

City of Lake Alfred  
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Lake Alfred, FL 33850



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**AGENDA**  
**CITY COMMISSION MEETING**  
**TUESDAY JANUARY 19, 2016**  
**7:30 P.M.**  
**CITY HALL**

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**CALL TO ORDER: MAYOR CHARLES LAKE**

**INVOCATION AND PLEDGE OF ALLEGIANCE: PASTOR STRAWN**

**ROLL CALL: CITY CLERK AMEÉ BAILEY**

**CITY MANAGER & CITY ATTORNEY ANNOUNCEMENTS**

**RECOGNITION OF CITIZENS: ITEMS NOT ON AGENDA**

**PROCLAMATION: NATIONAL MENTORING MONTH**  
**EMPLOYEE RECOGNITION: ROB ROBERTSON – 5 YEARS**

**CONSENT AGENDA:**

- 1.) CITY COMMISSION MEETING MINUTES FOR JANUARY 4, 2016.
- 2.) CITY COMMISSION ANNOUNCEMENTS

**AGENDA**

- 1.) ORDINANCE 1361-16: PERSONNEL MANUAL AND EMPLOYEE HANDBOOK AMENDMENT
- 2.) ORDINANCE 1362-16: PREPAYMENT CRITERIA AND EXEMPTIONS FOR IMPACT FEES

**RECOGNITION OF CITIZENS (PLEASE LIMIT YOUR COMMENTS TO 5 MINUTES.)**

**COMMISSIONER QUESTIONS AND COMMENTS:**

**MAYOR LAKE**  
**VICE MAYOR DALEY**  
**COMMISSIONER DUNCAN**  
**COMMISSIONER DEARMIN**  
**COMMISSIONER MAULTSBY**

**ADJOURN**

Minutes of the City Commission meetings can be obtained from the City Clerk's office. The Minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.



# Proclamation

To recognize and celebrate January as National Mentoring Month and  
January 21<sup>st</sup> as Thank Your Mentor Day.

**Whereas**, January 2016, marks the 15th annual National Mentoring Month public awareness campaign, and

**Whereas**, quality mentoring is a critical component in addressing community challenges such as low graduation rates, juvenile crime and workforce development, and

**Whereas**, spending one hour each week – whether it's helping with homework, playing, games or just hanging out – means a young person has someone to turn to in moments big and small, and

**Whereas**, mentoring relationships serve as critical links in the chain of outcomes for our nation's youth that ultimately produces more active citizens and stronger leaders, better schools and healthier communities. Young people who are in a quality mentoring relationship are more likely to do better in school and have aspirations to go to college. They are also more equipped to make responsible decisions and model good behavior, and

**Whereas**, many Americans will reach out to thank or honor those individuals who encouraged and guided them, and had a lasting, positive impact on their lives on Thank Your Mentor Day celebrated on January 21, and

**Whereas**, National Mentoring Month provides an opportunity to celebrate and honor the importance of quality mentoring programs and the role that mentors fill while also recruiting new supporters and volunteers.

**Therefore**, BE IT RESOLVED that the City of Lake Alfred formally recognize January 2016 as

**" National Mentoring Month "**

in the City of Lake Alfred, Florida and urge all citizens to become a mentor and realize the impact you can have in real life..

**IN WITNESS WHEREOF**, I have hereunder set my hand this 19<sup>th</sup> day of January, 2016.

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Charles Lake, Mayor  
City of Lake Alfred, Florida

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 19, 2016**

**CONSENT AGENDA**

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**1.) JANUARY 4, 2016 CITY COMMISSION MEETING MINUTES**

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**ATTACHMENTS:**

- Draft Minutes

**ANALYSIS:** Please review the minutes at your earliest convenience and if there are any questions, comments or concerns please contact the City Clerk, Ameen Bailey at (863) 291-5747.

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**2.) CITY COMMISSION ANNOUNCEMENTS**

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**ANALYSIS:** Each of the meetings/ events scheduled below may constitute a public meeting at which two or more City Commissioners or Planning Board Members may attend and discuss issues that may come before the City Commissioners.

- Polk County State Legislative Delegation on January 20<sup>th</sup>, 2016 on the 22<sup>nd</sup> Floor of the Capitol building in Tallahassee.

**STAFF RECOMMENDATION:** Approval of the consent agenda.

**DRAFT MINUTES**  
**CITY OF LAKE ALFRED**  
**CITY COMMISSION MEETING**  
**MONDAY, JANUARY 4, 2016**  
**7:30 P.M.**  
**CITY HALL**

**Call to Order:** Mayor Charles Lake

**Invocation and Pledge of Allegiance:** Pastor Jones

**Roll Call:** Those in attendance were Mayor Charles Lake, Vice Mayor Nancy Daley, Commissioner John Duncan, Commissioner Jack Dearmin, Commissioner Albertus Maultsby, City Manager Ryan Leavengood, City Attorney Seth Claytor, and City Clerk Amé Bailey-Speck.

Staff attendance: Police Chief Art Bodenheimer, Community Development Director Valerie Ferrell, Finance Director Amber Deaton, Public Works Director John Deaton, and Parks and Recreation Director Richard Weed.

**CITY MANAGER ANNOUNCEMENTS**

**City Manager Leavengood** stated Mackay Gardens and Lakeside Preserve will host a free gardening workshop on Thursday January 7<sup>th</sup> at 10 am and a guided nature walk on Sunday January 10<sup>th</sup> at 2 pm. Contact the Parks and Recreation Department for more details or to sign-up for one of these events.

The Lake Alfred Public Library will host the Florida Licensing on Wheels staff on Friday, January 8<sup>th</sup> from 10 am until 2 pm to provide a convenient method to renew, obtain or your change driver license or identification card. Also the SPCA Wellness Wagon will visit on Saturday January 9<sup>th</sup> from 8 am till 10:30 am, offering vaccines and testing for every pet. The Mobile Career Source will also visit on Tuesday January 12<sup>th</sup> from 9 am until 3 pm to provide employment and training-related services.

The annual Lake Alfred Bluegrass & BBQ Bash will be held this Saturday January 9<sup>th</sup> from 11 am until 9 pm at Lions Park. The event will feature top BBQ competitors from across the state, music and other live entertainment. For more information please contact the Parks and Recreation Department.

The next City Commission Meeting will be held on Tuesday, January 18<sup>th</sup> here in City Hall. The City offices and the Public Library will be closed on Monday, January 18<sup>th</sup> in observance of the Martin Luther King Jr. holiday. Changes to the Solid Waste schedule were distributed and posted on the City website.

**City Manager Leavengood** provided an update regarding the residency of Mr Ferrer and his eligibility to serve on the Planning Board. City staff has confirmed that Mr. Ferrer maintains a homesteaded property in the City of Lake Alfred. He is also in the process of changing his voting information to reflect his voting preference here in the City. The City is also pursuing an affidavit and it appears that he is eligible to serve.

Although 2016 is a national election year, it is an off year for the City of Lake Alfred. There are no open seats on the City Commission and since there are no Charter amendments, there will not be a city elections in April.

### **CITY ATTORNEY ANNOUNCEMENTS**

No announcements.

### **RECOGNITION OF CITIZENS**

**Jane Rumbaugh**, 655 East Pierce St., asked about moving the meetings earlier in the evening.

**Jean Brittan**, 370 South Echo Dr., thanked the city and the Parks and Recreation for cleaning the shoreline and for adding the light and mulch in the playground. She noticed the repair to the fence around the City meters, however the fence is pushed down in the back and open with litter in the area. She also stated she is appreciative of the posting of the unsafe homes and asked when they would be demolished and removed.

**City Manager Leavengood** state that staff would inspect the fence and stated that the demolition process is slow. The next stage would be funding to demolish the buildings.

### **PROCLAMATION – NATIONAL RELIGIOUS FREEDOM DAY**

**Mayor Lake** read the proclamation in its entirety and urged all citizens to commemorate this day with events and activities that teach us about this critical foundation of our Nation's liberty, and that show us how we can protect it for future generations at home and around the world. He presented the proclamation to Pastor Jones.

### **CONSENT AGENDA:**

**Vice Mayor Daley** asked to add the following items to the Commission Announcements.

- Special Ridge League Board Meeting on Wednesday January 6<sup>th</sup> at 6:30 pm
- Water Coop Meeting on Wednesday January 6<sup>th</sup> from 9 am to 1 pm

**Vice Mayor Daley** moved to approve the amended consent agenda; seconded by **Commissioner Dearmin** and the motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

## AGENDA

### 1.) ORDINANCE 1361-16: PERSONNEL POLICY HANDBOOK AMENDMENT

**City Attorney Seth Claytor** read the resolution title.

**City Manager Leavengood** stated that the employee handbook sets forth in detail the employee benefits programs, personnel policies, general guidelines, and disciplinary rules of the city. The last formal review of the Personnel Manual was conducted last year, and adopted on October 20, 2014.

The City of Lake Alfred has evaluated the current needs of the City's general provisions, definitions, employment policies, holidays, leave, employee recognition, and other provisions. The proposed revisions and amendments throughout the manual are listed in exhibit "A". Following the major revisions from previous years, staff have reviewed the policies on a continuing basis and how they have been implemented and applied. The majority of the changes are designed to clarify and to improve the intent of existing policies. Two years ago there was a major revision however this is more of a clean-up. One item of substance that was discussed during the budget preceding was the authorization for the leave buy-back program. The City had a program in the past. It was eliminated because it was too open ended and it was not in the budget. This authorization would allow for a limited program geared towards employees with tenure and more accrued vacation time. The City budgeted \$15,000 this year for that program. This is the language to allow the City to provide the program at the limited budgeted amount that is still a benefit to the employees.

Staff recommended approval of Ordinance 1361-16 on first reading.

**The City Commission** asked about the loyalty oath, if the payback policy for the cost of a medical exam if the employee does not complete one year of employment conflicts with Federal Labor Law, accrued vacation and sick rates, short term and long term disability, and bereavement pay for relatives.

**Staff** responded that the oath is stating that the employee will follow the rules of the City, County, and the State of Florida. This is a standard item across the cities. The medical cost refund is at the discretion of the city and no employee is payed at minimum wage which is addresses by the Federal Labor Laws. The language came from the City of Winter Haven's handbook and is mainly for the extensive testing performed by the Police Department. The policy is already in place for the Police Department through Departmental policies. If the policy was in conflict with the Fair Labor Laws the cost could be waived. Staff will confirm if there is any conflicts with any Labor Law. In addition language could be added it distinguish that the cost must be refunded if the employee was terminated "with cause" or a not to exceed comment.

The maximum sick accrual is 96 hours per year. An employee would need to work more than 10 years to accrue 960 hours in order to reach the maximum rate of 520 hours payback after the 50% reduction. City employees currently do not have large banks of sick time, rather many employees use the time as it is accrued. The buy-back program encourages them to save hours to be able to participate in the program. The payout is them at their current rate of pay

**DRAFT**

and they have time in case of a major medical event. The City does not offer short and long term disability as a benefit. The employees can purchase these additional policies. The cost to pay a Department head for 500 hours would be approximately \$15,000, but it would take decades to accrue and does not have a large budget impact. The program caps the accrual and allows for a limited buy-back program which would reduce a large payout when someone leaves. For bereavement, relatives and family are defined in the definitions section. The policy also limits the amount of days per fiscal year.

**Commissioner Maultsby** moved to approve Ordinance 1361-16 on first reading; seconded by **Commissioner Duncan**. The motion was approved by unanimous voice call vote. There were no citizen statements.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

**2.) CONTINUING SERVICE AGREEMENT: RAFTELIS FINANCIAL CONSULTANTS**  
**3.) RAFTELIS: TASK ORDER #1: UTILITY RATE STUDY**

**City Manager Leavengood** stated that as a part of the comprehensive review of city codes and policies, city staff has identified an opportunity to clean up and update the City's utility code and rate structure. The City's current water rate has been unchanged since 2003 (12+ years) with a base rate of \$12.95 that provides 6,000 gallons and an additional \$1.00 for each 1,000 gallons used above the six thousand per customer. The City's current sewer rate has been unchanged since 1990 (25+ years) with a flat rate of \$40.54 per customer. Based upon a survey of other local utilities, Lake Alfred's combined water & sewer minimum rate is high compared to others; average at 4,000 gallons of usage; and well below average at 8,000 gallons of usage. The City has a flat rate where other cities have increasing (tiered) rate system by usage.

The City's utility system does not have any major pending improvements, capacity issues, or financial needs. The goal of the rate study will be to restructure the system to be more equitable by lowering the base rate while providing variation in the billing amount based upon usage while still providing a stable revenue source for the City. The current system does not encourage conservation and the customers that use the least amount of water are essentially subsidizing the utility bill for higher water users by paying a flat rate. A tiered system would also promote conservation and protect the water supply. The Water Management District is pushing conservation rates and may tie it to future permits. It is also an item of discussion at the Water Cooperative meetings. The goal is to be revenue neutral.

The City included \$30,000 in the current 2015/2016 fiscal year budget for the performance of a utility rate study. City staff is proposing to piggyback off the competitive request for qualifications process conducted by the City of Winter Haven that selected Raftelis in January of 2015 for the performance of similar services.

The City of Winter Haven issued RFQ- 15-08 in 2008 requesting firms to submit qualifications to perform professional consulting services regarding a fire a easement study and a water and

sewer rate study to assist the city in establishing and implementing the program and a review of its water and sewer rates and other financial studies the City may have. Four (4) firms submitted qualification in response to RFQ-15-08 and the city selected Raftelis as the best qualified to perform the professional consulting services outlined in their RFQ.

Under the proposal, Raftelis will perform a thorough review of the City's utility system including data collection, policies, and will provide a new rate design, comparisons, and options. The information and options will be presented during our regular budget process beginning in the Spring of 2016. The Commission will review the options and any desired changes to the rate structure would be formally presented in August or September of 2016 to coincide with the adoption of the annual budget.

Staff recommended approval of the Continuing Service Agreement with Raftelis Financial Consultants and approval of Task Order #1 with Raftelis Financial Consultants.

The **City Commission** thank the City Manager for addressing this topic since it is often brought up by citizens. The Commission discussed the two approvals required. They also asked if the \$30,000 would cover the study and if businesses rate for water and sewer would be addressed.

**Staff** responded that the \$30,000 should cover the first task order unless the City requested change orders. The City will also be evaluating all the City policies such as definitions of commercial and such as multi-unit residential and assisted living. The City currently does not have a commercial rate structure. Nor does the City bill based on meter size. The City does not want to make the structure to complicated but commercial uses will be reviewed. Commercial that uses a small amount would benefit just like a low residential user. The City also wants to be sensitive to dramatically increasing a user's monthly charge. The Commission would need to take two separate actions (agreement and if approved, the task order).

**Commissioner Dearmin** moved to approve the Continuing Service Agreement with Raftelis Financial Consultants, seconded by **Commissioner Duncan**.

**Ron Schelfo**, 640 East Lakeview Rd., thanked the City Manager for bring the item and that this great opportunity to have fair rates.

**Joseph Hults**, 824 James Way, stated that he uses more water for irrigation. He stated that the minimum should be based on the combined irrigation and household water usage (when there are two separate meters). Otherwise people will start using the household water for irrigation. The Lakes Development is building out and if the rates are too high or require no grass landscaping then people will not want to build in Lake Alfred.

The **City Commission** asked why the irrigation water is labeled as reclaimed water, if the consultant would be evaluating the utility infrastructure, and they discussed the reasons for the high sewer rate.

**Lowell Schmidt**, 365 East Sandford, stated that he has two meters, but he has the two water distribution systems connected. He uses approx. 3,400 gallons of irrigation water per month.

**DRAFT**

His main issue is the sewer rate. The current rate was mandated at one point in time and needs to be re-evaluated. He stated that Auburndale has tremendous re-use system for industry.

**Margret Whitten**, 340 Carolina Ave South, stated she is concerned about water conservation and the amount of times people are watering their yard. She only has one meter and did not know why some people have two meter.

**Staff** responded that other Cities also have a tiered rate for irrigation. The rates and gallon intervals are different than the household water tiers. This is another item that may need to be addressed by policy. Users who use more irrigation water would be charged higher rates.

The second meter policy was implemented by the Commission in the 1980's. The second meter was installed for conservation purposes because the water from the irrigation meter goes on the yard and back to the aquifer. Water from the house goes into the septic and sewer system which is costly to operate. The City completed a 5 million dollar upgrade to the sewer plant in 2005 per state mandates.

Houses with one meter are grandfathered because they were built before the policy was adopted. If a resident with one meter installs a new irrigation system, a second meter would need to be installed because the policy addresses new construction or a new house. Rate changes may also make the City move towards two meters for residents currently on one meter. The City does not want to penalize residents just because they have one meter. If the sewer rate is based on your water usage, residents will want a second meter for irrigation to reduce their sewer rate. In addition the irrigation usage needs to be tracked because it is reported to the state and affects the City's water permit. .

The Consultant will review the billing, construction, where the utilities are located, the age of the pipes, etc. The City does not want a drastic rate structure or create volatility in revenue.

The City does not have a reclaimed water system. It is very expensive because it is another utility. The City of Auburndale's re-use water goes to the power plant, Coca-Cola, and Florida Polytechnic (which paid to have the pipes installed).

The City is evaluating the rates and policies based on equity rather than utility needs. There are no major CIP projects needed at this time. The current sewer rates are based on the massive improvements that were need to the sewer system in 1989. The cost was then divided by the number of customers and that is why the rate has been high.

The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

**Commissioner Dearmin** moved to approve Task Order #1 with Raftelis Financial Consultants, seconded by **Commissioner Maultsby**. The motion was approved by unanimous voice call vote.

<b>MAYOR LAKE</b>	<b>AYE</b>
<b>VICE MAYOR DALEY</b>	<b>AYE</b>
<b>COMMISSIONER DEARMIN</b>	<b>AYE</b>
<b>COMMISSIONER DUNCAN</b>	<b>AYE</b>
<b>COMMISSIONER MAULTSBY</b>	<b>AYE</b>

### **RECOGNITION OF CITIZENS**

There were no citizen comments.

### **COMMISSIONER QUESTIONS AND COMMENTS**

**Vice Mayor Daley** attended the Circle B hike on New Year's Day. It was well attended and she passed out business cards about the hike at Mackay. She requested that the City publicize the Mackay hike with the papers to increase attendance. She wished everyone a Happy New Year.

**Commissioner Duncan** asked for an update on the Wayfinding System and stated he is looking forward to the Bluegrass Bash.

**City Manager Leavengood** stated the company said the signs would be installed this week. He can send some photos to the Commission.

**Commissioner Dearmin** thanked everyone for a great 2015 and he enjoyed the Employee Christmas Party. He wished everyone a Happy New Year.

**Commissioner Maultsby** stated the City had a successful year adding approximately 100 new residences with 400 new residences. He would like to see another 100-200 new homes to help the City reach the 7,500 population to increase the commercial appeal. He asked if the City Manager had heard of any new developments. He wished everyone a prosperous new year.

**City Manager Leavengood** stated there have been some residential inquires. There has been construction on 557 and the City will start marketing the City property. He will be attending a retail conference this month. The City may reach out to a broker.

**Mayor Lake** stated 2015 was a positive year and the City accomplished a lot. The City looks better and there have been more activities. Businesses will come. He wished everyone a Happy New Year and thanked them for attending.

With there being no further business to discuss, Mayor Lake adjourned the meeting at 8:45 pm.

Respectfully Submitted,

Ameé N. Bailey  
City Clerk

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 19, 2016**

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**1.) ORDINANCE 1361-16: PERSONNEL MANUAL AND EMPLOYEE HANDBOOK  
AMENDMENT**

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**ISSUE:** The City Commission will consider an ordinance amending the Personnel Manual and Employee Handbook for the City of Lake Alfred on second and final reading.

**ATTACHMENTS:**

Ordinance 1361-16 with Exhibit "A"

**ANALYSIS:** The employee handbook sets forth in detail the employee benefits programs, personnel policies, general guidelines, and disciplinary rules of the city. The last formal review of the Personnel Manual was conducted last year, and adopted on October 20, 2014.

The proposed revisions and amendments throughout the manual are listed in exhibit "A". Following the major revisions from previous years, staff have reviewed the policies on a continuing basis and how they have been implemented and applied. The majority of the changes are designed to clarify and to improve the intent of existing policies.

**STAFF RECOMMENDATION:** Approval of Ordinance 1361-16 on second and final reading.

## ORDINANCE 1361-16

### AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA; AMENDING THE PERSONNEL MANUAL AND EMPLOYEE HANDBOOK FOR THE CITY OF LAKE ALFRED; PROVIDING FOR SCRIVENERS ERRORS, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the personnel rules and regulations are required to be adopted by the City Commission per Section 3.06(b) of the City of Lake Alfred Charter; and

**WHEREAS**, it is in the best interest of the citizens and employees of the City of Lake Alfred to adopt revised personnel rules attached hereto as Exhibit "A" and incorporated herein by reference;

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE ALFRED, FLORIDA:**

**SECTION 1: AMENDMENT.** The *Personnel Manual and Employee Handbook* is amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference (text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed).

**SECTION 2: SCRIVENERS ERRORS.** It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the *Personnel Manual and Employee Handbook*; and that sections of this document may be renumbered or re-lettered and the word may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and the correction of typographical and/or scrivener's errors which do not affect the intent or context may be authorized by the City Manager by filing a corrected or re-codified copy with the City Clerk.

**SECTION 3: CONFLICTS.** All ordinances or parts of ordinances and resolutions in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. Specifically, and pursuant to amendments set forth in Exhibit "A", Resolution 08-14 regarding Tuition, CDL, and Education Pay policies is hereby repealed.

**SECTION 4: SEVERABILITY.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 5: EFFECTIVE DATE.** This ordinance shall take effect immediately upon final adoption.

**INTRODUCED AND PASSED** on first reading at the regular meeting of the Lake Alfred City Commission held on the 4th day of January, 2016.

**PASSED AND ENACTED ON SECOND READING**, with a quorum present and voting, by the City Commission of Lake Alfred, Florida, this 19th day of January, 2016.

**CITY OF LAKE ALFRED, FLORIDA  
CITY COMMISSION**

**ATTEST:**

\_\_\_\_\_  
Charles O. Lake, Mayor

\_\_\_\_\_  
Ameé Bailey-Speck, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frederick J. Murphy, Jr., City Attorney



**Personnel Manual and  
Employee Handbook  
2016**

**Personnel Manual and Employee Handbook**  
**City of Lake Alfred**

ADOPTED: June 21, 2004

AMENDED by Ordinance 1199-07: September 4, 2007

AMENDED by Ordinance 1239-08: September 22, 2008

AMENDED by Ordinance 1269-10: February 15, 2010

AMENDED by Ordinance 1286-11: February 7, 2011

AMENDED by Ordinance 1288-11: April 4, 2011

AMENDED by Ordinance 1322-13: July 8, 2013

AMENDED by Ordinance 1328-13: November 4, 2013

AMENDED by Ordinance 1339-14: October 20, 2014

AMENDED by Ordinance 1361-16: January 19, 2016

**Personnel Manual and Employee Handbook  
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**SECTION 1**  
**GENERAL PROVISIONS**

1.01 Purpose

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

1.02 Positions Covered

These personnel rules shall apply to most employees of the City of Lake Alfred. Employees whose salaries are funded through Federal or State Programs and whose working hours and conditions are similar to those of other employees herein described shall be subject to all provisions of these policies and procedures. Department Heads and or other employees are covered by all provisions ~~except overtime rules~~ unless specifically provided otherwise in an agreement or personnel action form approved by the City Manager. Some positions are not covered by these personnel regulations due to their nature and include: Mayor and Commissioners, City Attorney, and Board Members. The City Manager will be covered under all personnel policies and procedures unless stipulated otherwise in his/her contract.

1.03 Administration

The City Manager shall be responsible for the administration and direction of the City's personnel program. In the performance of this duty, the City Manager shall have the right to administratively construct, interpret, and to supplement these personnel policies with departmental policies, unless such construction, interpretation, or supplementation would be inconsistent with the manifest intent of the City Commission, or the context clearly requires otherwise.

Department Heads will be responsible for the proper and effective administration of these personnel policies within their respective departments. It will also be the responsibility of the Department Head to ensure that each employee has received an employee handbook summarizing these rules and to conduct appropriate orientation sessions with new employees to review these rules and other related City personnel procedures. It is the responsibility of each employee to understand and abide by these personnel rules as a condition of continuing employment. These rules shall be in addition to any divisional/departmental rules and regulations.

1.04 Amendments

No employee handbook can anticipate every circumstance or question about policy. As such, the City reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will be notified of such changes to the handbook as they occur. Handbook changes will be orally reviewed with the affected employees. Copies of the handbook changes shall be provided to all employees.

1.05 Department Policies

Department operating policies, programs and procedures serve as supplements to these policies. In the event of conflict in any section, the City Personnel Policies shall prevail. Department policies, programs and procedures will be in writing and approved by the City Manager for conformance to the Personnel Policies.

## **SECTION 2** **DEFINITION OF TERMS**

Active Pay Status - Authorized paid leaves, holiday or time worked.

Active Disciplinary Action – The period of time established by the disciplining supervisor wherein the disciplinary action may be utilized to establish progressive disciplinary action for future disciplinary problems or infractions.

Anniversary Date - The date on which an employee begins regular full time or regular part time employment and the same date in following years. This also is the date from which vacations and sick leave are computed (this date changes only if an employee is in a non-pay status for one (1) pay period or more; the anniversary date is then deferred by an equivalent amount).

Applicant - Individual who has completed and submitted an application for employment with the City.

Appeal - An application for review of a disciplinary action submitted or instituted by an employee.

Appointment - Offer and acceptance by a person of a position either on a regular or temporary basis.

Assignment Pay- An increase in compensation for additional duties or responsibilities that are in excess, in either scale or scope, of the employee's base classification.

Benefit Date – The date on which an employee is placed in a full-time position.

Class - Group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class descriptions and pay range.

Class Description - Written description of a class consisting of a class title, a general statement of the major function of work, illustrative duties and the qualifications for the class.

Class Title - Title in the classification plan which describes the general nature of work of the position.

Classification - Grouping positions in classes.

Classification Date - Date an employee entered, transferred, or was promoted to the current position. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for step increases.

Classification Plan - Official system of grouping positions into classes.

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

Compensation Plan - The official schedule of pay assigning rates of pay to each class title.

Continuous Service - Employment which is uninterrupted except for authorized leaves of absence, suspension or separation due to reduction in work force. Authorized paid leaves of absence are included as part of continuous service.

Demotion - Assignment of an employee from one class to another which has a lower maximum rate of pay.

Department Head - An employee who reports directly to the City Manager and whose primary job responsibility is the direction and management of one of the City's Departments including but not limited to: Police, Fire, Finance, Community Development, Parks & Recreation, Public Works/Utilities, and the City Clerk.

Dismissal - Separation from City employment for cause or without cause during a probationary period.

Employment Category – Includes designations of exempt or non-exempt; full-time or part-time; regular or probationary; or part-time, temporary, reserve (PTR)

Electronic Messaging Device (EMD) - includes all City of Lake Alfred personal computers, electronic mail systems (e-mail), voice mail systems, paging systems, electronic bulletin boards, Internet service providers, fax machines, laptop or mobile computing terminals (MCT) and any part of the City's computer network. EMD devices are designed and intended for conducting business of this organization and are restricted to that purpose.

Exempt Status - Employees who are in an exempt status category under the Fair Labor Standards Act and are not eligible for overtime pay.

Fiscal Year – The accounting period beginning on October 1<sup>st</sup> and ending on September 30<sup>th</sup>

Full-Time - Position that requires an employee to work the full amount of hours scheduled for employees of the division.

Insubordination - The unwillingness on the part of an employee to submit to the official authority vested in supervisors, Department Heads and the City Manager as outlined in the Personnel Policies.

Layoff - Reduction of the number of employees due to the lack of work, funds or other causes.

Leave - Approved type of absence from work as provided by these policies.

May - The word "May" shall be interpreted as permissive.

Non-Covered Position - Employees and positions which are exempt from specific provisions of the Personnel Policies, including the Career Service employment appeal provisions.

Overtime - Time worked in excess of the regularly scheduled work periods for those persons not working on an exempt basis.

Part-Time, Temporary, or Reserve (PTR) Employee - Any city employee that is not within a specified regular full-time or regular-part time position (or associated probationary period).

Pay Range - Salary which is assigned to a classification title, expressed as a pay range number.

Performance Evaluation - A report relative to the job performance of employees made by the supervisor.

Position - Groups of duties and responsibilities assigned and budgeted requiring the full-time or part-time employment of one (1) person.

Probationary Employee - An employee serving a trial period prior to regular appointment in that position.

Probationary Period - Period of time provided to allow the Department Heads an opportunity to evaluate an employees' performance and to decide whether or not the employee is to be retained.

Promotion - Assignment of an employee from one class to another which has a higher maximum rate of pay.

Regular Appointment - Appointment to a regular position authorized to be filled. A regular full-time or regular part-time employee is subject to and receives all benefits and rights as provided by the Personnel Policies of the City.

Regular Employee - An employee who has successfully completed an initial probationary period.

Relative - Father, mother, son, daughter, brother, sister, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandchild(ren), stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, ~~or~~ half-sister, niece, nephew, aunt, or uncle.

Remote Travel – Travel outside of Polk County.

Resignation - Act of voluntarily withdrawing from City employment.

Retirement - Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the Plan.

Sexual Harassment - Unwelcome sexual advances of whatever nature, requests for sexual favors or other verbal or physical conduct of a sexual nature.

Shall/Will - These terms are interpreted as being mandatory.

Step - Series of pay progressions within a classification.

Suspension - Relief from work with or without pay under the Personnel Policies by their Department Head or other supervisor authorized to enforce disciplinary action.

Transfer - Action in which the employee moves from one budgeted position to another with no resulting title change, or if a title change does take place, there may be no change in the pay range.

Work Day - Scheduled number of hours an employee is required to work in a normal schedule for that department.

## **SECTION 3** **STANDARDS OF CONDUCT**

### **3.01 General Policy**

The City of Lake Alfred has established a system of personnel management to assist in providing superior service to the community.

The City advocates the concept that the quality of public service can reach maximum efficiency through a Personnel Management System based on merit principles.

Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.

It is the policy of the City to expect compliance from employees with all Personnel Policies, state statutes and federal regulations in the performance of duties. An employee who violates any of the Personnel Policies shall be subject to disciplinary action.

An employee of the City of Lake Alfred represents the City in all his/her dealings with the public. Being a representative involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employees. A City employee's appearance, attitude, and behavior all announce to our customers, both internal and external, what may be expected from the City government.

### **3.02 Equal Employment Opportunity**

The City of Lake Alfred has adopted an Equal Employment Opportunity Plan, which is on file at the City Clerk's office.

### **3.03 Harassment**

It is the policy of the City of Lake Alfred that each employee shall work in an environment free of discrimination, and any form of harassment, based on race, color, religion, age, gender, pregnancy, national origin, handicap or marital status (and any other protected class as established by law). The City prohibits any such discrimination or harassment under these provisions.

- A. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- B. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, [alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation] or any other characteristic protected by law or that of his/her relatives, friends or

associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

- C. The City of Lake Alfred prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.
- D. The above is not to be construed as an all-inclusive list of prohibited acts under the City's Harassment Policy

Any employee who believes he or she has been the target or victim of harassment, discrimination, retaliation, or a hostile work environment should report the incident immediately to their immediate supervisor, City Manager, or the City Attorney to initiate an investigation of the claim.

With the cooperation of the concerned employee, the investigation will be carried out with respect for the confidences and sensitivity of all persons involved. The concerned employee will be afforded protection from retaliation. The results of any investigation of alleged harassment, discrimination, retaliation, or hostile work environment shall be promptly communicated to the employee. Where charges are substantiated, appropriate action will be taken, up to termination.

The City of Lake Alfred recognizes that false accusations of harassment can have a serious effect on innocent men and women and that absolute guilt or innocence may be difficult to prove. However, individuals determined to have made false accusations of harassment will be subject to appropriate disciplinary action, up to termination.

The provisions, processes and actions taken under this section are related to anti-discrimination statutes and are not a general civility code. Federal law does not prohibit simple teasing, offhand comments, or isolated incidents that are not extremely serious. Rather, the conduct must be so objectively offensive as to alter the conditions of the individual's employment. The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment. Complaints or investigations that are determined to not meet the test of severity, pervasiveness, or tangible employment action set herein may otherwise be addressed under Section 12: Disciplinary Action.

### 3.04 Conflict of Interest

This policy is in accordance with Florida Statutes, entitled "Code of Ethics for Public Officers and Employees".

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which The City of Lake Alfred wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the appropriate Department Head for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled at the executive level of The City of Lake Alfred. Business dealings with

outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific City Manager approval. Penalty for violation of this policy will be immediate termination.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of ~~The the City's~~ of Lake Alfred's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they file a sworn statement to this effect with the City Clerk as soon as possible to address the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Employees will not transact any business in their official capacity with any business entity of which they are an officer, Department Head, agent or member, or in which they own a controlling interest, excluding civic, charitable, or religious organizations.

Employees shall not have personal investment in any enterprise which will create a conflict between their private interest and the public interest.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City of Lake Alfred does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City of Lake Alfred.

### 3.05 Political Activity

In accordance with Florida Statutes, and as specified herein, City employees will not take any active part in political campaigns in the election of the City Commission for the City of Lake Alfred.

No employee or other person will solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party while on duty with the City.

Nothing herein contained will be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to maintain political neutrality, or to attend political parties after working hours.

No employee shall use his/her position with the City in order to benefit any political party and/or candidate.

### 3.06 Employment of Relatives

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

In accordance with Florida Statutes, a public official or Department Head may not appoint, employ, promote, or advance or advocate for appointment, employment, promotion or advancement of certain relatives in or to a position in the City or Department in which he/she is serving or over which he/she exercises jurisdiction or control. The Statutes define a "Public Official" to mean an officer or 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 the employment in the City. The Statutes define a "Relative" to mean with respect to a public official an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandmother, grandfather, grandchild(ren), father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister.

Relatives of persons currently employed by the City of Lake Alfred may be hired only if they will not be working directly for, or supervising a relative, or will not be working directly above the relative's immediate superior or directly for the relative's immediate subordinate. The City of Lake Alfred employees cannot be transferred into such a reporting relationship.

If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, the City Manager will decide.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

This section does not apply to persons serving in volunteer capacity who provide emergency medical or firefighting services. Such persons may, without losing volunteer status, receive reimbursements for the costs of training and incidental expenses in relation to their volunteer status.

### 3.07 Outside Employment

City employment will be considered to be PRIMARY employment and no employee may engage in outside employment which will interfere with the interest of the City service. An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with The City of Lake Alfred. All employees will be judged by the same performance standards and will be subject to The City of Lake Alfred's scheduling demands, regardless of any existing outside work requirements. Prior to beginning any outside employment, employees will inform their Department Head of the name of the outside employer, the nature of the work and hours of work.

Any employee accepting outside employment under the terms of this rule will make arrangements with the outside employer to be available to respond immediately to any emergency call of duty whenever the Department Head or City Manager will determine that the employee's services are necessary.

If the City of Lake Alfred determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City of Lake Alfred as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with the City of Lake Alfred.

Injuries sustained while engaged in outside employment are ineligible for benefits under the City's Worker's Compensation program. An Employee may utilize accrued vacation

and/or sick leave for an injury sustained while engaged in outside employment. Should an employee exhaust all of his or her accrued vacation and/or sick leave, the employee's Department Head may terminate the employee if, depending on the extent of the injury sustained while engaged in outside employment, he or she is unable to perform the essential requirements of the employee's position with the City.

City property will not be used for outside employment.

Outside employment will present a conflict of interest if it has an adverse impact on The City of Lake Alfred as determined by the City Manager. The City Manager will notify the employee in writing of his or her determination. Failure to comply with the requirements set therein within thirty (30) days of transmittal of the letter will be considered abandonment of their position and subject to discharge.

### 3.08 Release of Information

Information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Release of such information before final decisions or disposition of the matter often causes misunderstanding and confusion.

It is the intent of the City to ensure that all information released is true and accurate. Unless release of information is a normal part of their duties employees will direct such inquiries to their Department Head or the City Manager.

### 3.09 Solicitation and Distribution

In an effort to assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time for any purpose without the express authorization by the City Manager.

The City recognizes that employees may have interest in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time unless expressly authorized by the City Manager. (Working time does not include lunch periods, work breaks, or any other periods during which employees are not on duty.)

In addition, the posting of written solicitations on company bulletin boards is prohibited. Bulletin boards are reserved for official organization communication on such items as: City Commission information, public hearing notices, employee announcements, internal memoranda, job openings, organization announcements, payday notice, Worker's Compensation insurance information, and State disability insurance/unemployment insurance information, etc.

### 3.10 Employee Debts

An employee's financial transactions are the employee's personal affair. The City will not act as a collection agency against an employee unless so ordered to carry out a garnishment by a court of competent jurisdiction or the United States Internal Revenue Service.

However, should complaints concerning an employee's failure to meet financial obligations result in interference with the City service, the employee concerned will be so informed and appropriate action taken by the Department Head or the City Manager.

### 3.11 Use of City Property

The City provides employees with necessary equipment, materials and vehicles to carry out their job assignments. When employees are assigned equipment, it becomes their responsibility to exercise reasonable care in its use and to preserve the life of the equipment while observing all safety precautions. Employees shall not make personal use of any City owned property and shall also seek so as not to give the appearance that such property is in the personal use of the employee. Violations of this policy may subject an employee to disciplinary action, up to and including termination.

Employees are responsible for all city-owned property, materials, or written information issued to them or in their possession or control. All City property shall be returned by employees on or before their last day of work. The City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

### 3.12 Dress and Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the image that the City presents to citizens and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. All clothing issued constituting regulation uniform shall be worn on duty and there shall be no substitutions to the required uniform. No clothing issued by the City shall be utilized in any manner whatsoever while off duty.

Hair, nails, jewelry, clothing and similar appearance factors shall not be displayed in a manner which interferes with the employee's safety or productivity, or the safety and productivity of co-workers.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire and appearance.

### 3.13 Personal Business

Conducting personal business while on official duty should be kept to a minimum. If it is necessary for the employee to make telephone calls or meet with persons not employed by the City, the discussions should be held during breaks or meal period. Exceptions will be allowed only in cases of emergency.

### 3.14 Acceptance of Gifts

Employees shall not accept anything of value, including a gift, loan, reward, promise of future employment or services that would cause a reasonably prudent person to be influenced in the performance of official duties; or are based upon any understanding that the judgment of the employee in carrying out his/her employment responsibilities would be influenced thereby (Section 112.313, Florida Statutes, Section 2).

### 3.15 Internet Access

Computers, computer files, the E-mail system, and software furnished to employees are the property of the City of Lake Alfred and are intended for business use. Employees are prohibited from using another employee's password or login ID. Employees are prohibited from accessing files, or retrieving any stored information or communication, that are not within the scope of their normal job duties.

The City strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers and the E-mail system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect to others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

The city purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The city prohibits the illegal duplication of software and its related documentation. Also, no software will be installed on city computers without prior authorization from the City Manager.

Employees should notify their immediate supervisor, the City Manager or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

### 3.16 Use of Phone and Mail Systems

Personal use of telephones for long-distance and toll calls is not permitted without approval of the Department Head. Employees should practice discretion in using city telephones or personal cell phones when making local personal calls and may be required to reimburse the city for any charges resulting from their personal use of the telephone. Employees using their personal cell phones should limit their use to breaks and/or their lunch time unless there is an emergency as authorized by the Department Head. Misuse of personal cell phones during the work day may result in disciplinary action to the employee.

The use of city-paid postage for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

The City of Lake Alfred provides e-mail accounts and internet access for City business. Inappropriate use or abuse of City e-mail accounts or internet will subject employees to disciplinary action, up to and including termination.

Employees are hereby notified that the City has the capability and reserves the right to monitor the use of such communication as needed. Monitoring may but is not limited to identifying and analyzing telephone numbers, time and length of incoming and outgoing phone calls; internet sites visited, and email messages sent and received. Please note that all email content is considered a public record and is subject to Florida's Public Records Laws (Chapter 119, Florida Statutes). Electronic communication concerning any official business may not be deleted or destroyed (i.e., erased from computer memory). All email transactions are archived and considered public record..

The City of Lake Alfred provides computers and software, computer files, and electronic mail services to employees. These systems are designed to facilitate the communication with employees and with the public when such communication is necessary. All electronic communication systems, all communications and stored information transmitted, received or contained in the City's Information Systems are the property of the City.

- A. Email is not a private communication. Employees are responsible and accountable for their actions and communications using the internet. Prohibited email content may be but is not limited to any materials which is unauthorized, offensive, political, slanderous, obscene, controversial, critical of any person or entity, or which contains vulgar language, references to sexual matters or is otherwise deemed inappropriate.
- B. All business information via internet email messages and other transmissions are to be professional, accurate, appropriate, ethical, and lawful.
- C. Any form of harassment via email, whether through language, frequency or size of messages is prohibited.
- D. Downloading of software is prohibited.
- E. Sending unsolicited email messages and advertising materials (SPAM) is prohibited.
- F. The City Manager will determine when this Section is being violated and if disciplinary action is warranted.

While electronic mail may require the use of a password for security, confidentiality cannot be guaranteed. Messages may be reviewed by someone other than the intended recipient.

No electronic mail may be sent which attempts to hide the identity of the sender, or represents the sender as someone else.

### 3.17 Smoking

In keeping with the City's intent to provide a safe and healthful work environment, and in compliance with the Florida Indoor Clean Air Act, smoking in the workplace, including e-cigarettes, is prohibited within any municipal building.

This policy applies equally to all employees, customers, and visitors.

### 3.18 Visitors in Workplace

To provide for the safety and security of employees and facilities, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

All visitors should report to the Department office upon arrival. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

Department Heads, with approval from the City Manager, may designate areas restricted from visitation for reasons of workplace efficiency or for safety reasons. If an unauthorized individual is observed on the premises, whether in a restricted or

unrestricted area, employees should immediately notify their supervisor or, if necessary, direct the individual to the nearest city office.

**SECTION 4**  
**EMPLOYMENT POLICIES**

4.01 Appointing Authority

The City Manager has the authority of appointment and removal of subordinate positions. Such authority may be delegated to a Department Head.

4.02 Position Control

All positions in the City are established and maintained through a personnel budget each fiscal year. The establishment of new or additional positions can be authorized by the City Manager subject to adequate justification on need and availability of funds.

4.03 Types of Appointments

It is the intent of the City of Lake Alfred to clarify the definitions of employment categories so that employees understand their employment status and benefit eligibility.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT category may be changed only upon written notification by City of Lake Alfred management.

In addition to the above categories, each employee will belong to one of the following employment categories:

- A. Regular Full Time employees are those who are not in a temporary or probationary status and who are regularly scheduled to work ~~Lake Alfred's~~ full-time schedule. Generally, they are eligible for the City of Lake Alfred's benefit package, subject to the terms, conditions, and limitations of each benefit program.
- B. Regular Part-Time employees are those who are not assigned to a temporary or probationary status and who are regularly scheduled to work 28 or fewer hours per week. Part-time firefighters, reserve police officers, and any other city employee(s) must work or be scheduled to work at least 1,250-hours per fiscal year to be classified as a regular part-time employee.
- C. Probationary employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the City of Lake Alfred is appropriate. The ~~initial~~ probationary period is for a period of one (1) year for all employees in positions that are eligible for regular appointment. Employees who satisfactorily complete the initial probationary period will be notified of their appointment to a regular employment classification. Regular Full time probationary employees will receive benefits the first day of the month following sixty (60) days of employment with the City, subject to the terms, conditions, and limitations of each benefit program as described in Section 14.04 herein. Probationary employees may be paid at a rate below regular full-time or regular part-time employees.
- D. Part-Time, Temporary, or Reserve (PTR) employees are those who are hired as interim replacements; to ~~temporarily~~ supplement or enhance the work force; to assist in the completion of a specific project; or to work in a reserve capacity on an as

needed or on-call basis. Employment assignments in this category may be for a limited duration.

Part-time firefighters, reserve police officers, and any other city employee that is not within a specified regular full-time or regular-part time position (or associated probationary period) fall into this employment category.

Employment beyond any initially stated period does not in any way imply a change in employment status. PTR employees retain that status until an approved change of status is documented in their personnel file. While PTR employees shall receive all legally mandated benefits (e.g. workers' compensation insurance and Social Security), they are ineligible for all of the City of Lake Alfred's other benefit programs. PTR employees are subject to dismissal without cause or the right of appeal. PTR employees may be paid at a different rate than regular or probationary employees.

- E. Volunteer or Community Service Workers are non-employees that assist the City in the provision of its services. Volunteer or Community Service Workers receive no pay for their service and generally are interested in either furthering the community goals of the City of Lake Alfred or in acquiring community service / internship credits for academic programs. All volunteers may be required to submit an application with background information and Department Heads must receive approval from the City Manager prior to commencing any service with the City of Lake Alfred.

#### 4.04 Application Procedures

When departments submit requests for persons to fill vacancies, the requests shall include the title of the position and other pertinent information as may be needed to locate qualified applicants. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit.

Upon being notified of a vacancy, the employee delegated this authority shall prepare a notice and advertisement, where appropriate, outlining the qualifications for the position as per the City's Equal Employment Opportunity Plan specifications.

The advertisement shall be posted on the City of Lake Alfred website, the City bulletin board, and published within a local newspaper. The position shall be open for applicants a period of ten business days.

The City Manager, in conjunction with the appropriate Department Head, will select the best qualified applicant.

When a vacancy has been filled, the remaining applications become inactive after six (6) months. Should a vacancy occur with the same position within the active period, the Department Head may fill the position using the active applications on file or a current PTR employee without advertising for the position.

Employment with the City shall be based on merit, which includes considerations of qualifications such as ability, skill, experience, training and other merit factors.

As part of the pre-employment procedure, references provided by applicants or reference sources will be checked.

#### 4.05 Processing of Applications

The City will review and consider all applications for employment filed with the City. The City may have any individual application or applications reviewed by Department Heads

and subordinates as appropriate. The City may approve or disapprove applicants for employment taking into consideration the requirements of the position to be filled, the applicant's criminal history and their qualifications and the interests of the City. The City reserves the right to perform state and national background checks on all potential and current employees (Section 166.0442, Florida Statutes).

The City may reject an application which indicates that the applicant does not possess one or more of the requirements as specified in the announcement.

Applications may also be rejected for the following reasons:

- A. The applicant has been convicted of a felony or of a first degree misdemeanor, which directly relates to the position sought.
- B. The applicant has made false statements of any fact in the application.

NOTE: Whether or not an applicant will be rejected under items 1 and 2 above will depend on the specific facts, including the nature of the offense, relevance to employment, the passage of time since the incident occurred, evidence of rehabilitation or other mitigating factors.

Before final processing, all applicants must:

- A. All candidates offered City employment, including those being offered re-employment, shall undergo a physical examination and (for safety-sensitive and special-risk positions) a drug screen to determine if the candidate is physically able to perform the essential duties and responsibilities of the job without risking the safety and health of himself and others. The physical examination shall be performed and evaluated by the City's designated physician, under standards established by the City. In the event of a positive drug test result, the candidate will not be employed and will not be reconsidered for employment with the City.  
~~Pass a drug screen performed and evaluated by the City's designated testing facility. This requirement only applies to employment positions that are in a special risk category or other mandatory testing classifications consistent with applicable laws. The list of positions that require drug testing shall be maintained by the Human Resources Designee.~~

B. Pass a background check

~~B.C.~~ Present a valid Social Security card.

~~C.D.~~ Present proof of:

1. Education, if required by the position.
2. Date of birth.
3. Citizenship or resident alien status.
4. Separation from the Armed Forces (DD-214 Form).
5. Be subject to a background investigation, if required by the position.
6. Present a valid Florida Driver's License, where required by the position.
7. Complete the benefit enrollment process; sign a loyalty oath and complete an I-9 verifying eligibility to be employed in the United States.
- ~~6.8.~~ Receive, acknowledge understanding of and agree to comply with City policies.

~~The applicant upon receiving the job offer must pass a physical exam or medical exam, based on requirements for the position which they are seeking, prior to reporting to work so as to evaluate the employee's physical ability to perform the duties required by the position.~~

#### 4.06 Employee Benefits

Eligible employees at The City of Lake Alfred are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible employees:

Holidays (see Section 5)

Vacation (see Section 6)

Sick Leave (see Section 7)

Funeral, Court, Conference, Compensatory, Military, Civil Disorder or Natural Disaster, Examinations, Educational, Administration, Maternity, Voting, Family, Medical, Leave without Pay Leave (see Section 8)

Health Insurance (see Section 14.04)

Life Insurance (see Section 14.04)

Retirement Plan (see Section 14.02)

Employee Assistance Program (consult City Manager or Department Head)

Voluntary Deferred Compensation (consult City Manager or Department Head)

#### 4.07 Transfers

The City of Lake Alfred provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience.

An employee may be transferred from a classification in one department to the same or equivalent classification in another department. Two (2) weeks' notice shall be given prior to the transfer, unless otherwise agreed upon by both Department Heads.

Notices of all regular, full-time, and part-time job openings are posted, although The City of Lake Alfred reserves its discretionary right to not post a particular opening. Job openings will be posted on the employee bulletin board and remain open for a minimum of three days.

Each job posting notice will include the dates of the posting period, job title, department, pay scale, job summary, essential duties, and qualifications (required skills and abilities).

To be eligible to apply for a posted job, employees must have performed competently for at least 180 calendar days (6 months) in their current position. Employees who have a written warning on file that had occurred less than 30 days prior, or are on probation or suspension are not eligible to apply for posted jobs. The City Manager may waive the requirements in certain cases at his/her discretion. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

#### 4.08 Promotions

An employee is promoted when he/she is selected for a higher level position with the City. City employees shall receive preference when applying for vacant positions for which they are qualified.

#### 4.09 Demotions

A demotion is the assignment of an employee from one class to another which has a lower maximum rate of pay. The City may demote an employee from one class to another which has a lower maximum rate of pay in the following instances:

- A. In lieu of lay-off when a position is to be abolished or an employee with prior rights returns to the position.
- B. In lieu of dismissal when an employee is not performing satisfactorily or when a health examination conducted by the City's physician discloses that the employee is not physically qualified to perform the duties of the position.
- C. When an employee fails to perform satisfactorily during the probationary period following promotion.

The City shall furnish the employee a written statement containing the reasons for the demotion.

#### 4.10 Reinstatements

An employee who has resigned in good standing or whose position has been abolished may be rehired, if a vacancy exists, to the same or similar position by the same department from which the employee left.

An employee may be reinstated at the same pay rate as previously received or may revert to a lower rate within the pay range at the discretion of the City Manager.

Reinstated employees that have separated from the City's employment for less than three (3) months may resume the same seniority & pension (if applicable) benefits they enjoyed prior to termination except herein as otherwise specifically provided. Reinstated employees are subject to the provisions of the applicable pension and insurance programs that are in effect at the time of reinstatement.

Reinstated employees that have separated from the City's employment for more than three (3) months will be considered new employees for the purpose of all benefit calculations.

#### 4.11 Initial Probationary Period

The initial probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether they are a good fit in the organization. The City of Lake Alfred uses this period to evaluate employee capabilities, work habits, and overall performance.

All new and rehired employees work on a probationary basis for one (1) year after their date of hire. During the initial probationary period, new employees are eligible for those benefits that are required by law (e.g. work comp, social security, etc.). The employee may also be eligible for other City of Lake Alfred-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for

each specific benefits program for the details on eligibility requirements. A probationary employee will receive credit for the probationary term for the purpose of accruing benefits when and if the employment status is converted to full time regular appointment. A new employee in their initial probationary period will be ineligible to receive accrued benefits should he/she become separated for any reason during the probationary period.

An initial probationary employee is subject to dismissal without cause or the right of appeal at any time during his/her initial probationary period.– The initial probationary period is completed when a written evaluation and recommendation for regular appointment is conducted by the appropriate Department Head in accordance with existing evaluation standards. Recommendations for completion of probationary period and regular appointment are subject to approval by the City Manager.

Any significant absence during the initial probationary period, as determined by the appropriate Department Head, will automatically extend a probationary period by the length of the absence.– If the City of Lake Alfred determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for up to an additional six (6) months at the discretion of the ~~appropriate~~respective Department Head with such an extension being documented in the employee's personnel file.

#### 4.12 (Secondary) Probationary Period

A secondary probationary period or probationary period is intended for all probationary periods related to transfers & promotions. A ~~secondary~~ probationary period is limited to a period of six (6) months. If during the six (6) month probationary period, the employee is found to be unqualified or not a good fit for the new position, the employee may return to their previous position, with the approval of the Department Head if a vacancy exists. If the former position is filled, every effort will be made to place the employee in a comparable position. If a vacancy or alternative position does not exist the employee shall be dismissed in good standing with the City (See section 16.08).

An employee within a secondary probationary period will continue to accrue and have use of all benefits consistent with their employment classification as a regular part time or regular full time employee.

#### 4.13 Hours of Work

The normal work schedule is 40 hours per week, consisting of five (5) eight (8) hour shifts. Exceptions are Fire Fighters and Fire Department Shift Commanders who work an average fifty-three (53) hour work week, and the Police Department's work schedule which consists of eighty-six (86) hours over a normal pay period. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

#### 4.14 Timekeeping

All nonexempt employees are required to keep a formal record of their time worked. Such records will be kept using a time card and/or mechanical device used to document time. Employees are required to punch in upon arrival to work, out and back in during meal periods, and punch out at the end of the workday. Certain Police and Fire personnel are exempt from this policy. The City will provide machines for this procedure. Any correction or additions to times cards must be initialed by the supervisor. All salaried employees (that are exempt from the Fair Labor Standards Act) are not required to use a time clock, however shall report days worked, or leave (vacation, sick, etc.) used.

#### 4.15 Paydays

Paychecks are distributed on a bi-weekly (every two weeks) basis. Payday normally falls on Friday, and employees will be notified if payday is shifted due to Holidays, City closings or other circumstances.

#### 4.16 Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment. Emergency situations will be dealt with on a case by case basis.

Kelly Day (Pertains to 24 hour shift fire department employees):

- A. Kelly Day Defined: Fire Department personnel working an average of 53 hours a week are credited with a Kelly Day in lieu of overtime. A Kelly Day is credited for every thirteen (13) shifts worked and may not be split or taken in less than twenty-four (24) hour increments. Shift personnel are paid for 106 hours bi-weekly and K-Day is given as compensation for any overtime worked over 212 hours during the 28 day period.

Only one (1) Kelly Day may be accrued at any given time and must be used before another can be accrued. A Kelly Day shall not be accrued within the 28 day cycle if time off (hours not worked) during that period equates to four (4 shifts).

- B. Kelly Day Use: Kelly Day must be used within the work cycle following the cycle the time was earned and cannot receive vacation pay and Kelly K-Day at same time. At the discretion of the Fire Chief a K-Day can be moved or exchanged if;

1. At the time of the move does not create overtime.
2. K-Day exchange occurs on the same shift and within the same 13-shift cycle.
3. Does not exceed the number of personnel allowed off per shift.
4. Does not cause a shortage of personnel on a shift.
5. Exchange is of mutual agreement by all parties.
6. Called back into work on a scheduled day off for K-Day.

Kelly Day and Holiday: K-Day will be treated like other scheduled time-off in regards to Holiday pay. Sick leave will be the only time-off that the person will forfeit their Holiday benefit. K-Day that consequently falls on a Holiday should be considered as the "luck-of-the-draw" and the eventually everyone would receive a portion of this good fortune.

#### 4.17 Attendance

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees in the City. In rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they shall notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment. Three (3) consecutive absences without providing proper notification to the employee's immediate supervisor or Department Head will be considered an abandonment of their position and may result in discharge from employment with the City.

#### 4.18 Performance Evaluations

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's probationary period in any new position. This period allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The ratings will be made a part of the procedures affecting promotions, demotions, transfers, separations, permanent assignments, and other personnel status changes, which require such pertinent and job-related information to form the basis for objective personnel decisions. Additionally, the evaluation is intended to identify strengths and weaknesses; provide for counseling of the individual employee; reveal work performance requiring improvement; identify training needs; and disciplinary actions.

The employee will be included in the job performance evaluation process and will be advised as to the results in discussions with the rating supervisor.

All employees will be required to sign their respective evaluation forms, signifying that they have reviewed their rating. Such signature does not necessarily reflect agreement with the results of the evaluation. Employees shall have the opportunity to file a letter should they disagree with the rating received, which later will become part of the employee's personnel file.

#### 4.19 Employee Training

The City may establish and develop educational, counseling and training programs for employees. The purpose of such programs is to increase operational efficiency, improve public/employee relations and to assist employees in preparing themselves for positions of increasing difficulty and responsibility.

The City Manager may send Employees, Volunteers or those performing work for the City to take/receive training, classes, or instruction at the City's cost (or reimburse for the same) if it is determined to be a benefit to the City to do so.

#### 4.20 Physical Examination/Testing Procedures

To help ensure that employees are able to perform their duties safely, physical and/or medical examinations may be required. The City will fund the expense of the post offer

of employment physical examination and drug screen, if applicable, and any other assessments, i.e. polygraph, psychological examination, credit history report, fingerprint background check, and motor vehicle reports. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exams.

If a second test is required for any reason, the individual employee, at the discretion of the appropriate Department Head, will be held responsible for the cost of the exam.

~~After an offer has been made to an applicant entering a designated job category, a physical and/or medical examination will be performed at the City of Lake Alfred's expense by a health professional of the City of Lake Alfred's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.~~

If a newly hired employee fails to complete one year of service with the City, said new hire shall be required to refund the City this expense, the full value of which shall be deducted from the terminating employee's final check provided that deductions made for items which are for the primary convenience of the City shall not reduce the employee's wages below the required minimum wage in a given pay period. Should the final check be insufficient to cover the refund due, the departing employee will be required to make other repayment arrangements. The City retains the right to waive the refund requirement, at its discretion, subject to the approval of the City Manager.

Information on an employee's medical condition or history will be maintained confidentially.

#### 4.21 Drug Free Workplace Program

The City of Lake Alfred has adopted a Drug Free Workplace Program Policy, which shall be maintained and updated by the Human Resources Designee as a Departmental Policy under the direction of the City Manager.

#### 4.22 Restricted Duty Assignment

Occasions will arise when an employee is temporarily unable to perform all of their job duties as a result of an injury, illness or other debilitating condition. In order to ensure consistency and fairness to all employees, it is necessary to establish guidelines for restricted duty assignments. Also, in order to ensure the continued service and adequate service delivery for the citizens of The City of Lake Alfred, it is necessary to place a limitation upon the duration of restricted duty assignments.

Employees whose physical abilities have been temporarily diminished as a result of an injury, illness or other debilitating condition (e.g., broken arm) may, at the discretion of the City Manager, be assigned to restricted duty.

##### A. Qualifications for Restricted Duty

1. In order to qualify for restricted duty, an employee must be certified by the City's Workers Compensation Medical Review Officer and/or a licensed physician to be temporarily unable to perform all of their job duties as a result of an injury, illness or other debilitating condition.
2. Employees certified for restricted duty must be capable of performing all of the tasks associated with an available, restricted duty assignment.

##### B. Application for Restricted Duty

1. Injuries on the Job - A qualified employee who has been injured on the job may request a restricted duty assignment following receipt of Return to Work (with restrictions) authorization from the City's Worker's Compensation Medical Review Officer and, where necessary, the employee's personal attending physician.
  - a. The Department Head shall have the authority to temporarily assign an employee to restricted duty when the injury will require restricted duty for a period not to exceed three (3) consecutive workdays.
  - b. If an employee's injury will require more than three (3) consecutive workdays of restricted duty, the employee shall submit a Request for Restricted Duty Assignment form to their Department Head requesting a restricted duty assignment. The form should include a brief description of the injury and the prognosis for recovery. A copy of the Return to Work authorization from the City's Worker's Compensation Medical Review Officer shall be attached. The Department Head shall submit the request along with a recommendation to the City Manager for consideration. The City Manager shall have the final authority in deciding whether to approve a request for extended, restricted duty. An employee may not return to duty until the request is approved by the City Manager.
2. Injuries/Illnesses / Conditions Arising Off the Job - A qualified employee who is suffering from an injury, illness or condition **not** arising in the line of duty may request a restricted duty assignment.
  - a. The Department Head shall have the authority to temporarily assign an employee to restricted duty when the injury will require restricted duty for a period not to exceed three (3) consecutive workdays.
  - b. If an employee's injury will require more than three (3) consecutive workdays of restricted duty, the employee shall request in a written memorandum, a restricted duty assignment from their Department Head. The memorandum should include a brief description of the injury and the prognosis for recovery. A copy of the Return to Work authorization from the employee's attending physician shall be attached. The Department Head shall submit the request along with a recommendation to the City Manager for consideration. The City Manager shall have the final authority in deciding whether to approve a request for extended, restricted duty. An employee may not return to duty until the request is approved by the City Manager.

C. Administration

1. The City Manager shall consider recommendations from the Department Head regarding restricted duty assignments.
2. In some cases, employees may be allowed to continue in their primary assignment if the efficiency of the division/department will not be affected (Example: An employee normally assigned to administrative duties may be allowed to continue in that assignment after knee surgery).
3. Department Head will be responsible for monitoring employees from their department who are assigned to restricted duty.

D. Periodic Medical Evaluations

1. At least every thirty (30) days, or more often when necessary, the City's assigned Worker's Compensation Medical Review Officer shall evaluate employees who are on restricted duty as a result of an on-the-job injury.
2. At least every thirty (30) days, employees who are on restricted duty as a result of an injury, illness or condition **not** arising in the line of duty shall be evaluated by their private attending physician and shall submit a monthly update to their Department Head.

E. Duration of Restricted Duty Assignments

1. Restricted duty is only available on a temporary basis to eligible employees.
2. An employee's eligibility for restricted duty shall expire six (6) months after the date of initial injury or onset of the illness or condition.
3. An employee who is on restricted duty and unable to return to full and unrestricted duty after six (6) months from the date of initial injury or onset of the illness or condition must take an authorized leave of absence (e.g., worker's compensation leave, sick leave, vacation leave, compensatory time, volunteer sick leave program, leave without pay, Family and Medical Leave Act, etc.).
4. An employee who is disabled will be reasonably accommodated as required by the Americans with Disabilities Act.

Requirements to Remain in Authorized Leave Status

1. Employees are required to remain in an authorized leave status (e.g., worker's compensation leave, sick leave, vacation leave, compensatory time, volunteer sick leave program, leave without pay, Family and Medical Leave Act, etc.).
2. Employees whose eligibility for restricted duty has expired and who are still physically unable to perform their normal job duties shall be required to remain in an authorized leave status (e.g., worker's compensation leave, sick leave, vacation leave, compensatory time, volunteer sick leave program, leave without pay, Family and Medical Leave Act, etc.).
3. Failure to remain in authorized leave status for three (3) consecutive days will be considered an abandonment of the position and may result in discharge from employment with the City.

F. Restrictions while on Restricted Duty

1. Employees on restricted duty will follow the directives (i.e., work related restrictions) of the City's Worker's Compensation Medical Review Officer and/or their private attending physician during the entire period of restricted duty eligibility. Failure to follow medical restrictions may result in denial of restricted duty.
2. Employees on restricted duty shall be evaluated by the City's Worker's Compensation Medical Review Officer and/or their private attending physician and shall submit a fitness-for-duty certification before returning to full duty.

## G. Management Discretion

1. Restricted duty assignments are provided under the sole discretion of the City Manager and are available on a temporary basis only and may be rescinded at any time.
2. Restricted duty assignments may include changes in work responsibilities, work hours, work location, work attire, etc.

### 4.23 Tuition Reimbursement Program

~~The City may establish and implement a Tuition Reimbursement Program by resolution.~~

The City may establish a tuition reimbursement and/or student loan repayment program. The program shall be based upon the funding appropriated by the City Commission to the "Tuition Reimbursement" line item within the City's Annual Budget for each fiscal year. The City Manager shall administer the program through Departmental Policies and make amendments as necessary to reflect the program's budgeted amount.

### 4.24 Commercial Driver's License (CDL) Assistance Program

~~The City may establish and implement a CDL Assistance Program by resolution. The City may establish a Commercial Driver's License Assistance program. The program shall be based upon the funding appropriated by the City Commission to the "CDL" line item within the City's Annual Budget for each fiscal year. The City Manager shall administer the program through Departmental Policies and make amendments as necessary to reflect the program's budgeted amount.~~

The funding for this program may be combined with the foregoing Tuition Reimbursement Program into a single line item "Tuition/CDL Assistance."

### 4.25 Education Incentive Pay

~~The City may establish and implement an Educational Incentive Pay Program by resolution. The City may establish an Educational Incentive Pay Program. The program shall be based upon the funding appropriated by the City Commission item within payroll section of the City's Annual Budget for each fiscal year. The City Manager shall administer the program through Departmental Policies and make amendments as necessary to reflect the program's budgeted amount.~~

**SECTION 5**  
**HOLIDAYS**

5.01 Eligibility for Holiday Leave

All probationary or regular full-time employees will receive eight (8) hours off with pay for each of the holidays observed. All probationary or regular part-time employees will receive four (4) hours off with pay for each of the holidays earned.

An employee must be on "Active Pay Status" on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday in order to qualify for the holiday leave.

5.02 Days Observed

The City of Lake Alfred will grant holiday leave to all eligible employees on the holidays listed below.

Eligible employee classification(s): Regular full-time employees, ~~and~~ regular part-time employees and probationary employees. Holiday pay will be calculated based on the employee's straight-time hourly pay rate (as of the date of the holiday) times eight hours for regular full-time employees and four hours for regular part-time employees.

New Year's Day (January 1)  
Martin Luther King Jr. Day (third Monday in January)  
Memorial Day (last Monday in May)  
Independence Day (July 4)  
Labor Day (first Monday in September)  
Veterans' Day (November 11)  
Thanksgiving (fourth Thursday in November)  
Day after Thanksgiving  
Christmas Eve (December 24)  
Christmas (December 25)

If any holiday falls on a Saturday, it shall be observed on Friday; if it falls on a Sunday, it shall be observed on the Monday following the holiday.

One Floating Holiday (any regular work day-pre-approved by the Department Head to recognize personal or religious holidays, i.e.: birthday, Easter, Good Friday, Rosh, Hashanah, Yom Kippur, or other personal day)

The City of Lake Alfred will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. The Floating Holiday can only be taken after six (6) months of continuous employment and can be taken only once in a fiscal year prior to or on each September 30<sup>th</sup>. They cannot be accrued and are forfeited if not used.

5.03 Holiday on Work Day

Employees who are scheduled to work on the observed holiday will be paid holiday pay [eight (8) hours straight time for regular full-time and four (4) hours straight time for regular part-time] plus straight time for actual hours worked.

An employee who takes unauthorized leave on an observed holiday, the day before the holiday, or the day after the holiday that he/she is when scheduled to work will be charged

with sick/vacation leave and notwithstanding the other provisions within Section 5, shall not receive the benefit of the holiday.

5.04 Holiday on Leave Day

Holidays which occur during authorized vacation or sick leave shall be charged to holiday leave and not to vacation or sick leave.

When a holiday falls within a leave without pay absence period, the employee shall not be paid for the holiday.

**SECTION 6**  
**VACATION LEAVE**

6.01 Eligibility and Rate of Earning

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time, regular part-time and probationary employees are eligible for the vacation leave benefits described in this section.

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule.

YEARS OF ELIGIBLE SERVICE	VACATION LEAVE HOURS EARNED ANNUALLY		
	20-hour Permanent Part-Time	40-hour	53-hour Firefighters
Weekly Work Schedule: Less than 5 years	40 hours per year	80 hours per year	144 hours per year
5 years, but less than 10 years	60 hours per year	120 hours per year	216 hours per year
10 years, but less than 15 years	72 hours per year	144 hours per year	252 hours per year
15 years or more	80 hours per year	160 hours per year	288 hours per year

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Eligible employees accrue vacation time according to the schedule. Employees in their initial probationary period may begin to use accrued vacation leave six (6) months after their date of hire unless otherwise authorized by the City Manager. Use of earned vacation time following the six month period is subject to approval by the Department Head.

~~For all regular full-time employees, permanent part-time employees, and full-time Firefighter employees, the~~ Employees may accrue a maximum number of vacation leave hours ~~balance is capped at equal to twice (x2) the their annual accrual of vacation leave hours (e.g. a regular full-time employee with less than 5 years of service would have a maximum vacation leave hour balance of 160 hours).~~ Any accrual of vacation leave hours that would exceed the maximum cap balance will be lost.

Accrual of vacation leave hours occurs biweekly with the regular processing of payroll.

6.02 Charging Leave

Paid vacation time can be used in minimum increments of one (1) hour. Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime.

Holidays which occur during the period selected by the employee for vacation leave shall be charged against holiday leave and not to vacation leave.

Vacation leave will not be granted in advance of accrual. Vacation leave will not be considered as time worked for overtime computation.

6.03 Requests for Leave

To take vacation, employees shall request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including department needs and staffing requirements.

Vacation leave may be taken only after approval by the Department Head. Any Department Head's request for vacation leave must be approved by the City Manager.

6.04 Use

Vacation leave may be granted for the following purposes:

- A. Vacation;
- B. Absences for transacting personal business which cannot be conducted during off-duty hours;
- C. Religious holidays other than those designated by the City as official holidays;
- D. For uncovered portions of absences due to medical reasons once sick leave has been exhausted;
- D. Any scheduled absence from work not covered by other types of leave provisions established by these policies;
- E. For the purposes of vacation, no employee will be allowed to use more than one hundred and sixty (160) hours of leave consecutively or be absent from work more than four (4) consecutive weeks, whichever is greater. The City Manager may waive this provision at his/her discretion.
- G. Bereavement of friend or relative

6.05 Unused Vacation Leave

When separation occurs, employees will be compensated for vacation leave accumulated through the last day of work, if they have successfully completed their initial probationary period with the City.

6.06 Sick & Vacation Leave Buyback Program

The City may establish a vacation and sick leave buyback program. The program shall be based upon the funding appropriated by the City Commission to the "Leave Buyback" line item within the City's Annual Budget for each fiscal year. The City Manager shall

administer the program through Departmental Policies and make amendments as necessary to reflect the program's budgeted amount. The leave buyback program shall not account for amounts paid to employees from separation of employment or other amounts not specifically tied to this program.

## SECTION 7 SICK LEAVE

### 7.01 Eligibility and Rate of Earning

The City of Lake Alfred provides paid sick leave benefits to all **eligible** employees for periods of temporary absence due to illnesses or injuries.

Each probationary or regular full-time employee will earn sick leave at a rate of 8.0 hours per month. Probationary or regular part-time employees will earn sick leave at a rate of 4.0 hours per month:

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

Sick leave will not be granted in advance of accrual. Sick leave will not be considered as time worked for overtime computation. Use of accrued sick time is subject to approval of the appropriate Department Head.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance and workers' compensation. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings, with the exclusion of employee paid disability insurance or cancer insurance.

### 7.02 Charging Leave

Sick leave will be charged in one (1) hour minimum increments. Should a holiday occur during authorized sick leave, the holiday shall be charged to holiday leave.

### 7.03 Requests for Leave

To receive compensation while absent on medical leave, the employee shall notify his/her immediate supervisor or Department Head in accordance with department regulations. An employee in a unit operating on a twenty-four (24) hour basis must notify the department within a time limit established by the department. This provision may be waived by the Department Head if the employee submits evidence that it was impossible to give such notification.

If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement is required verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition of receiving sick leave benefits.

An employee who has exhausted sick leave, must use vacation leave for the duration of the use or request Leave without Pay.

An employee, who has exhausted all leave benefits, must request Leave without Pay or the employee may be subject to termination.

Family Medical Leave (FMLA) may be paid, unpaid or a combination of paid or unpaid. If the employee has accrued sick leave and/or vacation leave, the employee must use

accrued sick leave and/or vacation leave first and then may take the remainder of the approved FMLA leave as unpaid.

7.04 Use

Sick leave may be granted for the following purposes:

- A. Personal injury, pregnancy or illness of the employee.
- B. Medical, dental, optical or chiropractic examination or treatment when it is not possible to arrange the appointment during off-duty hours.
- C. Exposure to contagious disease which would endanger others as determined by a physician.
- D. Illness of a parent, sibling, child, spouse, grandparent, or grandchild which requires the personal care and attention by the employee.
- E. Bereavement of relative

7.05 Accrued Leave

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence. Sick leave benefits will continue to accumulate without limit.

7.06 Unused Sick Leave

Employees separating from employment that have satisfactorily completed their initial probationary period will be paid for fifty percent (50%) of the accrued sick leave at their regular hourly rate upon separation with the following maximums:

<u>Employment Category</u>	<u>Maximum Sick Leave Payment</u>
Regular Full-Time	520 Hours
Regular Part-Time	260 Hours

7.07 Volunteer Sick Leave Program

All probationary, full time, and regular part-time employees are eligible to be recipients of the volunteer sick leave program. Employees requesting donated sick time must have exhausted all leave accruals prior to eligibility.

- A. Maximum of 16 hours per employee, per fiscal year may be donated to other employees.
- B. Employees who choose to donate must maintain a minimum of 40 hours sick leave before they are permitted to donate to another employee.
- C. The Human Resource designee shall review requests for donations. The City Manager shall make the final decision to award donated sick leave to an employee.
- D. Sick Leave assistance will be paid at the recipient's regular rate of pay with proper documentation and following all HIPPA rules and regulations.

**SECTION 8**  
**MISCELLANEOUS LEAVES**

8.01 Eligibility and Period of Leave

The City of Lake Alfred provides miscellaneous leave benefits to all **eligible** employees for periods of temporary absences.

8.01 Funeral Leave

Employees who take time off due to the death of a relative should notify their supervisor immediately.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. All regular full-time employees will be eligible to receive leave time of up to twenty-four (24) hours per fiscal year following the death of a relative (or spouse's relative). Regular part-time employees will be eligible to receive up to twelve (12) hours per fiscal year for leave under this section.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available vacation or sick leave for additional time off as necessary.

8.02 Court Leave

A. Jury Duty: The City of Lake Alfred encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may receive up to one (1) month of paid jury duty leave over any one year period. Employee will be recompensed for any mandated jury duty above what the court pays up to 100% of base pay.

Jury duty pay will be calculated on the employee's base pay rate times the number of regular hours the employee would otherwise have worked on the day of absence, less payments received from the court. Employee classifications that qualify for paid jury duty leave are: Regular full-time employees

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence, at the discretion of the Department Head with approval from the City Manager.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either the City of Lake Alfred or the employee may request an excuse from jury duty if, in the City of Lake Alfred's judgment, the employee's absence would create serious operational difficulties.

The City of Lake Alfred will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

B. Witness Duty: The City of Lake Alfred encourages employees to appear in court for

witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the City of Lake Alfred, they will receive paid time for the entire period of witness duty.

Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the City of Lake Alfred. Employees are free to use any available vacation leave benefit to receive compensation for the period of this absence.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

#### 8.03 Conference Leave

An employee may be granted leave with pay to attend professional and technical institutes, conferences or other meetings, which contribute to the effectiveness of the employee's service. All such leave and travel expenses will be subject to the approval of the City Manager.

#### 8.04 Compensatory Time

Exempt employees are not required to receive overtime compensation per FLSA guidelines. Exempt employees are considered "all the time, anytime" employees and shall work hours beyond the standard forty (40) hour work week as necessary to fulfill their job duties and responsibilities. In order to facilitate and to encourage exempt employees to complete required tasks without perceived penalty or hesitation and to account for variable workloads; the City of Lake Alfred has implemented the following compensatory time policy for exempt employees:

- A. Comp time shall be accrued in half-hour increments for time worked beyond the standard 8-hour work day and/or 40-hour work week. For the purposes of this section, time worked shall refer generally to fulfilling job duties and responsibilities as well as attending training or work related events.
- B. Remote travel and attending training, conferences, or similar functions outside of Polk County shall be limited to two (2) hours of comp time accrual per regular work-day. Weekend or holiday comp time accrual related to remote travel, training, and conferences shall be limited to eight (8) hours per day.
- C. Comp time shall be used in half-hour increments for absences during regular working hours. Use of this time is subject to approval by the appropriate Department Head.
- D. The City Manager or designee(s) shall establish departmental procedures that will properly maintain records of the accrual, use, and balance of comp time for exempt employees.
- E. Compensatory time balances shall not exceed eighty (80) hours. Any accrual beyond this amount shall not be recorded and will be lost.
- F. Upon separation of employment with the City, the employee shall be paid for up to forty (40) hours of accrued compensatory time at their regular hourly rate.

#### 8.05 Military Leave

An employee who is a commissioned reserve officer or reserve enlisted person in a reserve component of the Armed Forces or the National Guard of the United States will be entitled to pay and benefits pursuant to applicable federal law and guidelines.

The number of hours of daily paid leave provided to each employee shall be based on the number of hours the employee was normally scheduled to work on each workday the employee is absent due to military training or active duty. Each daily scheduled shift of 12 hours and up to 24 hours considered as two days leave. In all cases, travel time to and from military training that occurs during the employees' normal shift will be considered paid leave time.

Routine weekend duty should be considered when scheduling applicable City employees.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Vacation benefits will continue to accrue during a military leave of absence.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Full-time regular Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Contact the City Clerk's Office for more information or questions about military leave.

#### 8.06 Civil Disorder or Natural Disaster

Employees who are members of a volunteer fire department, police auxiliary or reserve, civil defense unit or other law enforcement-type organization may be granted leave with pay upon approval by the City Manager when called on to perform duties in times of civil disturbances, riots and natural disasters.

Normally the leave should not exceed two (2) days on any one occasion. The City will reimburse the employee for their difference between the Military pay and their regular City pay during the approved period of service.

#### 8.07 Examinations

An employee may be granted leave with pay for the purpose of taking examinations that will upgrade their qualifications. The examination should be related to the employee's present job and approval must be received from the City Manager.

#### 8.08 Educational Leave

Leave with pay may be granted to an employee to attend a college, university or training academy to receive training that is of clearly foreseeable benefit to the position and/or to the City.

Enrollment in short courses, seminars, conferences or less than full-time at a college, university or training academy, which is required as part of an employee's job, shall not be considered educational leave, but shall be considered a part of the employee's work assignment.

#### 8.09 Administrative Leave

Administrative leave may be granted by the City Manager on a case-by-case basis, if disciplinary proceedings or unusual circumstances are determined to be warranted.

This leave may be paid or unpaid determined at the discretion of the City Manager.

#### 8.10 Maternity Leave

Federal guidelines on gender discrimination provide that maternity related absences may be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery there for is, for all job-related purposes, temporary disability. The sick leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.

Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to sick leave or to any combination of sick leave, vacation leave, and leave without pay.

The time when a pregnant woman should return to work will be determined on an individual basis and will generally depend on the physical nature of the work, the needs of the City, and the results of professional medical guidance. For a normal pregnancy, leave may be approved up to a six (6) week period, based on the medical release from the employee's doctor.

An employee will be allowed to continue working as long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by the City, with physician, and employee input, based on the needs of the City.

The date on which the employee shall return to work following maternity leave shall be based on a medical statement from a certified physician stating that she is physically and mentally able to perform normal duties of her position with full efficiency.

#### 8.11 Voting Leave

The City of Lake Alfred encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election due to their scheduled work hours, the City of Lake Alfred will grant up to two hours of unpaid time off to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

Employees are encouraged to use an absentee ballot if unable to go to the polls on Election Day.

## 8.12 Family and Medical Leave

- A. The City of Lake Alfred may grant up to twelve (12) weeks of Family and Medical Leave during each “rolling” twelve month period (measured backwards) to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). To be eligible, the employee must have worked for the City of Lake Alfred for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period immediately before the requested leave date. The employee is entitled to FMLA for one of the following reasons:
1. The birth and care of a child [leave completed within one (1) year of birth].
  2. The placement of a child with an employee for adoption or foster care [leave completed within one (1) year of placement].
  3. The care of a spouse (legally married), child, or parent with a serious health condition.
  4. The serious health condition of the employee. A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, a residential medical care facility, or a condition which requires continuing care by a licensed health care provider. Voluntary cosmetic treatments which are not medically necessary are excluded unless inpatient hospital care is required. Treatment for substance abuse is included when inpatient care is required.
- B. Eligible employees may take family and medical leave in consecutive weeks or use the leave intermittently. Leave for birth or adoption, or foster care of a child must be taken within one (1) year of the birth or placement of the child, and the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule.
- C. An employee requesting leave under this policy must submit the request in writing to his or her immediate supervisor with a copy to the Department Head except where leave is not foreseeable. The employee must give the City thirty (30) day notice of the requested leave. If it is not possible to give a thirty (30) day notice, the employee must give as much notice as is practical.
- The City may also designate any qualifying leave of three consecutive working days or more as FMLA leave.
- D. An employee requesting leave for the care of his or her spouse, child or parent with a serious health condition or for the employee's serious health condition, are required to supply written certification of the serious health condition stating the date the condition began, diagnosis and the probable duration of the condition. If the leave is for the employee's serious health condition, the health care provider must state the employee is unable to perform assigned job duties.
- E. The completed leave of absence request and, if appropriate, the medical authorization is to be forwarded to the Department Head and City Manager for consideration of approval.
- F. Family and Medical Leave may be paid, unpaid or a combination of paid and unpaid. If the employee has accrued sick leave and/or vacation leave the employee must use accrued sick leave and/or vacation leave first and then may take the remainder of the approved FMLA leave as unpaid. FMLA leave shall run concurrently with all other forms of eligible leave (e.g. sick or vacation leave). Regular Full Time Employees

shall be provided up to one (1) week of paid FMLA leave within an annual benefit period after accrued sick leave and/or vacation leave has been used.

- G. An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility and authority.
- H. Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to provide care for the service member.  
A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that is incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.

The single 12-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons.

- I. The intent of this section is to comply with the provisions of the Family Medical Leave Act and to provide reference information related to its primary provisions. Nothing stated within this section shall be construed as to conflict with or to represent all applicable FMLA standards. Substantive information, specific questions, and up to date standards should be referred directly to the Department of Labor or through the City's Human Resources designee for verification.

J. When an employee is ready to return to work from FMLA their return should be coordinated with Human Resources and the employee must provide the medical certification for return to work **prior** to their return.

### 8.13 Leave without Pay

The decision to grant leave without pay must be authorized by the City Manager:

The following provisions apply to leave without pay:

- A. An employee granted leave without pay must keep the Department Head informed of his/her current activity and current address.
- B. An employee who obtains either part-time or full-time employment elsewhere while on authorized leave without pay is required to notify the Department Head in writing within three (3) days of accepting such employment.
- C. Failure to comply with all of the leave without pay policy requirements will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or resign.

- D. Any employee granted leave without pay shall contact the Department Head at least two (2) weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
- E. Failure to return to work at the expiration of the leave shall be considered as a resignation.
- F. Sick leave, vacation leave or holiday leave will not be earned by an employee for the time that the employee is on leave without pay unless on unpaid medical leave in accordance with the Family Medical Leave Act (FMLA).
- G. An authorized leave without pay shall not constitute a break in service, but the time will not be credited toward retirement.
- H. Employees wishing to continue their insurance coverage must pay all premiums while on leave without pay.

**SECTION 9**  
**EMPLOYEE RECOGNITION PROGRAM**

9.01 Employee of the Quarter

The City Manager and Department Heads shall select an exemplary employee to be recognized as Employee of the Quarter. The following schedule will be followed for quarterly selection:

	Recognition at Commission Meeting
1 <sup>st</sup> Quarter	1 <sup>st</sup> Monday of April
2 <sup>nd</sup> Quarter	1 <sup>st</sup> Monday of July
3 <sup>rd</sup> Quarter	1 <sup>st</sup> Monday of October
4 <sup>th</sup> Quarter	1 <sup>st</sup> Monday of December

Nominations for Employee of the Quarter shall be submitted to the City Manager from each Department Head.- Recipients for the award shall be selected based on outstanding job performance, dependability and cooperative efforts with Departments and general public, and ability to go above and beyond the call of duty.- Eligible classifications include regular full-time and regular part-time employees, who have completed their probationary period.- The recipient shall be recognized at a regular Employee Quarterly Meeting and City Commission Meeting in addition to receiving a plaque, Quarterly pin, and one (1) full day off with pay and may receive additional compensation as determined by the City Manager in accordance with the annual budget.

9.02 Employee of the Year

Employee of the Year is selected from the four (4) recipients of the Employee of the Quarter.- The City Manager and Department Heads shall select the recipient and they shall be recognized at the final quarterly meeting in December.- The Employee of the Year receives a plaque and two (2) full days off with pay and may receive additional compensation as determined by the City Manager in accordance with the annual budget.

9.03 Longevity Recognition

Employees will be recognized for their service at the City in 5-year increments. Recipients will receive a certificate and pin for their recognition and acknowledgement at regularly scheduled City Commission Meetings. Employees may also receive additional compensation in an amount determined by the annual budget.

## **SECTION 10** **SEPARATIONS**

### 10.01 Types of Separations

Separations and/or terminations from positions in the City are designated as one of the following types: Resignation, Retirement, Health, Disability, Death, Reduction in Force (Lay-Off), Dismissal or Discharge, and end of temporary assignment.

### 10.02 Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with the City of Lake Alfred. Every employee planning to leave the City of Lake Alfred's service shall notify in writing his or her Department Head or Supervisor at least two (2) weeks prior to the intended date of resignation, which statement shall include the date the employee intends to leave service with the City of Lake Alfred. The effective date of separation from the City of Lake Alfred's service shall be at the close of business on the last day the employee reports for duty, which will be determined at the discretion of the Department Head and indicated in the employee's personnel file. Under no circumstances shall vacation leave be considered a part of the two (2) week notice resignation period. Absent extenuating circumstances as determined by the City Manager, if an employee does not provide the required advance notice of resignation, the employee shall be considered ineligible for rehire.

### 10.03 Retirement

A procedure whereby an employee is separated from the City; and is consistent with the provisions of the retirement plan in effect.

### 10.04 Health

When an applicant is appointed to a position before the final report of a health examination is received, and the final report shows that the employee is not physically qualified to perform the duties of the position despite reasonable accommodations not creating an undue hardship on the City, the applicant will be separated.

The City may request that an employee be examined by the City's designated physician. If disability of any kind is discovered which impairs the effectiveness of an employee in performing the work or makes continuance on the job a danger to the employee or others, the following action shall be taken:

- A. If the disability is correctable, the employee will be allowed a specific time to take steps to have the disability corrected, at the expense of the employee. If the employee fails to take steps to have the disability corrected within the specified time, the employee shall be subject to dismissal.
- B. If, in the opinion of the examining physician, the disability cannot be corrected, the City Manager will attempt to place the employee in another position in which he/she can perform satisfactorily. If that step cannot be accomplished successfully, the employee shall be separated either through retirement or dismissal.

#### 10.05 Death

For record keeping purposes, separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or the estate of the employee, as determined by law.

#### 10.06 Reduction in Force (Lay-off)

When it becomes necessary to reduce the number of employees because of lack of funds, shortage of work, the abolition of a position or other causes which do not reflect discredit on the service of the employees, employees shall be laid off on the basis of the following factors, each weighed equally:

- A. Length of service in the class.
- B. Length of service with the City.
- C. Performance evaluation for the past three (3) years or for the entire period of service where the length of service with the City is less than three (3) years.

No regular employee shall be laid-off while another person in the affected class is employed on a provisional, part time, temporary or seasonal basis.

Employees will be given a thirty (30) day Notice of Layoff, unless layoff is due to an unforeseeable situation, then a seven (7) day minimum Notice of Layoff will be given.

Recall will be offered to laid-off employees provided they are physically and otherwise qualified to perform the duties of the job.

The City Manager shall give the employee to be laid-off written notice of the action before the effective date of the lay-off.

When a Department Head believes that an employee is essential to the efficient operations of the department due to special skills or abilities and wishes to retain this individual, the Department Head must submit a written request to the City Manager. The decision of the City Manager regarding retention or lay-off is final.

Notwithstanding any other provision to the contrary, a laid-off employee shall be paid out for all accrued vacation, sick leave, and compensatory time without reduction.

#### 10.07 Dismissal / Discharge

A discharge or dismissal is the involuntary separation of an employee from the City of Lake Alfred. Employees discharged for disciplinary reasons will not be eligible for rehire and shall lose all seniority and reinstatement privileges.

Notwithstanding the previous, an Employee discharged for disciplinary reasons may be rehired if the City Manager determines in his or her sole discretion that extenuating circumstances are present during or following the discharge of the Employee that would allow for rehire. To be valid, said determination must be provided for in writing and included in the Employee's personnel file.

Charges which form the basis for a dismissal of an employee shall be specific and shall be documented, including dates and places of incidents, and shall include documentation of progressive discipline (if any) as specified within the disciplinary action section of this handbook.

The procedure for dismissal shall be as follows:

- A. PTR employees or employees in their initial probationary period following original appointment are subject to dismissal without cause or the right to appeal. Therefore, a finding by the City Manager that a dismissal is for the good of the City shall be final.
- B. Regular Full-Time or Regular Part-Time employees who are to be dismissed with cause shall be notified in writing of the specific causes for dismissal prior to dismissal. Such notice will include the employee's rights of appeal.

The City Manager or designee may suspend an employee for disciplinary reasons or pending court proceedings concerning actions that may result in dismissal.

- A. An employee may be suspended with or without pay for acts involving unsatisfactory performance or conduct prejudicial to the public interest.
- B. An employee may be indefinitely suspended with or without pay if he or she has been arrested for a felony or formally charged by the State Attorney's Office with a felony or for a misdemeanor involving misconduct in a job-related skill/function area, substance abuse, driving while under the influence or use of illegal drugs. The suspension shall be terminated by either restoration to the City of Lake Alfred or by dismissal after the decision of the court. If the employee is restored to employment, full pay for the entire period of suspension will be paid and eligibility for accrual of leave credits shall not have been interrupted by the suspension.
- C. The employee shall receive written notice, stating the nature and reason for the action, the duration and rights of appeal.

#### 10.08 Exit Interview

It is the desire of the City to determine why employees leave employment. An exit interview program may be established and administered to determine the causes of and possible solutions for turnover within the work force. Employees may request an exit interview with the Human Resources office within two (2) weeks of leaving employment.

**SECTION 11**  
**SAFETY**

11.01 Accident Prevention

Department Heads, supervisors and employees should recognize their responsibility for a successful safety program and will participate in the development, implementation and improvement of this program. Supervisors must have a continuing concern with all possible safety and operational procedures. Inadequate safety training, improper equipment handling, and neglect can increase costs, cause accidents and reduce productivity.

11.02 Accident Reporting

Employees will be advised by their supervisor of their responsibility to immediately report all injuries that occur on the job to their supervisor. Delay in reporting an injury can cause complication of the injury and delayed recovery.

Accident reports must be submitted by the injured employee's supervisor within twenty-four (24) hours of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving City vehicles. A vehicular accident report will be submitted. If an employee is injured, an injury report will also be required.

In the case of vehicular accidents, the appropriate law enforcement agency shall be notified immediately.

All employees who cause an accident or are affected by an accident must submit for drug screening and/or physical examination at the City's designated testing facility.

11.03 Worker's Compensation

Payment of Worker's Compensation to employees who are disabled because of an injury arising out of and in the course of performing their duties will be governed by the Florida State Worker's Compensation Law and City procedures.

11.04 Security Inspections

The City of Lake Alfred wishes to maintain a work environment that is free of firearms, explosives, or other improper material or illegal substances. To this end, the City of Lake Alfred prohibits the possession, transfer, sale or use of such materials on its property or premises, unless necessary to perform the employee's job duties. The City of Lake Alfred requires the cooperation of all employees in administering this policy.

Desks, lockers, city-owned vehicles, machinery and equipment, and other storage devices may be provided for the convenience of employees but remains the sole property of the City of Lake Alfred. Accordingly, the aforesaid, as well as any articles found within them, can be inspected by a Department Head, Supervisor, or the City Manager at any time, either with or without prior notice.

**SECTION 12**  
**DISCIPLINARY ACTION**

12.01 Intent

It is the intent of the City that effective supervision and employee relations will avoid most matters which necessitate disciplinary action. Each instance differs in many respects from other situations and the City retains the right to treat each occurrence on an individual basis, without creating a precedent for other cases, which may arise in the future. The City Manager retains the right to suspend or rescind any disciplinary action.

The guidelines set forth in Section 12 are not to be construed as limitations upon the retained rights of the City. The policies provide recommended penalties and procedures to apply for specific offenses. This means that a more severe or less severe penalty may be issued than that which appears in the guidelines, if it is justified.

Disciplinary action is intended to correct improper conduct or deficiencies, not to punish an offending employee. Disciplinary action shall, therefore, only be severe enough to constitute an attempt to bring about correction. Discharge shall be resorted to only when other efforts to bring about correction have failed or when the severity of the offense warrants such measures.

Depending upon the circumstances, acceptable disciplinary actions may include:

- A. Written Warning/Counseling
- B. Written Reprimand
- C. Suspension
- D. Demotion
- E. Discharge

In all cases, the Department Head shall notify the employee of the action taken and a copy of such notice will be reviewed & initialed by the employee and then will be included in the employee's personnel file.

In addition to the general types of offenses listed below, infractions of departmental rules and regulations will subject the employee to disciplinary action. Unless otherwise specifically documented by the supervisor initiating the disciplinary action, each disciplinary action will be "active" for a period of (1) year but in no case shall exceed a period of five (5) years or less than a period of six (6) months. Active disciplinary action may be utilized to establish progression in disciplinary action (2<sup>nd</sup>, 3<sup>rd</sup> offense, etc.) for future, related or unrelated disciplinary problems or infractions. Further disciplinary action, whether related or unrelated, shall extend the duration of any currently active disciplinary action(s) through the duration of the subsequent action.

12.02 Types of Offenses

## GROUP 1 OFFENSES

Occurrence	Disciplinary Action
1 <sup>st</sup> Offense	Written Warning
2 <sup>nd</sup> Offense	Written Reprimand and/or Suspension
3 <sup>rd</sup> Offense	Up to termination

Group 1 Offenses may include the following circumstances:

1. Operating, using, possessing City tools, equipment or machines which the employee has not been assigned or performing other than assigned work.
2. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
3. Demonstrating productivity or work quality that does not meet required standards of performance.
4. Failure to demonstrate or to maintain the correct work behavior or courtesy as it relates to co-workers, supervisors, or the public. Depending on severity, may constitute a Group 2 or Group 3 offense.
5. Taking more than specified time for meals or break period.
6. Disregarding job duties by loafing or neglecting work assignments or responsibilities during working hours.
7. Improper use of City property, equipment, vehicles, or internet access. Depending upon circumstances and/or severity, may constitute a Group 2 or Group 3 offense.
8. Violation of a safety rule or safety practice.
9. Reporting to work or working while unfit for duty, either medically, mentally or physically.
10. Distributing written or printed material of any description on City premises unless authorized.
11. Unauthorized soliciting of funds or distribution of literature on City property.
12. Failing to report an accident or personal injury in which the employee was involved while on the job.
13. Receiving or making an excessive amount of personal phone calls, texting, etc. while on working time.
14. Failing to report to work on time.
15. Habitually reporting late to work. Habitually reporting late to work is considered occurring three (3) times within a sixty (60) day period.
16. Chronic absenteeism. Chronic is considered three (3) occurrences within a sixty (60) day period.
17. Various other actions not specified above but similar in nature and degree of severity.

## GROUP 2 OFFENSES

Occurrence	Disciplinary Action
1 <sup>st</sup> Offense	Written Reprimand and/or Suspension
2 <sup>nd</sup> Offense	Up to termination

Group 2 Offenses may include the following circumstances:

1. Multiple Group I Offenses.
2. Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time, including using abusive or vulgar language.
3. Failing to work overtime, special hours, or shifts after being scheduled according to overtime and standby duty policies.
4. Leaving assigned post at the end of a scheduled shift without being relieved by supervisor or relieving employee on the incoming shift, for those units operating on a twenty-four (24) hour basis.
5. Engaging in gambling, lottery or any other game of chance at City work stations at any time.
6. Making or publishing false, vicious or malicious statements concerning any employee, supervisor the City or its operations.
7. Being absent, leaving work, or taking unpaid leave (See 8.13) without permission.
8. Knowingly creating or contributing to unsafe and unsanitary conditions.
9. Any conduct which adversely affects the safety of the public or City personnel.
10. Causing accidental or preventable damage to City or Private Property including but not limited to; vehicles, equipment, tools, or personal possessions.
11. Inappropriate use of City vehicles.
12. Use of City property or time for the personal financial gain of an employee.
13. Provoking or instigating a fight or fighting on City property on company time.
14. Violating personnel policies.
15. Violating department policies or standards.
16. Refusal to give testimony in City lawsuits or investigations.
17. Showing discourtesy to persons whom the employee comes in contact with while in the performance of duties
18. Various other actions not specified above but similar in nature and degree of severity.

### GROUP 3 OFFENSES

Occurrence 1 <sup>st</sup> Offense	Disciplinary Action Up to termination
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Group 3 Offenses may include the following circumstances:

1. Multiple Group I or Group II Offenses.
2. Insubordination by refusing to perform work assigned or to comply with written or verbal instructions from a supervisor.
3. Deliberately misusing, destroying or damaging any City or Private Property including but not limited to; vehicles, equipment, tools, or personal possessions.
4. Receiving gifts or monetary compensation from any person in the course of City business when such gift is used as a bribe or for coercion.
5. Knowingly punching the timecard of another employee, having one's own timecard punched by another employee.
6. Falsification, alteration, or destruction of City records including employment applications, accident records, work records, purchase orders, or time sheets. .
7. Violating the confidentiality of employee information, business information, financial information and other confidential information relating to City business as exempted in Florida Statutes Chapter 119.
8. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or worker's compensation.
9. Making false claims or misrepresentations in an attempt to obtain unearned compensation such as regular pay, overtime pay, stand by or call out pay, comp time, sick leave, Workers' Compensation or unemployment.
10. Loss of necessary job-related prerequisites or abilities to perform the work, except as restricted by State and/or Federal law (e.g. Family Medical Leave Act, Americans with Disabilities, etc.).
11. Any criminal violation of Florida Statute 790 regarding weapons and firearms during on-duty hours.
12. Theft or removal of any City property.
13. Being absent from duty for a period of three (3) consecutive working days without proper authorization. Fire personnel working on a fifty-six (56) hour basis and have two (2) unauthorized absences from their scheduled shifts.
14. Failing to return from an authorized leave of absence.
15. Being found guilty, or pleading guilty or nolo contendere (even where adjudication is being withheld) to a felony, misdemeanor or misdemeanor involving moral turpitude. (A crime of moral turpitude includes a criminal conviction or plea of nolo contendere where the criminal act or conduct is contrary to justice, honesty, modesty, community mortality, or good morals, generally. This includes, but is not limited to, any crime the commission of which reflects adversely on a person's reputation, integrity or reliability

to which otherwise brings, tends to bring or may reasonably expect to bring, discredit or disrepute upon that person or that person's employer.) 15. Incompetence of inefficiency in the performance of assigned duties.

16. Using alcohol, synthetic drugs, and/or controlled substances or being under the influence of same on the City's premises and/or on working time also including possession or sale of same substances or any other violation of the City's Drug Free Workplace Policy.
17. Failure to provide written notification to the City Manager or appropriate Department Head that the employee has been arrested or that charges have been filed against the employee by any prosecuting agency within seventy-two (72) hours of any arrest or charges being filed.
18. Violation of Personnel Policies that establish, up to discharge or termination, within their respective (sub) sections.
19. Directly or indirectly participating in meter tampering, water or energy diversion, or other theft of City services either on the job or off duty.
20. Using or attempting to use political influence or bribery to secure an advantage of any manner.
21. Manager or supervisor instructing an employee to perform an illegal or unethical act.
22. Failure to obtain or maintain certification or licenses, within specified time frame outlined in job descriptions.
23. Failure to meet established standards of work, morality or ethics to the extent that the employee is unsuitable for employment with the City in the position in which the employee serves.
24. Various other actions not specified above but similar in nature and degree of severity.

#### 12.03 Written Warning/ Counseling

Whenever employee performance, attitude, work habits or personal conduct at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. A written warning must be documented as to the date and time of the warning and what instructions were given to the employee for improvement.

Documentation under this subsection may be maintained within department records separate from the employee's personnel file. Continued or other disciplinary action resulting in a reprimand, suspension, or discharge may utilize records under this section as supporting documentation and be included in the employee's personnel file as a result. Documentation under this section will be maintained in department records while the disciplinary action is "active" and may be discarded afterwards at the discretion of the City Manager or appropriate Department Head.

#### 12.04 Written Reprimand

A written reprimand generally follows a written warning. A written reprimand will be sent to the employee and a copy shall be placed in the employee's personnel file. The employee's immediate supervisor usually initiates a written reprimand.

12.05 Suspension

A suspended employee shall be notified by their supervisor at the time of suspension in addition to the specific reason for the action, the expected corrective action and his/her rights of appeal. Such notification shall be in writing, dated and hand-delivered to the employee or delivered by certified mail to the employee or the employee's last known address. A copy of the suspension shall be forwarded to the employee's personnel file.

12.06 Appeals

The City Manager shall hear appeals in cases involving disciplinary actions of regular employees who have satisfactorily completed their initial probationary period.

The appeal shall be made within ten (10) working days after delivery or mailing to the employee of the written notice, by filing a written request for a hearing with the City Manager.

The City Manager shall set a time and a place for the hearing to be held at the earliest possible date. The City Manager shall notify the employee of the time and place scheduled for the hearing. Hearings before the City Manager shall be conducted informally in accordance with procedures established by the City Manager and shall not be bound by formal rules of evidence. The decision of the City Manager shall be final.

12.07 Dismissal

Employees dismissed for cause will receive notification in accordance with the procedures in these Personnel Policies. Documentation under this section shall be maintained within the employee's personnel file.

**SECTION 13**  
**EMPLOYEE GRIEVANCE PROCEDURE**

13.01 Purpose

This grievance procedure is established to provide full opportunity to Regular Full-Time employees, and to bring to the attention of management complaints; grievances or situations that the employee feels need either adjustment or information. The City of Lake Alfred is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the City's supervisors and/or City Manager.

The City of Lake Alfred strives to ensure fair and honest treatment of all employees. Department Heads, Supervisors, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

13.02 Definition of a Grievance

A grievance is a complaint, view or opinion pertaining to employment conditions, relationships between employees and supervisors or relationships with or among other employees. Disciplinary actions, dismissals, demotions, suspensions, reduction in pay, position classifications and allocations shall not be subject to review as grievances.

Regular full-time and regular part-time employees are eligible to file grievances under this procedure.

13.03 Procedure

If a situation occurs when employees believe that a condition of employment or a decision affecting employment is unjust or inequitable, the employee is encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

- A. Employee presents problem orally to his or her Supervisor or Department Head within three (3) calendar days, after the incident occurs. If the Supervisor is unavailable or the employee believes that it would be inappropriate to contact that person, the employee may present the problem to the Department Head, the City Manager or any other member of management.
- B. The Supervisor responds to the problem during discussion or within three (3) calendar days, after consulting with appropriate management when necessary. The Department Head and/or Supervisor shall document discussion in writing.
- C. Employee presents problem in writing to the Department Head or City Manager within three (3) calendar days, if the problem is unresolved by the immediate supervisor to the employee's satisfaction, the employee may submit a written grievance statement.
- D. If the complaint is not resolved within three (3) working days, the aggrieved employee may choose to submit his or her grievance in writing to the employee's Department Head (or City Manager if the Department Head is part of the aggrieved employee's complaint). The grievance shall be in writing and contain the following:
  1. The date and place at which the grievance took place, if applicable;
  2. A statement of the grievance and the facts upon which it is based;

3. The remedy, adjustment, or information the aggrieved employee is requesting;
  4. The signature of the aggrieved employee shall be required on the report.
- E. The immediate Supervisor or Department Head can counsel and advise an employee, assist in putting the problem in writing, visit with the employee's managers if applicable.
- F. If the problem is not resolved within (5) five working days by the Department Head, the aggrieved person may choose to submit his or her grievance in writing to the City Manager within (3) three working days. The City Manager, in conjunction with all City Department Heads, shall convene as the Grievance Hearing Board. The Board will be provided with the information submitted by the employee and convene to establish a decision. A decision shall be rendered by the Grievance Hearing Board, within thirty (30) working days from the initial occurrence of the grievance. If one of the Department Heads is part of the aggrieved employee's complaint, then a designee shall be appointed to serve on the Grievance Hearing Board by the City Manager from the same department.

#### 13.04 General Provisions

The time limits of this grievance procedure may be extended by management due to illness, vacations, business trips, emergencies or other reasons. If an extension is required, the employee will be notified.

Under this grievance procedure the employee and management have the opportunity to call witnesses at the Step Two and Step Three levels.

Any grievance shall be considered settled at the completion of any step unless it is appealed within the time limits set forth.

It is the intent of these Policies that the majority of grievances will be settled in the early stages of the grievance process. All grievances at their conclusion shall be forwarded to the City Manager for coordination, analysis and retention. In some cases, steps in the grievance procedure may be waived at the discretion of the Department Head to allow more severe matters to progress more rapidly.

No punitive action or retaliation will be taken against any employee as the result of filing a complaint / grievance / inquiry, nor will any attempt be made to suppress either the filing of a complaint / grievance / inquiry by an employee who feels the need to initiate the same, or to take such matter through the entire grievance procedure process.

Employee grievance procedures shall not apply to any contractual agreement existing between the City of Lake Alfred and an individual employee or association of employees, rather, grievances shall be filed in accordance with the conditions of the applicable contractual agreement. If an employee has a complaint against the City Manager, Mayor or a member of the City Commission they may address their problem to the City Attorney.

**SECTION 14**  
**MISCELLANEOUS RULES AND BENEFITS**

14.01 Vehicles

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

City equipment and vehicles are the property of the City of Lake Alfred and may only be used for official business. The personal use of City equipment and vehicles (personal use is defined as any use of equipment or vehicles not related to city business) is strictly prohibited. The improper, careless, negligent, destructive, unsafe or personal use of City equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Any employee damaging a City vehicle or equipment in excess of \$100.00, as determined by the Department Head, will be required to submit to a post-accident drug screen.

14.02 Retirement Plan

The City of Lake Alfred provides a contributory retirement program for regular employees which are administered by the City's General Employee Pension Trust Fund Board or Police and Firefighter Officer's Trust Fund Board. The pension program provides a number of benefits. Due to the complexities of the plan and because the plan may be amended from time to time, employees should refer to the most current plan summary which is available through the City Clerk.

14.03 Unemployment Compensation

The City of Lake Alfred is registered with the State of Florida Bureau of Unemployment Compensation. Employees who quit or are terminated for cause, from employment with the City, are not eligible for Unemployment Compensation. Employees who are terminated from City employment, who file a claim and meet certain qualifications, may be eligible to receive unemployment compensation benefits.

14.04 Insurance Benefits

A. Health Insurance

The Lake Alfred health insurance plan provides employees and their dependents access to medical insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan: Regular full-time employees.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the City of Lake Alfred and the insurance carrier. Health insurance coverage will not be effective until the 1st day of the month following the 60th day of employment.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Human Resources designee for more information about health insurance benefits.

#### B. Life Insurance

Life insurance offers you and your family important financial protection. The City of Lake Alfred provides a basic life insurance plan for eligible employees.

Employees in the following employment classifications are eligible to participate in the life insurance plan: regular full-time employees.

Eligible employees may participate in the life insurance plan, subject to all terms and conditions of the agreement between the City of Lake Alfred and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees.

#### C. Benefits Continuation (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under The City of Lake Alfred's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City of Lake Alfred's group rates plus an administration fee.

Lake Alfred provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City of Lake Alfred's health insurance plan. The notice contains important information about the employee's rights and obligations.

#### 14.05 Deductions

Federal withholding and Social Security are deducted from pay checks in accordance with law. Any other deductions, including group insurance, United Way and recognized charities are made only by **written** request of the employee.

**SECTION 15**  
**POSITION CLASSIFICATION PLAN**

15.01 Purpose

The position classification plan is a systematic arrangement and inventory of City positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities and level of work performed. The class titles standardize the meaning, based upon the similarity of work and duties performed.

15.02 Uses

The position classification plan is used to:

- A. Determine qualifications and prepare job announcements.
- B. Establish lines of promotion and career ladders.
- C. Assist in developing employee training programs.
- D. Provide uniform job terminology on records and documents.

15.03 Content

The position classification plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications and which can be compensated within the same pay grade.
- B. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records.
- C. Written class descriptions for each job classification containing the nature of work, relative responsibilities and illustrative duties found in the class. Also included are the knowledge, abilities and skills required for performance of the work and the minimum qualifications needed.

15.04 Administration and Maintenance

The City Manager or designated employee is charged with the maintenance of the position classification plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.

15.05 Allocation of Positions

Whenever a new position is established or duties of an existing position changed, the personnel office shall prepare a class description describing the duties of the position. The City Manager shall have the position assigned to an existing class or establish a new class for the position.

15.06 Position Reviews

The City Manager may assign responsibility for conducting position reviews. Such reviews may be initiated by written request from:

- A. The Department Head in whose department the position is located.
- B. The incumbent of the position; provided that the employee processes the request through the Department Head for review and comments.

Position information will be gained through completion of a position classification questionnaire by the incumbent or by the supervisor of the position if the position is vacant.

The Department Head will review and make recommendations for all proposed position changes and class descriptions.

The employee that is in the position to be reviewed will be notified that a review will be conducted.

#### 15.07 Reclassification

When the incumbent in a position is officially assigned more difficult and significant responsibilities and duties so that it appears that the position warrants reallocation to a higher pay grade, the City Manager shall authorize a study of the duties and responsibilities of the position.

If it is determined that the position should be reallocated to a higher level class, the City may require the incumbent to undergo a prescribed test of fitness, depending on the conditions of the reclassification.

Should any position be reclassified to a job classification with the same pay grade as that of the original classification, the incumbent shall receive a corresponding change in title.

Should any position be reclassified to a job classification with a lower pay grade than that of the original classification, the incumbent employee shall be offered transfer to a vacancy in the original classification in the same or another department, if a vacancy exists.

Alternatively, if the assignment of additional duties or increased responsibilities is on a provisional basis, assignment pay may be granted without reclassifying the position.

#### 15.08 Position Control

All positions are established and maintained through a personnel budget each fiscal year in accordance with established accounting procedures.

**SECTION 16**  
**SALARY PLAN**

16.01 Purpose

The salary plan is directly related to the classification plan and provides the basis of compensation for employees of the City. The salary plan is constructed to reflect:

- A. The relative difficulty and responsibility existing between the classes of work, reflecting equal pay for equal work.
- B. The prevailing rates of pay for similar types of work in the labor market from which employees are recruited.
- C. The financial policies of the City.

16.02 Content

The salary plan includes salary and levels of compensation within each pay classifications.

16.03 Adoption and Amendment

Upon completion of a study, analysis and consultation, the City Manager, with such assistance as required, shall prepare the Salary Plan for the various classes of work. Amendments to the Salary Schedule shall be considered when changes of responsibilities of work or classes, availability of labor, prevailing rates of pay, the City's financial condition and policies or other pertinent economic consideration warrant such action. The salary plan shall be updated and adopted in conjunction with the adoption of the City's Annual Budget every fiscal year. A salary study and analysis for basis of comparison shall be completed every two (2) years.

16.04 Appointment and Starting Rates

The minimum salary established for a position is considered the normal starting rate for new employees. Appointments that are above the minimum salary may be authorized by the City Manager if the applicants training, experience or other qualifications are substantially above those required for the position.

16.05 Salary/Compensation Increases

The amount of any anticipated salary increases are approved by the City Commission as part of the City's annual operating budget. Budgeted salary increases are not automatic or guaranteed, but are to be earned and based upon job performance. The City Manager may make provisional adjustments to compensation as necessary. The City Manager shall notify the Commission and any adjustment shall be included in the regular budget preparation or budget amendment process for consideration.

Approved salary increases will be applied to the pay period as determined by the effective date of the increase.

16.06 Promotion

When an employee is promoted to a position with a higher maximum salary, the employee's new salary shall be at least the minimum for the new salary range. Step increases obtained from the previous position within the City may be carried over to the

new position. The decision will be made at the City Manager's discretion and shall be determined on a case by case basis without creating a precedent for other cases.

#### 16.07 Demotion

An employee may be demoted to a position of lower grade for which he/she is qualified due to any of the following reasons:

- A. When an employee would otherwise be laid-off due to the position being abolished, the position being reclassified to a lower pay grade, a lack of work or funds or the return to work by another employee from authorized leave, in accordance with Section 8, Miscellaneous Leaves.
- B. When an employee does not possess the necessary qualifications to render satisfactory service in the position currently held.
- C. When the employee demonstrates unsatisfactory performance during the probationary period following a promotion.
- D. When the employee voluntarily requests a demotion.

The effect of a demotion on the employees pay shall be as follows:

- A. The demotion will not result in a pay increase.
- B. The pay will not exceed the maximum rate of the pay grade designated for the lower position.

#### 16.08 Transfers

All transfers shall be made only with the approval of the City Manager. Transfers shall be made as follows:

- A. An employee may be transferred to another department with the same job classification. Such transfer will not change the employee's pay grade, rate, anniversary date or classification date.
- B. Employees will serve a six (6) month probationary period in the new position.
- C. If during the six (6) month probationary period, the new employee is found to be unqualified in the new position, the employee may return to their previous position, with the approval of the Department Head if a vacancy exists. If the former position is filled, every effort will be made to place the employee in a comparable position. If a vacancy or alternative position does not exist the employee shall be dismissed in good standing with the City.

When an employee becomes physically incapacitated for the performance of duties, the City Manager may authorize a transfer to a position in the same or lower class, which the employee has the ability to fill.

#### 16.09 Assignment Pay

Assignment Pay is an increase in compensation for additional duties or responsibilities that are in excess, in either scale or scope, of the employee's base employment classification. The amount of assignment pay is generally determined as a percentage increase from the employee's current compensation level.

Documentation of the specific assignment and pay adjustment shall be maintained in the employee's personnel file. Assignment pay is established on a provisional basis and may be granted, reassigned, adjusted, or discontinued as necessary.

Assignment Pay should be reserved for substantive increases in duties or responsibilities that are necessary for City operations that generally would require an additional position to perform the functions or is otherwise in the best interests of the City. Assignment Pay should not be used for variations in or incremental adjustments to current responsibilities and duties.

Alternatively, if the assignment of additional duties or increased responsibilities is desired to be on a more permanent basis or nontransferable, the position may be reclassified under the provisions set forth in Section 15.07 in lieu of assignment pay.

Application and interpretation of the provisions within this section shall be made at the discretion of the City Manager and shall be made on a case by case basis without creating a precedent.

**SECTION 17**  
**RECORDS AND REPORTS**

17.01 Responsibility

The City Clerk or designated employee is responsible for establishing and maintaining personnel records for all employees.

17.02 Records

All personnel records as well as all other records and materials relating to the administration of the Personnel Management System shall be considered the property of the City. The City Manager or designee will determine the use, maintenance and disposition of such records and material and whether or not any information contained therein may be disclosed, in accordance with prevailing laws.

To ensure that individuals who join the City of Lake Alfred are well qualified and have a strong potential to be productive and successful, it is the policy of the City Lake Alfred to check the employment references of all applicants.

The City of Lake Alfred will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

It is the responsibility of each employee to promptly notify the City of any changes in personal-data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times. If any personal data has changed immediately notify the Human Resources designee.

The City should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to the personnel office in order for it to be added to the employee's personnel file.

17.03 Records Retention and Disposition

The City Clerk's office will determine the time limit that any personnel records shall be kept on file and their final disposition, in accordance with applicable State Statutes.

17.04 Access to Personnel Files

Personnel files are the property of The City of Lake Alfred, and access to the information they contain may be restricted as allowed by Florida law. Generally, only supervisors and management personnel of the City of Lake Alfred who have a legitimate reason to review information in a file do so. Under the Florida Government in the Sunshine Law, certain information may be provided to the press or other individuals upon request. As a courtesy, the employee shall be notified in writing when his/her personnel file was requested and by whom, no less than three (3) days following the request.

With reasonable advance notice, employees may review their own personnel files in the City of Lake Alfred's offices and in the presence of an individual appointed by the City of Lake Alfred to maintain the files.

**LAKE ALFRED CITY COMMISSION MEETING  
JANUARY 19, 2016**

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**2.) ORDINANCE 1362-16: PREPAYMENT CRITERIA AND EXEMPTIONS FOR IMPACT FEES**

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**ISSUE:** The City Commission will consider an ordinance establishing prepayment criteria and exemptions for impact fees.

**ATTACHMENTS:**

- Ordinance 1362-16 with Exhibit "A"

**ANALYSIS:** The City currently allows for the prepayment of impact fees for the development of vacant property. This type of activity will generally be provided for within a development agreement for larger scale projects where the developer desires to lock in current impact fee rates and also reserve capacity in the City's utility system. However, the City's current code is unclear and does not provide guidance for the prepayment of impact fees outside of a development agreement.

As a result, individual parcels or lots can prepay impact fees and then sit for years. The property can change hands several times and when they approach the City for a building permit staff is faced with a gray area regarding the fees. Are the impact fees tied to the property or the original owner that paid them? Do we charge the fees again to the new owner? If we credit the new owner with the previously paid fees what do we do if the previous owner comes back wanting to be refunded? What do we do about the difference in cost if several years have passed?

The proposed ordinance addresses these concerns and clarifies the procedures for prepaid impact fees outside of a development agreement. Namely, it provides for their validity for three (3) years and credits the impact fees to the current owner of the property. Property owners that approach the City for prepayment of impact fees will have to agree to these provisions in a form or agreement that we will maintain in our records.

The county and other cities in our region have similar provisions and limitations for prepaid impact fees. The additional purpose of these provisions is to incentivize immediate construction or to move owners into a development agreement with the City.

**STAFF RECOMMENDATION:** Approval of ordinance 1362-16 on first reading.

**ORDINANCE 1362-16**

**AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA; PROVIDING FOR AN AMENDMENT TO ARTICLE VIII OF THE LAKE ALFRED CODE OF ORDINANCES, RELATING TO IMPACT FEES; ESTABLISHING PREPAYMENT CRITERIA AND EXEMPTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City established impact fees in compliance with Florida Statutes 163.31801, providing that fees are based on funding infrastructure or services improvements necessitated by new growth, based on the most recent and localized data available; and

**WHEREAS**, the City of Lake Alfred City Commission adopted Ordinance No. 1052-03, providing for the establishment of impact fees for public safety, parks and recreation, and general government services in association with any new residential or commercial construction; and

**WHEREAS**, the City of Lake Alfred City Commission adopted Ordinance No. 1184-07, providing for the establishment of impact fees for water and wastewater services in association with any new residential or commercial construction; and

**WHEREAS**, the City encourages prepayment of impact fees in consideration of reservation of utility capacity, generally in association with an approved Development Agreement, which provides for a term and duration which prepaid impact fees collected remain valid; and

**WHEREAS**, those prepaid impact fees collected without terms and duration of a Development Agreement require an established duration which they shall be valid as credit for future building permits; and

**WHEREAS**, those properties which do not impose any further impact on City services, such as an alteration, or expansion without creation of any additional dwelling units, should be exempt from payment of impact fees.

**NOW, THEREFORE BE IT ORDAINED** by the City Commission of the City of Lake Alfred, Florida, as follows:

**SECTION 1: AMENDMENT.** Article VIII of the Lake Alfred Code of Ordinances is hereby amended as depicted in Exhibit "A" attached hereto.

**SECTION 2: SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**SECTION 3: CONFLICTS.** All ordinances and resolutions in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 4: EFFECTIVE DATE.** This ordinance shall become effective immediately upon final adoption.

**SECTION 5: CODIFICATION.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

**PASSED** on first reading at the regular meeting of the Lake Alfred City Commission held on the 19<sup>th</sup> day of January, 2016.

**READ, PASSED AND FINALLY ADOPTED** on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 1<sup>st</sup> day of February, 2016.

**CITY OF LAKE ALFRED, FLORIDA  
CITY COMMISSION**

\_\_\_\_\_  
Charles O. Lake, Mayor

**ATTEST:**

\_\_\_\_\_  
Amee Bailey-Speck, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
Frederick J. Murphy, Jr., City Attorney

Ordinance 1362-16  
Exhibit "A"

DIVISION 5. IMPACT FEES; PREPAYMENT AND EXEMPTIONS

Sec. 2-472. Prepaid impact fees

The City may accept prepaid impact fees for those established in this Chapter and Chapter 58 of this Code in consideration for reservation of utility capacity, pursuant to terms of a Development Agreement as provided by Section 6.03.00 of the Lake Alfred Unified Land Development Code. The City shall hold prepaid impact fees for the duration of the Development Agreement and shall retain any interest earned on the investment of such prepaid impact fees.

Where no Development Agreement may exist, any impact fees prepaid for new residential or commercial construction shall be evidenced by appropriate documentation as required by the City and retained as a credit on a specified property to be used with a valid building permit within three (3) years of the receipt of such prepaid impact fees.

Upon written request of the current owner, unused prepaid impact fees and their reservations may be removed from the property and refunded to the current owner within three (3) years of the original receipt of such impact fees.

Upon the written request of the current owner and with the consent of the City, prepaid impact fees and their reservations may be transferred to a separate property for construction of equivalent impact within three (3) years of the original receipt of such impact fees. Such a transfer shall not extend the original three (3) year time period for which the prepaid impact fees and their reservations are valid.

In the event the prepaid impact fees are not refunded by written request or not used with a valid building permit on the specified property within three (3) years of the original receipt of such prepaid impact fees, the prepaid impact fees and their reservations shall be removed from the specified property and the prepaid funds shall be forfeited to the City.

The applicant requesting to utilize the impact fee credits or to be refunded their amount must show current ownership of the property. In the event of a change of ownership of the specified property the prepaid impact fees and their reservations are deemed to have been transferred to the new owner.

Sec. 2-473. Exemptions

The following shall be exempt from paying impact fees:

1. Alterations, or expansion of an existing dwelling unit where no additional dwelling units are created.
2. The replacement of a dwelling unit or building with a new dwelling unit where no additional dwelling units or square footage are created; and where the existing and replacement buildings or dwelling units are located on the same lot; provided that the replacement which has been

Ordinance 1362-16  
Exhibit "A"

destroyed or otherwise rendered uninhabitable must be replaced and issued a certificate of occupancy by the City within three (3) years of the date it was destroyed or rendered uninhabitable in order to be exempt from payment of City impact fees.