluations shall be a part of the procedure to determine various personnel actions, including, but not limited to, the following: salary increase or decreases, promotions, demotions, transfers, awards, separations or other personnel status changes.

The immediate supervisor shall complete a performance evaluation form approved by the City Manager. The supervisor shall meet with the employee to review and discuss the evaluation and shall provide the employee the opportunity to comment and ask questions. At the conclusion of the meeting, the employee shall be given the opportunity to write any comments in the space provided and to sign the form. The employee's signature signifies that the evaluation has been discussed with him, and does not necessarily indicate that the employee agrees with the evaluation.

#### **ELIGIBILITY**

All employees are eligible for progressive pay based on their performance, as measured on the annual performance evaluation. Progressive pay increases are not automatic and are based upon an employee's annual performance evaluations.

An employee whose overall performance is rated "Minimally Successful" or higher may be entitled to a progressive increase as proposed by the City Manager and adopted by the City Council as part of the annual budget. The availability of progressive pay increases is determined on an annual basis. If the City Council does not approve funds for progressive pay increases as part of the annual budget, employees are not entitled to, and will not receive, a progressive pay increase for that year.

An employee whose overall performance is "Unacceptable" will not receive a progressive pay increase for that evaluation period.

#### **PROCEDURE**

1. Employees will meet with their immediate supervisor at least once a year to develop objectives and performance standards using criteria specific to the employee's position.



Objectives must relate directly to the goals of the employee's assigned department which are aligned to the City's strategic priorities.

2. Annual employee performance evaluations are conducted at each employee's anniversary date. The anniversary date is the employee's original hire date or the date of the employee's reclassification, such as due to a promotion or change in position.
3. Immediate supervisors have the primary responsibility for conducting employee evaluations. Employees who performed their duties under more than one supervisor during the rating period should be evaluated by the supervisor for whom the employee worked during the majority of the rating period. The supervisor preparing the evaluation should consult any other supervisor for whom the employee worked during the rating period in order to determine the most appropriate rating for one or all categories outlined in the performance evaluation. Each supervisor should sign the evaluation form.

### **PERFORMANCE RATINGS**

The performance evaluation will rate each employee's performance of the duties of his/her position and the objectives and performance standards developed by the employee and supervisor, as well as competency in defined categories set in the performance evaluation. The ratings values are: "Exceptional," "Fully Successful," "Minimally Successful," and "Unacceptable". All City employees are expected to have job performance, attendance and behavior rated as "Minimally Successful" or higher, complete assignments in a timely basis, and to be helpful and respectful of the public.

If an employee receives a rating of "Unacceptable" on his/her evaluation, the Department Head will advise the employee as to the reasons for such rating and will develop an performance improvement plan with goals, time lines, and expected outcomes. Departmental support will be provided to the employee where available and as appropriate. An employee who fails to improve his or her performance will be subjected to corrective action, up to and including termination from employment.

### **12.2 PERFORMANCE BONUS**

The City may award an annual performance bonus to employees. As part of the annual budget process, the City may set aside a pool of funds to be used for performance bonuses for employees. The amount of the bonus pool will vary from year to year and, at the discretion of the City, there may be no bonus pool for a particular year. If the City Council does not approve funds for performance bonuses as part of the City's annual budget, employees will not receive a bonus for that year.

All employees are considered for the bonus based on their job performance as measured by their annual performance evaluation. Employees with an overall performance rating of "Exceptional," "Fully Successful" or "Minimally Successful" on their performance evaluation are eligible for a bonus. Employees with an overall performance rating of "Unacceptable" on their performance evaluation are not eligible for a bonus.

### **12.3 PERSONNEL FILES**

Individual employee personnel files shall be maintained by the Human Resources Department in accordance with the Florida Public Records Statutes. Employees have the right to examine their personnel file in the Human Resources Department upon request and with reasonable notice. The Human Resources Director or City Manager (or their designee) shall be present during the examination.

Employees will be notified when the City receives a public records request to review his or her personnel file.

### **12.4 IN-SERVICE TRAINING**

It will be the responsibility of the Human Resources Director under the direction of the City Manager to foster and promote in-service training of employees. The Human Resources Director shall develop training programs, award certificates or other forms of recognition, assist Department Heads in developing programs to meet their particular needs and develop supervisory and management training programs for all departments.

### **12.5 RECLASSIFICATION**

If a Department Head has facts which indicate that a position or positions are improperly classified, the Department Head may request the Human Resources Director to review the classification of the position. Such requests shall be in writing. The Human Resources Director shall conduct an analysis of the essential functions of the position and submit a written recommendation to the City Manager.

#### **APPEALS OF POSITION RECLASSIFICATIONS**

Whenever an employee affected by a reclassification feels that his or her position has been classified incorrectly, he or she may appeal the reclassification to the Human Resources Director.

#### **RECLASSIFICATION OF A POSITION TO A HIGHER LEVEL**

Should the position be reclassified to a job classification with a higher pay grade than that of the original classification, such change shall be considered a promotion for the incumbent employee(s). Should an incumbent employee whose position has been reclassified to a job classification with a higher pay grade not be promoted to fill the reclassified position, the City Manager, in accordance with applicable Employee Policies and Procedures Manual rules, may lay off or demote the employee to any other existing vacancy for which the employee may be qualified.

#### **RECLASSIFICATION OF A POSITION TO THE SAME PAY GRADE**

Should the position be reclassified to a job classification with the same pay grade as that of the original classification, the position, if vacant, shall be filled by the incumbent employee(s). The incumbent employee reclassified shall maintain his or her same pay, step, grade and date in class. Should an incumbent employee whose position has been reclassified to a job classification with the same pay grade not be qualified to fill the reclassified position, the City Manager, in accordance with applicable Employee Policies and Procedures Manual rules, may lay off or demote the employee to any other existing vacancy for which the employee may be qualified.

## **COMPENSATION PLAN ADMINISTRATION**

Each employee shall be paid at the rates set forth in the pay plan for the classification in which he or she serves.

### **NEW EMPLOYMENT**

New appointments shall be made at the beginning rate of the salary range for each classification, unless otherwise approved by the City Manager. New appointments above the minimum rate shall only occur when there is a lack of qualified candidates for recruitment at the minimum rates; or when a qualified candidate possesses skills, experience and qualifications which warrant starting above the minimum rate. The need to make appointments in excess of this beginning rate requires specific approval from the City Manager.

### **12.6 COST OF LIVING ADJUSTMENT**

Based on the availability of funds, employees may receive a salary increase effective October 1, based on a cost-of-living adjustment ("COLA"). The COLA takes into consideration changes to the Consumer Price Index, and the cost-of-living data and trends are a guide in making pay level adjustments. Employees must have been employed with the City for a minimum of six months to be eligible for a COLA.

### **12.7 PROMOTION**

Employees promoted to a classification with a salary range higher than that of the previous classification shall be increased to the minimum in the new position's pay or salary range. If the employee's current rate of pay falls within the pay range of the classification being assumed, his or her pay rate shall be increased five percent (5%) so long as the resultant rate is still within the new range. The action of promotion shall establish a new anniversary date for the purpose of future performance evaluations and salary considerations.

### **12.8 TRANSFER POLICY**

A transfer is a change in position to one that is in the same salary range. When an employee applies to a posting for a vacant position that does not involve a promotion, the situation will be reviewed by the Department Heads involved to determine whether such a transfer would be to both the employee's and the City's best interest. The action of transfer shall not change an employee's rate of pay.

Any employee may apply for a transfer or a promotion to a vacant position in the City of Doral if he/she meets the qualifications of such position.

In order to be considered, an employee must be in his/ her current position for at least one (1) year and be in good standing before he/she is eligible to apply for a transfer.

### **12.9 DEMOTION**

Upon demotion, if the employee's rate of pay in the previous class was more than the maximum rate established for the new class or position, the rate of pay shall be reduced to the maximum rate or to such intermediate step in the new pay range as may be determined by the Department

Head and subject to the approval of the City Manager. The action of demotion shall establish a new anniversary date for purpose of future salary consideration.

#### **12.10 TEMPORARY SERVICE OUT OF RANK (TSOR)**

A full-time employee who has been continuously assigned on a temporary basis to another classification for more than five (5) consecutive, regularly scheduled work days will be temporarily transferred to that classification and may, as outlined below, have his or her pay temporarily adjusted for each continuing work day beyond the initial five (5) day period during which the temporary assignment continues as follows:

1. An employee temporarily transferred to a position classified at a higher pay grade will be paid at the minimum rate of that higher grade. However, if their regular rate of pay is higher than that minimum, the rate of pay will be temporarily increased by five percent (5%) up to the maximum of the pay grade of the classification to which they are being temporarily transferred.
2. An employee temporarily transferred to a position classified at the same or lower pay grade will not have his or her pay rate adjusted because of the temporary transfer.

The duration of any temporary transfer will be of the minimum length necessary to meet the needs of the City but shall not exceed six (6) consecutive calendar months for any one such transfer. Each such period of temporary transfer will be treated as a new event and be subject to the above guidelines.

## **SECTION 13: LEAVING THE CITY**

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### **13.1 RESIGNATIONS**

If an employee decides to voluntarily resign, he or she is requested to provide the City with two weeks prior written notice to his/her Department Head or Human Resources. If circumstances warrant, the City may elect to shorten employee's notice period.

### **13.2 LAY OFF**

Any employee may be laid off from employment with the City due to reasons, including but not limited to, shortage of work or funds, the elimination of a position or organizational changes. No employee shall be laid off when there are temporary or provisional employees serving in the same class or lower class for which the employee is eligible, able and willing to fill. The names of laid off employees shall be placed on a layoff list for a period of one year. If the position is re-created within this period, the employee may be given the opportunity for re-hire.

If an employee is laid off from employment, the employee will receive separation pay equal to two weeks' pay/salary, in addition to payment for his/her accrued vacation time or PTO.

### **13.3 TERMINATION FROM EMPLOYMENT**

If a supervisor, manager or Department Head recommends an employee for termination from employment, the employee can request to meet with the City Manager prior to the final decision being made concerning the employee's employment. An employee may be suspended pending the City Manager's review of the termination recommendation. The City Manager makes the final decision regarding employee terminations from employment.

### **13.4 EXIT INTERVIEWS**

The purpose of the exit interview is to provide management with information that will help identify potential problems and help keep the City of Doral a pleasant and efficient place to work.

Each employee who resigns from the City shall be asked to complete an exit interview form in the Human Resources Department at or before the time he or she receives the final paycheck and returns all City property, including identification and keys.

### **13.5 RETURN OF CITY'S PROPERTY**

Employees separating from the City for any reason shall, prior to separation, return all City-owned property and equipment in his or her possession. The cost of replacing or repairing any items lost or damaged while in the possession of the employee shall be deducted from any pay and benefits held by the City, as permitted by applicable law.