



Small Town Charm.  
Big Bright Future.

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**SECTION 1:  
PURPOSE**

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Purpose**

**Policy: Purpose of the Administrative Regulations Guide**

**No. 1.01**

**Issued: September 2014**

**Revised:**

This Administrative Regulations Guide (Guide) has been prepared to acquaint employees with the policies, procedures, and philosophy of the City of Bonita Springs (City). This Guide shall cover all employees in the executive, exempt, and non-exempt classes and does not apply to volunteers providing services to the City.

This Guide is intended to provide employees with information about some of the City's employment policies, benefits, and other general information.

The City Manager will be responsible for implementation of this Guide for all departments with the exception of the City Attorney department. The City Attorney will be responsible for implementation of this Guide for that department. However, the City of Bonita Springs Charter shall apply where specific procedures are established for certain employees.

This Guide is not intended to provide policy direction for topics addressed in the City Council's Personnel Policies Guide regarding the following:

- Management Rights
- Employment at Will
- Conflicts of Interest
- Political Activity
- Appointments
- Classification and Compensation/Pay Plans
- Pay Adjustments
- Reductions in Force

# ADMINISTRATIVE REGULATIONS GUIDE

## SECTION 2: ADMINISTRATIVE PROVISIONS



# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Administrative Provisions**

**Policy: Administration**

**Issued: September 2014**

**Revised:**

**No. 2.01**

The City Manager is responsible for administering this Administrative Regulations Guide and providing technical direction, as needed. The City Manager may appoint a designee to maintain the day-to-day responsibility for the administration of this Guide.

Department Heads (Director, Manager or Supervisor) will be responsible for the proper and effective administration of this Guide within their respective departments. Routine matters pertaining to enforcement may be delegated, when in writing and filed with Human Resources.

## **2.01a: Amendments, Changes or Revisions of the Rules and Regulations**

The City Manager or designee shall prepare changes, as necessary, for the effective administration of the policies outlined in this Guide. Amendments to this Guide shall be made by the City Manager or by an Ordinance when required by the City Charter or state or federal law and shall be communicated to all employees.

The Administrative Regulations Guide shall be maintained by the Human Resources Department at the direction of the City Manager or designee.

In the event of conflict in any section, the City's rules and regulations shall prevail over department rules and regulations.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Administrative Provisions**

**Policy: Administrative Regulations Guide**

**No. 2.02**

**Issued: September 2014**

**Revised:**

One objective of the City is to establish administrative regulations consistent with the goal of providing superior service to the community by employing and retaining employees of the highest caliber who display pride, initiative and dignity in the performance of their duties.

The City advocates the concept that the quality of public service can attain maximum efficiency and effectiveness through a performance management process based on merit principles. Employees are encouraged to develop skills and seek formal training that will enhance their personal and professional development and add to their overall expertise within the organization.

It is the policy of the City to expect from its employees compliance with all state statutes and federal regulations in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the personnel policies in this Guide may be subject to disciplinary action, up to and including termination.

# ADMINISTRATIVE REGULATIONS GUIDE

## **SECTION 3: GENERAL PROVISIONS**

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: General Provisions**  
**Policy: Employment at Will**  
**Issued: September 2014**  
**Revised:**

**No. 3.01**

This Administrative Regulations Guide shall not be construed as a contract of employment, expressed or implied, and the City retains the right to revise, amend or eliminate this guide at any time, with or without the approval of any employee.

The City Manager and the City Attorney are the only employees with employment contracts. No employee is authorized to enter into any contract of employment with any employee, whether written, expressed or implied; and neither the City Manager nor the City Attorney may enter into oral contracts or any implied contracts for employment. Therefore, no applicant or employee is entitled to rely on any oral promises of employment or continued employment, or employment for any definite duration.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: General Provisions**

**Policy: Open Door Policy**

**Issued: September 2014**

**Revised:**

**No. 3.02**

The City of Bonita Springs is committed to ensuring open and direct lines of employer-employee communication. All members of management are available to discuss concerns, suggestions or clarify policies. Therefore, we encourage all employees to voice any issues that may affect the workplace openly and directly with your supervisor or any member of management. Only through working together can we maintain an efficient and positive work environment.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: General Provisions**

**Policy: Equal Employment Opportunity**

**No. 3.03**

**Issued: September 2014**

**Revised:**

The City recognizes its responsibility to the public as an employer to ensure equal employment opportunities for all qualified persons and to prohibit discrimination in employment and in the workplace. Therefore, in accordance with the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, Section 504, as amended, and Florida Civil Rights Act of 1992, it shall be the policy of the City of Bonita Springs to recruit, employ, provide benefits, compensation, training, advancement opportunities, layoff and recall, working conditions and application of all personnel rules and regulations to all persons without regard to race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, disability, genetic information, marital status, amnesty, in accordance with applicable federal, state and local laws, except situations where a bona fide occupational qualification (BFOQ) exists. Florida law also prohibits discrimination against employees based on marital status, sickle cell trait and AIDS/HIV status. We will not tolerate discrimination or harassment based upon these characteristics or any characteristic protected by applicable federal, state or local law.

The City of Bonita Springs, its City Manager and staff, will make good faith efforts to identify, recruit, hire, train and promote qualified persons including women, minorities, individuals with disabilities, veterans or family member of service members, and older workers.

### **3.03a: Program Administration**

The City Manager shall have the overall responsibility for the administration, direction and implementation of the City's Equal Employment Opportunity policy. The City Manager may appoint a designee to manage the programs.

The City Manager will ensure that all required local, state, and federal reports are completed and will monitor and evaluate all Department Heads in regard to compliance issues and program management.

### **3.03b: Recruitment and Selection**

Hiring, promotion, transfer, layoffs and recalls will be based on job-related criteria. All notices of position vacancies to be filled with regular employees will be communicated to all employees and posted for a minimum of five (5) working days. In addition, job vacancy announcements to be filled with regular employees, by other than current City employees, will be distributed to requesting organizations. Advertisements may be placed on the City's website and government access channel, and in newspapers, journals, periodicals, newsletters and other publications to further enhance such recruitment efforts.

## ADMINISTRATIVE REGULATIONS GUIDE

### **3.03c: Upward Mobility and Career Development**

Employees are encouraged to apply for career advancements within the organization. Training programs and opportunities are to be applied for in accordance with the City's policy on equal employment opportunities.

### **3.03d: Americans with Disabilities Act**

The City is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. Individuals are considered qualified under this policy if they are able to perform the essential functions of their job with or without a reasonable accommodation.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all employees on an equal basis.

The City is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The City will follow any state or local law that provides individuals with disabilities greater protection than the ADA. This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunities for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

### **3.03e: Immigration Law Compliance**

The City of Bonita Springs complies with the Immigration Reform and Control Act of 1986, has entered into a Memorandum of Understanding to use the employment verification system, and is committed to employing only those individuals who are authorized to work in the United States. As a condition of employment, each new employee must properly complete, sign and date the first section of the Immigration and Naturalization Services (INS) Form I-9. Employees must also present the original necessary document(s) to prove identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

## ADMINISTRATIVE REGULATIONS GUIDE

### **3.03f: Veteran's Preference**

It is the policy of the City of Bonita Springs to provide Veteran's Preference to eligible applicants in accordance with the applicable Florida Statutes and Federal Law.

Applicants claiming Veteran's Preference shall indicate same on the City's application for employment and include appropriate documentation with the employment application to support their claim.

Preference will also be provided to eligible Veterans and family of service members of employment in the event of layoff.

### **3.03g: Health Insurance Portability and Accountability Act**

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires group health plans to include portability of coverage through pre-existing condition limitations; prohibits plans from denying coverage to individuals or charging higher premiums based on health status; and guarantees renewability of coverage to certain individuals.

The effective compliance date of the Privacy Rule was April 14, 2003 with a one-year extension for certain "small plans". The HIPAA Privacy Rule regulates the use and disclosure of Protected Health Information (PHI). PHI is any information about health status, provision of health care, or payment for health care that can be linked to a specific individual. Employees are prohibited from communicating PHI unless given permission from the individual.

The City of Bonita Springs will comply with HIPAA as it applies to public employers.



# ADMINISTRATIVE REGULATIONS GUIDE

**Section: General Provisions**

**Policy: Harassment**

**Issued: September 2014**

**Revised:**

**No. 3.04**

The City of Bonita Springs is committed to providing a work environment free of discrimination and unlawful harassment. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion, disability, marital status or any other legally protected characteristic will not be tolerated.

**Types of Harassment** –There are several types and forms of harassment, including but not limited to, sexual harassment and racial harassment.

1. **Sexual Harassment** - Sexual Harassment or discrimination involves unwanted and unwelcome words, deeds, actions, gestures, symbols or behaviors of a sexual nature that make the target feel uncomfortable.
  - Sexual harassment is a violation of Section 703 of Title VII of The Civil Rights Act. It is illegal and contrary to City policy and may result in disciplinary action. Any City employee who feels he/she is the victim of sexual harassment should report the problem as soon as possible, either orally or in writing, to a member of management or to Human Resources.
2. **Racial Harassment** – Racial Harassment or discrimination targets an individual because of their race or ethnicity. This harassment may include words, deeds, and actions that are specifically designed to make the target feel degraded due to their race or ethnicity.
  - Racial harassment occurs when a person or group repeatedly uses discriminatory remarks, behaviors or practices to show racial intolerance against a co-worker for their color, descent, culture, language or religion.

All types of sexual conduct (both overt and subtle) are forms of employee misconduct that are demeaning to others, undermine the integrity of the employment relationship, and are strictly prohibited. In terms of sexual harassment, there are two (2) general categories of intolerable behavior.

1. **Hostile Environment** – Harassment that occurs when sexual or other discriminating conduct unreasonably interferes with an individual's performance or creates an intimidating, hostile or offensive work environment. Or, when a supervisor's, manager's or employee's treatment of another employee is severe or pervasive enough that it creates a "hostile work environment", altering an individual's conditions of employment. Supervisors, managers, co-workers or non-employees, such as customers or vendors, can create harassment. Some

## ADMINISTRATIVE REGULATIONS GUIDE

examples of behaviors that create a hostile work environment follow. (This is not intended to be an all-inclusive list.)

- Displaying pictures, calendars, posters or cartoons of a sexual or inappropriate nature or possessing such material in the work environment.
  - Reading or publicizing in the work environment materials that are sexually revealing, suggestive, demeaning or pornographic.
  - Holding functions in the office with entertainment that has sexually suggestive content.
  - Sexually oriented gestures, touching, restriction of movement, flirtations, staring, remarks, jokes, insults or comments of a sexual nature.
  - Subjecting, or threats of subjecting, anyone to unwelcome sexual attention, content, coercion or advances.
2. **Quid Pro Quo (“this for that”)** – Harassment that is considered a “tangible employment action” is defined as the circumstance when an employee is forced to choose between giving into a supervisor’s/manager’s demand or forfeiting an economic benefit such as a pay increase, promotion or continued employment.

### ***Complaint and Response Procedure for all types of Harassment***

1. The City of Bonita Springs provides its employees with a convenient, confidential, and reliable mechanism for reporting incidents of harassment. If you feel you have been mistreated or if you become aware of possible harassment, you are required to promptly report the matter to a member of management or to Human Resources.
2. If you feel it would be inappropriate to report to a member of the City of Bonita Springs’ management team, contact Human Resources. You have the responsibility to report incidents as quickly as possible so that resolution can be made. Once a report is made, your supervisor/manager or Human Resources will investigate and document the allegations and all facets of the investigation. The final outcome will be disclosed to and discussed with the complainant upon request within a reasonable time frame.
3. Any individual may elect to report claims of harassment to their Department Head or directly to the City Manager. The City Manager or Department Head shall meet with the employee to discuss the problem. All employees are required to follow this procedure or file a grievance in accordance with the City's formal grievance procedure. The following steps outline the procedure to be followed for handling complaints:
  - a) interview the individual who was reported to have harassed the employee and other individuals who may have knowledge of the incident(s) or information concerning the allegations

## ADMINISTRATIVE REGULATIONS GUIDE

- b) review all relevant documents and materials
  - c) develop suggested actions to resolve the problem
  - d) meet separately with the employee who reported the claim and the employee against whom the claim has been made and attempt to resolve the problem
  - e) meet with the Department Head or City Manager, as appropriate, and recommend appropriate steps to resolve the problem
4. The City Manager and Human Resources have ultimate administrative responsibility for the resolution of complaints that are not resolved at other levels.
  5. Discussions and reports concerning such complaints will be kept confidential until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, the complaint or other record is made part of the official record of any hearing or court proceeding, or as otherwise required by Florida Statute 119.0710, as amended, entitled "Local government agency exemptions from inspection or copying of public records." Files will be maintained in the Human Resources office.
  6. Any complaint against the City Manager should be taken to the City Attorney, and Mayor following the procedures set forth above.
  7. While it may be necessary to interview other individuals, every effort will be made to maintain the anonymity of the complaining party and to keep the investigation confidential. There may be, however, a point in the investigation when specific incidences and names must be used. All complaints and investigations will be handled quickly and with the utmost sensitivity.
  8. After the investigation, the City of Bonita Springs / Human Resources will take swift and appropriate action. Anyone engaging in any form of unlawful harassment will be subject to disciplinary action, up to and including termination of employment.
  9. If it is determined that a complaining party maliciously made false accusations toward another employee, the complaining party may be subject to disciplinary action, up to and including termination of employment.

**Cooperation** - To be effective, this policy requires the support and cooperation of officers, managers, supervisors, and staff members. Anyone who engages in unlawful harassment, retaliation or discrimination, or who fails to cooperate with investigations of such nature, may be severely disciplined including suspension or termination of employment. Similarly, officers, managers, supervisors or staff members who refuse to implement remedial measures, obstruct the efforts of other staff members, and/or retaliate

## ADMINISTRATIVE REGULATIONS GUIDE

against harassment or discrimination complaints or witnesses may be immediately disciplined by suspension or termination of employment.

**Retaliation** - City employees are prohibited from taking retaliatory action against an employee because the employee participated in an action protected under this harassment policy. In order to establish retaliation as a defense to a disciplinary action, the employee must demonstrate that the employee's activity was protected activity and was the primary reason for the action the employee is grieving or appealing. The City may rebut this defense if it demonstrates that it would have taken the same action regardless of the employee's participation in the protected activity, and that the disciplinary action was taken for legitimate business reasons. If a supervisor is found to have retaliated against an employee, one or more of the following remedies may be ordered by the City Manager or other correct supervisor:

1. placement of information describing the violation in the supervisor's personnel file
2. reprimand
3. suspension without pay
4. demotion
5. termination of employment

Retaliation shall not be a defense to a disciplinary action or grounds for a grievance if the employee's complaint has any of the following characteristics:

1. is made in bad faith
2. is frivolous
3. is made for purposes of harassment or in retaliation of the supervisor
4. contains information that the employee knows to be false
5. discloses information without regard for the truth or falsity thereof
6. contains confidential records

**False accusations** - False accusations of sexual harassment, racial harassment or discrimination may have a serious effect on one or more individuals. Therefore, false accusations can result in disciplinary measures.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: General Provisions**

**Policy: Drug Free Workplace**

**Issued: September 2014**

**Revised:**

**No. 3.05**

The City of Bonita Springs is a Drug and Alcohol Free Workplace. Please refer to our separate Drug and Alcohol Free Workplace policy.

# ADMINISTRATIVE REGULATIONS GUIDE

## **SECTION 4: EMPLOYEE CODE OF CONDUCT**

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Conflicts of Interest**

**Issued: September 2014**

**Revised:**

**No. 4.01**

To avoid misunderstandings and conflicts of interest which could arise, the following policy will be adhered to by employees of the City. This policy is to be construed in accordance with Florida Statute 112.310, as amended, entitled "Standards of conduct for public officers, employees of agencies, and local government attorneys".

1. Employees shall not solicit or accept any gift, including a gift, loan, reward, promise of future employment, favor or service based upon any understanding that their judgment would be influenced thereby, or that might reasonably tend to improperly influence them in the discharge of their official duties. Gifts may be accepted from non-lobbyists in accordance with state law. Prior to the acceptance of any gift, if you have questions, discuss with your department head or the City Attorney.
2. Employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.
3. Employees shall not accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.
4. Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
5. Employees shall avoid conflicts of interest, and to the extent reasonably possible, avoid the appearance of conflicts of interest. If any questions exist, the employee must discuss the issue with his or her supervisor.
6. Supervisors have the responsibility to conduct themselves in ways that will allow them to be objective in carrying out their responsibilities such as assigning work, appraising performance, administering discipline, and being examples to their subordinates.
7. Supervisors are prohibited from engaging in romantic or personal relationships with their subordinates as it compromises their ability to be objective and to treat all employees equally. Additionally, romantic or personal relationships can potentially expose the City to sexual harassment allegations. This includes a subordinate whom the supervisor has the responsibility to hire, promote, and appraise performance or any employee for whom the supervisor has the ability or

## ADMINISTRATIVE REGULATIONS GUIDE

responsibility to recommend such actions. Refer to Section 4.02: Nepotism and Personal Relationships in the Workplace.

### **4.01a: Political Activity**

Florida Statutes govern political activity of all City employees. All City employees are encouraged to be politically aware and active, and to exercise their right to vote. However, active political campaigning or solicitation for political contributions while on duty is prohibited.

### **4.01b: Reporting Attempts of Bribery**

Any employee who is offered a bribe or who has reason to believe that another employee has solicited or has been offered a bribe shall immediately notify his or her supervisor, who in turn shall notify the Department Head, City Manager, and City Attorney.



# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Nepotism and Personal Relationships in the Workplace**      **No. 4.02**

**Issued: September 2014**

**Revised:**

## **Nepotism**

Relatives of a City employee may not regularly work in a position where a direct or indirect reporting relationship exists, which could cause a conflict of interest.

Relatives are defined as: parent, sibling, spouse, children, nieces, nephews, step-parent, step-children, step-sibling, half-sibling, in-law, aunts, uncles, grandchildren, and grandparents of the employee or spouse. Relative for purposes of this section only includes a domestic partner or romantic partner.

## **Personal Romantic Relationships**

The City desires to avoid misunderstandings, actual or potential conflicts of interest, complaints of favoritism, possible claims of sexual harassment, and the employee morale and dissension problems that potentially result from romantic relationships involving managerial or certain other employees in the City.

Accordingly, department heads are expressly prohibited from dating or becoming romantically involved with one another or with any other employee of the City. Additionally, all employees, both managerial and non-managerial, may be prohibited from becoming romantically involved with other employees when their personal relationships may create a conflict of interest, cause disruption, create a negative or unprofessional work environment or present concerns regarding supervision, safety, security or morale.

An employee involved with a department head or fellow employee shall immediately and fully disclose the relevant circumstances to the Human Resources Manager so that a determination can be made as to whether the relationship violates this policy. If a violation is found, the City may take whatever action appears appropriate according to the circumstances, up to and including transfer or discharge. Failure to disclose facts may lead to disciplinary action, up to and including dismissal of both employees.

All employees should also remember that the City maintains a strict policy against unlawful harassment of any kind, including sexual harassment. The City will vigorously enforce this policy consistent with all applicable federal, state, and local laws.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Outside Employment**

**Issued: September 2014**

**Revised:**

**No. 4.03**

Employees are not restricted from engaging in other employment during their off duty hours. However, City employment shall be considered the primary employment and no regular employee may engage in outside employment that interferes with the interest of the City.

Any employee desiring to pursue outside employment shall notify the Department Head in writing, for approval and shall include the hours of work, the name of the prospective employer, position/type of work and the place of employment. The request will then be forwarded to the Human Resources Manager for his/her ratification.

The Department Head may reject the request if it is deemed to affect City employment. Any granted "notice to engage in outside employment" may be canceled or terminated at any time by the Department Head, with cause, upon giving sufficient written notice to the employee to whom permission was granted.

Any employee accepting outside employment under the terms of this rule shall make arrangements with the outside employer to be relieved from his/her outside duties if and when called for emergency service by the City. Every employee granted permission to engage in outside employment under this rule shall agree to and shall respond immediately to any emergency call to duty by the City whenever the Department Head or the City Manager shall determine his/her services to be necessary.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the City's Workers Compensation on account of disability resulting from the outside employment.

Outside employment is also subject to the conflict of interest provisions contained in the Conflict of Interest and Political Parties policy.

Employees are prohibited from employment with any business that is a major supplier of goods or services to the City without approval of the City Manager, in consultation with the City Attorney.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Financial Interest**

**Issued: September 2014**

**Revised:**

**No. 4.04**

No officer or employee of the City shall have any financial interests in the profits of any contract, service or other work performed by the City; or shall personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company, except as provided in Section 4.01 of this Guide titled Conflict of Interest and Political Activity.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Release of Information**

**Issued: September 2014**

**Revised:**

**No. 4.05**

Consistent with Resolution No. 09-06, the City Clerk will coordinate with City employees and the public to ensure that Public Records Requests are complied with in accordance with Florida Statutes and this policy. Unless release of information is a normal part of his or her duties and the employee has custody of the record requested, an employee will courteously decline to reveal information and shall direct such inquiry to the City Clerk. It is not the intent of the City to be secretive or to withhold information that the public has a right to access, but to ensure that all information released is true, complete, and accurate, and that it is not exempt or confidential under a statute. Release of certain information can actually be a violation of law if it is inappropriately released. The employee shall at all times be courteous and helpful to those members of the public who seek information.

From time-to-time City employees, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding City business. Should an employee receive either a request for information or subpoena, he or she must immediately notify their Department Head. The matter will be discussed first with the Department Head who, in turn, will notify the City Manager and City Attorney. The process server may suggest or there may be directions on the subpoena saying to call the attorney who issued the subpoena. Unless clearly a private matter for the employee not related to City business, please do not contact them, but go through your Department Head.

## **4.05a: Personnel Records**

1. The general rule is that personnel records of employees are open to inspection pursuant to the requirements as set forth in Florida Statute Chapter 119, as amended, entitled "Public Records". Inspection of personnel records shall be in accordance with the Florida Public Records Law. The custodian of the records shall furnish a copy or copies of any item(s) requested from the records upon payment of the fee required by City policy. A duplicate copy of any copies made and released will be provided to the employee involved.
2. There are certain exemptions where personnel records will not be disclosed. The exemptions include:
  - a) Personal financial account activities, including deferred compensation plan accounts as stated in Florida Statute 112.215 entitled "Government employees deferred compensation program".
  - b) Ongoing disciplinary complaints until the investigation is concluded as stated in Florida Statute 119.071 entitled "General exemptions from inspection or copying of public records".

## ADMINISTRATIVE REGULATIONS GUIDE

- c) Any expunged or sealed criminal history record as stated in Florida Statutes 943.0585 entitled “Court-ordered expunction of criminal history records” and 943.059 entitled “Court-ordered sealing of criminal history records”.
- d) Direct deposits as stated in Florida Statute 17.076 entitled “Direct deposit of funds”.
- e) Drug test Results, except as authorized by statute, as stated in Florida Statute 112.0455 entitled “Drug-Free Workplace Act”.
- f) Participation in EAP as stated in Florida Statute 166.0444 entitled “Employee assistance programs; public records exemption”.
- g) Home address and telephone numbers, dates of birth, photographs and family information for certain designated employees and their spouses as stated in Florida Statute 119.071 entitled “General exemptions from inspection or copying of public records”. These include current and former law enforcement, firefighters, code enforcement officers, and human resource managers. The burden is on the employee to advise that the employee or spouse wants to assert the public records exemption. If you have an exemption where Human Resources is not to release information, it is up to the employee to let them know.
- h) Leave requests for domestic violence and other specified crimes for victims as stated in Florida Statute 119.071 entitled “General exemptions from inspection or copying of public records”.
- i) Any medical information or claim that could identify an employee as stated in Florida Statute 119.071 entitled “General exemptions from inspection or copying of public records”.
- j) Personal identifying information of health insurance participation for dependent children as stated in Florida Statute 119.071 entitled “General exemptions from inspection or copying of public records”.
- k) Lists of retiree’s names and addresses as stated in Florida Statute 121.031 entitled “Administration of system; appropriation; oaths; actuarial studies; public records”.
- l) Social security numbers as stated in Florida Statute 119.071 entitled “General exemptions from inspection or copying of public records”.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**  
**Policy: Solicitation and Distribution**  
**Issued: September 2014**  
**Revised:**

**No. 4.06**

Employee contributions to social, fraternal, or charitable organizations or causes are purely voluntary. No coercion of an employee to make contributions shall be permitted.

City employees are prohibited from soliciting any other employee of the City on behalf of any organization, including any charitable organization, labor union, labor organization or employee organization, during their working hours or the working hours of the employee sought to be solicited. Working hours shall not include meals and break times.

City employees are prohibited from distributing literature during working hours in any area where City work is performed.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Employee Debts**

**Issued: September 2014**

**Revised:**

**No. 4.07**

An employee's financial transactions are the employee's personal affair. The City will not act as a collection agent for an employee or the collection agencies nor discipline an employee on account of garnishment for any debt. However, should complaints concerning an employee's failure to meet financial obligations result in interference with an employee's job performance or occasional loss of time and effort on the part of the City Manager or other City employees, the employee concerned shall be so informed. Should the condition continue or recur, the employee may be subject to disciplinary action. The City will comply with all court orders regarding debt collections.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Use of City Property**

**No. 4.08**

**Issued: September 2014**

**Revised:**

Unless specified elsewhere in this guide, an employee shall not use City property, equipment or vehicles except in the performance of official duty, nor permit its use by an unauthorized person, either on or off duty.

Personal use of City vehicles is prohibited.



# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**  
**Policy: Technology Policy**  
**Issued: September 2014**  
**Revised:**

**No. 4.09**

## **4.09a: Computers**

All city purchased computer resources are the property of the City of Bonita Springs and are intended to be used for approved City business purposes. Users are permitted access to the computer system to assist them in the performance of their jobs. Limited personal use of the computer system is permitted when the use does not (1) interfere with the user's work performance; (2) interfere with any other user's work performance; (3) have undue impact on the operation of the computer system; or (4) violate any other provision of this policy or any other policy, guideline, or standard of the City. At all times, users have the responsibility to use computer resources in a professional, ethical, and lawful manner. Personal use of the computer system is a privilege that may be monitored, restricted or revoked at any time.

### ***No Expectation of Privacy***

1. *No Expectation of Privacy.* The computers and computer accounts given to users are to assist them in the performance of their jobs. Users should not have an expectation of privacy in anything they create, store, send or receive on the computer system. The computer system belongs to the City and is intended for business purposes. A computer's hardware content may be deleted and/or cleaned with the approval of the Department Head and in accordance with Florida Statutes, Chapter 119, as amended, entitled. "Public Records". Except for certain documents or work product that is confidential under state or federal law, users expressly waive any right of privacy in anything they create, store, send, or receive on the computer or through the Internet or any computer network. Users consent to allowing City personnel to access and review all materials users create, store, send or receive on the computer or through the Internet or any other computer network. Users understand that the City may use human or automated means to monitor use of its computer resources.
2. *Public Records.* Generally, documents that are created to formalize knowledge or transact business of the City are considered public records open to the review and copying of the general public. This includes all records created, stored, sent, or received on the computer system. Permanent records of e-mail messages must be retained in accordance with the provisions of Florida Statute, Chapter 119, as amended, entitled Florida Statutes. "Public Records".

Since Florida Statute, Chapter 119, states that all documents/work product made or received in connection with the transaction of official City business are to be considered public records, any City related work done on a computer at home or away from City facilities must be saved and transferred to the employee's office computer or produced in another media where the public may have access (i.e., under the best

## ADMINISTRATIVE REGULATIONS GUIDE

circumstances in a format compatible with City documents in its computer system, but if it is not compatible, a paper record).

### ***Prohibited Activities***

Violations of any portion of this policy may be subject to disciplinary action up to and including termination of employment.

1. *Inappropriate or Unlawful Material.* Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate may not be sent by email or other form of electronic communication or displayed on or stored in the City's computers, including, but not limited to, messages and material with sexual comments, obscenities, pornography, abusive or degrading language, antisocial behavior or inappropriate comments concerning race, color, religion, sex, national origin, marital status or disability. Users encountering or receiving this kind of material should immediately report the incident to their supervisors. Violations of this policy may result in disciplinary action, including discharge. If the employee is receiving inappropriate email, as described, from their supervisor or management personnel it must be reported to Human Resources.
2. *Prohibited Uses.* Without prior written permission, the City's computer resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is viruses or self-replicating code), political material or any unauthorized use deemed inappropriate by the City.
3. Without prior written permission from the City, users may not use instant messaging, text messaging or social networking sites, including but not limited to Twitter, Facebook™, MySpace™, Linked In™, or other similar media venues for any official City communication.
4. *Waste of Computer Resources.* Users may not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, including, but not limited to, going on YouTube™, playing games, engaging in online chat groups, sending and/or receiving personal (non-business) instant messages, printing multiple copies of documents, using hard drive or network space to store personal data or creating unnecessary network traffic.
5. *Misuse of Software.* Most of the software used by the City is licensed with a limitation that it may be used by the City of Bonita Springs. It should not be treated as "shareware" even with consultants and/or other government employees. Without prior written authorization from the City, users may not do any of the following: (1) copy third party software for use on their home computers; (2) provide copies of third party software to any independent contractor, client or third person; (3) install any software

## ADMINISTRATIVE REGULATIONS GUIDE

on City workstations or servers; (4) download any software from the Internet or other online service to any City workstation or server; (5) modify, revise, transform, recast or adapt any software; or (6) reverse-engineer, disassemble or decompile any software. Violations of this policy may result in disciplinary action, including discharge, and possible civil and/or criminal penalties. Employees who become aware of any misuse of software or violation of copyright law should immediately report the incident to Human Resources.

6. *Disguising Identity.* Users must not alter the attribution-of-origin information or “From:” line, in e-mail messages or postings. Anonymous or pseudonymous electronic communications are forbidden. (Users may not, under any circumstances, use “spoofing” or other means to disguise their identity when sending e-mails.)
7. *Unsolicited Messages.* Without the express permission of their supervisor; users may not send unsolicited or non-business e-mail to persons with whom they do not have a prior relationship. (Sending unsolicited e-mail or “spamming” is prohibited.)
8. *Computer Modifications.* Users may not attempt to repair or modify computers and peripherals when the modifications involve changing or replacing internal component parts. Users may not make changes that affect the computer setup, network settings or overall operation. Users are authorized to change consumables such as toner cartridges, ribbons, paper, etc.

### **Passwords**

1. *Responsibility for Passwords.* Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords may not be printed, stored online or given to others. Users are responsible for all transactions made using their user identification. No user may access the computer system with another user’s password or account. Violations of this policy are subject to discipline up to and including discharge.
2. *Passwords Do Not Imply Privacy.* Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that users have an expectation of privacy in the material they create or receive on the computer system. The City has global passwords that permit access to all material stored on its computer system regardless of whether that material has been encoded with a particular user’s password.
3. The Information Technology department can reset any and/or all passwords with a Department Head’s permission if needed. Password lists are not allowed.

# ADMINISTRATIVE REGULATIONS GUIDE

## **Security**

1. *Accessing Other User's Files.* Users may not alter or copy a file belonging to another user without first obtaining permission from the creator of the file. Ability to read, alter or copy a file created by another does not imply permission to read, alter or copy that file. Users may not use the computer system to "snoop" or pry into the affairs of other users by unnecessarily reviewing their files or e-mail.
2. *Accessing Other Computers and Networks.* A user's ability to connect to other computer systems through the network or by a modem does not imply a right to connect to those systems or to make use of those systems unless specifically authorized by the operators of those systems.
3. *Computer Security.* Each user is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of the City's computer resources. This duty includes taking reasonable precautions to prevent intruders from accessing the City's network without authorization and to prevent introduction and spread of viruses.
4. *Remote Access.* Employees may only access data for which they have been authorized. Employees may not share access methodologies and/or access with others.
5. *System Monitoring.* Employees expressly waive any right of privacy in anything they create, store, send or receive on the city's computer system. The city can, but is not obliged to, monitor e-mails without prior notification. If there is evidence that you are not adhering to the guidelines set out in this policy, the city reserves the right to take disciplinary action, including termination and/or legal action.

## **Viruses**

1. *Virus Detection.* Viruses can cause substantial damage to computer systems. Each user is responsible for taking reasonable precautions to ensure he or she does not introduce viruses to the City's network. To that end, all material received on floppy or other magnetic or optical medium and all material downloaded from the Internet or from computers or networks that do not belong to the City MUST be scanned for viruses and other destructive programs before being placed onto the computer system. Users should understand that their home computers and laptops might contain viruses. All disks transferred from these computers to the City's network MUST be scanned for viruses.
2. *Accessing the Internet.* To ensure security and avoid the spread of viruses, users accessing the Internet through a computer attached to the City's network must do so through an approved Internet firewall. Accessing the Internet directly, when connected to the City network (ex: by modem), is strictly prohibited.

# ADMINISTRATIVE REGULATIONS GUIDE

## ***Encryption Software***

1. *Use of Encryption Software.* Users may not install or use encryption software on any of the City's computers without an appropriate business justification and written permission from their Department Head and the Information Technology department. Approved users may not use encryption keys that are unknown to their Department Head.
2. *Export Restrictions.* The federal government has imposed restrictions on export of programs or files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from the City Manager and City Attorney.

## ***Additional Provisions***

1. *Disclaimer of Liability for the Use of the Internet.* The City of Bonita Springs is not responsible for material viewed or downloaded from the Internet by users. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of those pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.
2. *Compliance with Applicable Laws and Licenses.* In their use of computer resources, users must comply with all software licenses, copyrights, and all other state, federal, and international laws governing intellectual property and online activities.
3. *E-mail Signature.* Users must sign all e-mail and other electronic correspondence in accordance with the protocol established:

Full Name  
Title & Department  
E-mail address ([id@cityofbonitasprings.org](mailto:id@cityofbonitasprings.org))  
Phone Number  
FAX Number

Consistent with Florida Statute 668.6076, entitled "Public records status of e-mail addresses; agency website notice", a statement substantially in form to the message below should be placed in each e-mail:

NOTICE: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not

## ADMINISTRATIVE REGULATIONS GUIDE

send electronic mail to the City of Bonita Springs. Instead, contact this office by phone or in writing.

4. *Background Design.* Employees should refrain from using any background colors or images with their City e-mails, plain background should be used at all times. Colors and designs can make messages difficult to read, take more space in the server, and may transmit computer viruses. When an employee receives an e-mail with background colors, they may want to remove the color from their reply e-mail as a courtesy to those reading the response.
5. *Permanency of E-mail.* Employees are encouraged to give careful thought and consideration to what is communicated via e-mail (especially externally). Do not send an e-mail that would differ in content or expression from a formal memorandum. E-mail archiving is done automatically for users.
6. *Ownership Rights.* All computer hardware, software, peripherals, disks, and data purchased by the City, created for use by the City or created in the execution of City business, are the sole property of the City.
7. *Amendments, Revisions, and Unspecified Aspects of Policy.* Any interpretation of this policy as it relates to the computer system will be provided by Human Resources with guidance from the IT department and the City Attorney's Office.

### **Computing Environment**

1. *Software/Hardware Procurement.* All software and hardware should be obtained (free software, grant, normal purchase, etc.) through existing purchasing procedures.
2. *Software and Hardware Installation.* All software should be installed by the IT department. Any personal or test software/hardware installed by any individual may be removed from the computer resource at any time. There should be no expectation for non-approved software/hardware to remain in the computer resource after maintenance, upgrades or replacement.

### **4.09b: Social Media**

The City recognizes that employees will use social media and other cyber communications as a growing way to connect with others. As an initial point, the same principles and guidelines that apply to activities of an employee in general, as found throughout the Administrative Regulations Guide and employee job descriptions, apply to employee activities online. This includes forms of online publishing and discussion including blogs, wikis, file-sharing, user-generated video and audio, virtual worlds and social networks. The City trusts and expects employees to exercise personal responsibility whenever they participate in social media. This includes not violating the trust of those with whom they are engaging. The City expects that employees utilizing

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social media will recognize and follow the guidelines included within this policy. Failure to do so may result in disciplinary action, up to and including termination.

### ***Expectations***

1. Always consider the power of your comments and contemplate the impact of your post on your reputation and that of the City before you publish it.
2. Respect all confidential and proprietary information that you possess as a result of your relationship with the City.
3. When disagreeing with opinions of others, be appropriate and professional in doing so when posting such disagreement on social media sites.
4. When identifying your work status at the City on social media sites use your real name and identify that you work for the City and the position that you hold. Be aware of your association with the City in online social networks. If you identify yourself as an employee of the City, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and clients.
5. Anytime you publish content on an external website regarding anything to do with work you do or any subjects associated with the City, use the following disclaimer: “The postings on this site are my own and do not necessarily represent the City’s positions, strategies or opinions.”
6. Respect your audience. Do not use slurs, personal insults, obscenities or engage in any conduct that would not be acceptable in the workplace. You should also show proper consideration for the privacy of others and for topics that may be considered objectionable or inflammatory.
7. The City respects the interest and willingness of employees to convey group complaints regarding existing working conditions. While the City wholly respects rights of employees to discuss such concerns utilizing social media, it encourages employees to bring any such concerns be to City administration in a timely manner, so as to resolve any concerns.
8. When the City wishes to communicate publicly as an organization – whether to the community or to the general public – it has well established means to do so. Only those officially designated by the City have the authorization to speak on behalf of the City.
9. Vulgar, obscene, threatening, intimidating, harassing or discriminatory behaviors on social media sites may result in an employee’s immediate termination.

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### 4.09c: Cell Phones

Certain City operations require the use of cellular telephones to facilitate communications between the City's office staff, field personnel, and the general public. Two primary options are available in order to ensure that a cellular telephone is available, at the sole discretion of the City, when the duties and responsibilities of a City employee deem it necessary for said employee to be accessible at all times and where the employee having a cellular telephone would help facilitate efficient communication with the employee. Further, a third limited option is available where on a case-by-case basis; the City may reimburse employees for the use of the employee's personal cellular telephone when used for official City business.

#### **Option 1: Cellular Telephone Stipend**

Under this option, City employees shall receive a fixed stipend for the use of their personal cellular telephone when such use is approved for the performance of official City business. A stipend is a fixed sum of money paid to an employee each month to help supplement or defray the employee's expense for maintaining a personal cellular telephone approved for use related to official City business.

The employee may purchase and maintain cellular telephone service with any cellular provider. Such service shall include sufficient plan minutes for both personal and City-related calls. Employees shall be solely responsible for payment of their personal cellular telephone bills and the City shall not be liable to any employee for unpaid cellular telephone bills, taxes or associated fees. If receiving the stipend under this option, the employee's cellular telephone number may be published and made available as needed to perform his or her official duties.

#### **a) Public Records Disclosure**

The City may periodically request that employees provide detailed cellular telephone records and/or bills to the City so that the City may verify the need for and the amount of the stipend as set forth herein. If such records and/or bills are required for submission to the City, the same shall be subject to Florida Statute Chapter 119, entitled "General state policy on public records." Further, cellular telephone records made in connection with the transaction of official City business, including itemized records of cellular telephone use, are public records subject to inspection and copying pursuant to Chapter 119. This means that even employees receiving stipends may have their personal cellular telephone bills become subject to public records disclosure as to those portions of the cellular records that constitute "public records". Also, in accordance with the State of Florida General Records Schedule (GS1-SL) you will need to retain the detailed cellular telephone records for a period of one fiscal year provided applicable audits have been released. Upon receipt of notification of a public record request, the employee must contact the City Clerk's Office within three (3) business days to advise when the requested information can be provided.



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### ***b) Monthly Service Stipend***

Monthly cell phone service stipends are paid with each bi-weekly payroll. Stipend rates are determined by the City Manager (with exception of his/her own contract) and revised as needed.

### ***c) Termination of Service or Change in Qualifying Status***

Upon termination of an employee's personal cellular telephone service, or if the employee no longer qualifies for a stipend, the employee or employee's supervisor must immediately notify Human Resources of said change. Any charges or fees related to termination of the employee's cellular telephone service shall be borne solely by the employee. Employees shall be responsible for reimbursing the City for all or a portion of the total amount of any stipend paid to the employee for the month in which the cellular telephone service was terminated. Reimbursement will be calculated on a pro-rated basis.

### ***d) Termination of City Employment***

Upon termination of employment with the City, employees shall no longer receive a cellular telephone stipend. The terminated employee shall be responsible for all or a portion of the total amount of any stipend paid to the employee for the month in which employment was terminated. The pro-rated amount shall be withheld from the terminated employee's final pay.

### ***Option 2: City-Issued Cellular Telephone***

City-issued cellular telephones shall be the property of the City and shall be part of the City's cellular telephone service plan. Use of City-issued cellular telephones shall be limited to necessary calls when the use of a landline is not reasonably available and/or when the urgency of the matter requires the use of a cellular telephone.

#### ***a) Personal Use***

City-issued cellular telephones shall be used for official City business only. Personal use of City-issued cellular telephones is strictly prohibited, except in cases of bonafide emergencies. Any personal use of a City-issued cellular telephone shall be closely scrutinized and evaluated by the employee's supervisor, Department Head or Department Head's designee. Abuse of an employee's City-issued cellular telephone, including but not limited to excessive or inappropriate use for personal reasons or improper handling or care of the City-issued cellular telephone, may result in disciplinary action in accordance with the City's Administrative Regulations Guide.

## ADMINISTRATIVE REGULATIONS GUIDE

The employee is required to reimburse the City for any personal use of a City-issued cellular telephone which results in an overage on the cellular telephone bill.

### ***b) Responsibility***

Employees utilizing a City-issued cellular telephone are responsible for the safekeeping, maintenance, and proper use of the cellular telephone and are required to take appropriate precautions to prevent loss, theft, damage, and unauthorized access to said cellular telephones. Employees shall be financially responsible for any loss, theft, or damage to a City-issued cellular telephone, unless the theft or loss was caused by circumstances beyond the control of the employee during the performance of his or her assigned duties. Financial responsibility may include repair and/or replacement of the City-issued cellular telephone. Loss, theft or damage of a City-issued cellular telephone shall be immediately reported to the employee's Department Head and the City Clerk. If lost or stolen, once notified, the City Clerk shall contact the telephone carrier/service provider so that service to the cellular telephone may be immediately suspended or deactivated in an effort to avoid abuse of the service. In the case of theft, the user must obtain a police report in the jurisdiction where the phone was stolen, and the police report must be submitted to the City Clerk within three (3) business days of the incident.

City-issued cellular telephones shall be used in a responsible and safe manner. Use of any cellular telephone while operating a motor vehicle or other equipment during work hours is prohibited. All other times employees must use their cellular telephones consistent with Florida Statutes §316.305, which is the "Florida Ban on Texting While Driving Law."

### ***c) Public Records Disclosure***

Records related to City-issued cellular telephones are generally open to inspection and copying pursuant to Florida's public records law as set forth in Florida Statute Chapter 119.

### ***d) Termination of Employment***

Upon termination of employment of an employee assigned a City-issued cellular telephone, the employee's Department Head shall be responsible for the following:

1. Retrieval of the cellular telephone and all related accessories including, but not limited to, car charger, wall charger, and/or belt clip.
2. Inspection of the cellular equipment for any damage and to ensure that it is in proper working order.

## ADMINISTRATIVE REGULATIONS GUIDE

In the event an employee fails to return a City-issued cellular telephone upon termination of employment with the City, the City may withhold funds from the employee's final paycheck to the extent permitted by law in an amount appropriate to cover the cost of the cellular telephone.

### **e) *Service and Maintenance***

If a City-issued telephone is in need of service, the employee must contact their Department Head for assistance.

### **f) *Text Messaging (Tweeting)***

Text messaging is strictly forbidden to conduct official City business. Notifications received as text messages from paging or alert systems may be received. These are deemed the responsibility of the sender for public records purposes and should not require a response. Inappropriate use may result in disciplinary action in accordance with the City's Administrative Regulations Guide.

### ***Access to City Email via Cellular or Smart Telephones***

City email may be accessed in several ways; however this policy only addresses access via personal or City-issued cell phones.

Exempt employees may be granted access to City email via their City-issued or personal cell phone if approved by their Department Head.

Non-exempt employees will be granted access on an "as-needed" basis, as determined by their Department Head and approved by the City Manager.

- Non-exempt employees who have been given access to their City emails on their cellular telephones shall be required to obtain advance authorization from their Department Head prior to checking and/or responding to their City emails or performing any other official job duty outside of their regular working hours.
- Generally these occasions shall not occur, however, non-exempt employees performing official job duties outside of their regular working hours and who are authorized to do so shall promptly record and report to their supervisor or Department Head the amount of time expended on official job duties and a general description of the duties performed. The City shall compensate non-exempt employees for the time said employees work outside of their regular hours consistent with the City's standard compensation policies. Failure of a non-exempt employee to obtain advance Department Head approval prior to engaging in after-hours work duties as described herein may result in disciplinary action in accordance with the City's Administrative Regulations Guide.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Dress and Appearance**

**Issued: September 2014**

**Revised:**

**No. 4.10**

City employees are expected to maintain high personal and professional standards. One of the most noticeable expressions of these personal standards is dress and appearance. Employees are expected to report to work clean, neat, and appropriately clothed and groomed.

Work clothes and uniforms provided for many departments generally set the standard for their functions. Determination of an employee's specific dress and appearance is a departmental responsibility and will be treated as such. Uniform and personal appearance standards may be established by Administrative Code.

## **4.10a: City Issued Badges, ID Cards, and Clothing Insignias**

City issued badges, ID cards, and clothing insignias may be used only by the individual to whom they are issued. Employees may not "loan" these items to anyone for any reason. All City issued badges, ID cards, and clothing insignias are the property of the City and are provided for appropriate use for identification and access to services. These items are not transferable and are valid as long as the holder continues his/her specific affiliation with the City. City issued badges, identification cards and insignias shall be used only in the performance of the official duties of the positions to which they are related and only while on duty.

Any misuse, alteration, or fabrication of the badge, ID card, and / or insignia will subject the holder to disciplinary action by the City. Employees are serving as representatives of the City when displaying any of these items and are thus expected to use their best judgment at all times.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Code of Conduct**

**Policy: Reports to City Attorney**

**Issued: September 2014**

**Revised:**

**No. 4.11**

An employee who obtains knowledge or receives notice concerning any of the following shall immediately notify the City Attorney, as well as his or her supervisor:

1. summons, complaint, subpoena or other legal process (except as to a matter clearly not involving the City)
2. serious injuries or fatalities involving an employee while on the job, in a City vehicle or occurring upon City-owned property
3. crimes against City employees while on the job
4. crimes against City property
5. threats of litigation, whether oral or written
6. any other actions that may result in legal proceedings involving the City or its employees
7. harassment by the City Manager, City Council member or City resident

**SECTION 5:  
RECRUITMENT**

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Recruitment**  
**Policy: Recruitment**  
**Issued: September 2014**  
**Revised:**

**No. 5.01**

Departments may elect to post a position vacancy for regular employees within the City organization in order to accept applications from current City employees only. Vacancies will be communicated to all current employees and posted for at least five (5) working days.

Vacancies that are not filled internally will be posted for at least five (5) working days on the website as well as government access channel and distributed to professional and community organizations, minority organizations, local government offices, vocational schools, and colleges and universities as appropriate. Vacancies may also be advertised online, in newspapers, journals, newsletters and other publications as determined by the Human Resources Manager, in consultation with the Department Head.

Applications for employment shall only be accepted when position vacancies are posted. Each candidate for City employment shall apply for vacancies in the manner prescribed by the Human Resources Manager. Such information may be required as is deemed necessary in order to judge the applicant's qualifications.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Recruitment**

**Policy: Pre-employment Evaluations**

**Issued: September 2014**

**Revised:**

**No. 5.02**

Pre-employment evaluations are an important part of the hiring process. They provide scores to help point out the high performers and narrative responses to help make informed hiring decisions.

### **5.02a: Pre-Employment Medical Examination**

Applicants for City employment, including those being re-employed, may be required to receive a medical examination prior to their employment. The examination shall be performed and evaluated by the City's designated physician or laboratory under standards established by the City.

### **5.02b: Employment Oath**

Persons selected for employment must take an oath or affirmation of allegiance pursuant to Florida Statute Section 876.05, as amended, entitled "Public employees; oath". This employee oath affirms support of the Constitution of the United States and the state of Florida.

### **5.02c: Criminal Background Examination**

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, 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.

### **5.02d: Reference Check**

As a part of the pre-employment procedure, former supervisors and employers, provided by candidates as references may be checked. Reference checks made by personal or telephone contact shall be documented and made part of the applicant's file. These reference checks shall be completed prior to an offer of employment.



# ADMINISTRATIVE REGULATIONS GUIDE

## **SECTION 6: EMPLOYMENT**

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employment**

**Policy: Methods of Filling Vacancies**

**Issued: September 2014**

**Revised:**

**No. 6.01**

All vacancies shall be filled by regular or temporary appointment, promotion, transfer, or demotion, as needed.

Established positions may be reclassified by the City Manager to an existing higher or lower classification when changes in duties and responsibilities of the position(s) warrant a reclassification. If such reclassification increases the personnel services budget, the reclassification must be approved by City Council.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employment**  
**Policy: Appointments**  
**Issued: September 2014**  
**Revised:**

**No. 6.02**

## **6.02a: As-needed Appointments**

A Department Head may, with the City Manager's approval, appoint individuals "as needed" to fill a budgeted departmental position designated as Temporary or Seasonal.

## **6.02b: Temporary Appointments**

Appointments for Temporary or Seasonal positions may be made for a period not in excess of six (6) months with the approval of the City Manager when services are required for a special job or project. Temporary or Seasonal appointments may also be made to fill vacancies resulting from regular employees on authorized leave of absence. Duration of Temporary appointments shall be determined by the Department Head.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employment**  
**Policy: Introductory Period**  
**Issued: September 2014**  
**Revised:**

**No. 6.03**

The initial introductory period is an integral part of the on-boarding process. It shall be utilized to closely observe the employee's work, to secure the most effective adjustment of a new or promoted employee to the position, and to terminate any employee whose performance does not meet the required work standards.(Refer to section 7.03: Performance Management for more information.)

## **6.03a: Duration**

The initial introductory time shall be for a period of up to six (6) months from the first day of work as a regular employee unless otherwise approved by the City Manager. If a Department Head requests an extension of the initial introductory period, the City Manager and Human Resources Manager may extend the introductory period of an employee for a total of three (3) additional months.

## **6.03b: Evaluation of Performance**

An employee performance evaluation should be completed prior to the end of the employee's initial introductory period. Additional evaluations may be completed during the introductory period as necessary. The employee performance evaluation should be done pursuant to the procedure outlined in section 7.03: Performance Management.

## **6.03c: Disciplinary Measures**

Disciplinary measures for initial introductory period employees are outlined in section 12.05: Discipline for Employees in Introductory Period.

## **6.03d: Appeal Procedures**

Only employees who have successfully completed their initial introductory period shall be entitled to use the appeal procedures outlined in this Guide.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employment**  
**Policy: Attendance**  
**Issued: September 2014**  
**Revised:**

**No. 6.04**

### **6.04a: Hours of Work**

Hours of work will be determined by the City Manager in accordance with the needs of the City. Hours of work shall be generally consistent within departments, except as approved by the City Manager, and shall take into account the service needs of the public.

Employees working on a shift basis will work the hours as determined by departmental policy.

Lunch break times are scheduled at the discretion of the Department Head.

Additional work hours may be required of all employees.

### **6.04b: Reporting For Work**

Each Department Head shall be responsible for the punctual attendance of all persons in the department.

All employees are expected to report for duty at the scheduled time.

If an employee is going to be late or unable to work for any reason, he/she must notify their Department Head or supervisor by the designated start time unless otherwise required by the Department Head.

Habitual, chronic or excessive absenteeism or lateness shall be sufficient reason/cause for disciplinary action.

### **6.04c: Overtime and Compensatory Time**

No overtime or compensatory time will be granted without prior approval by the immediate supervisor, Department Head or City Manager, as appropriate. The City recommends that, if possible, a flexible schedule be implemented as an alternative to granting overtime or compensatory time.

Overtime consists of any hours worked over forty (40) within a workweek. Holiday pay for holidays falling on regularly scheduled workdays is considered hours worked in overtime calculation. PTO leave and holiday pay for holidays falling on non-scheduled workdays are not considered hours worked for overtime calculations.

Overtime for non-exempt employees will be paid by either overtime (one and one-half times the employee's regular rate of pay for all overtime hours) or compensatory time

## ADMINISTRATIVE REGULATIONS GUIDE

(one and one-half hours for each overtime hour worked with exception of severe weather). In accordance with the FLSA, an employee is not required to accept the offer of compensatory time, in which case, overtime compensation must be paid. Compensatory time must be used within 90 days of when it was earned or it will be forfeited.

Employees who have requested the use of their compensatory time will be permitted to use such time, at the discretion of the immediate supervisor or Department Head, as appropriate, within a reasonable time period after making the request.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employment**

**Policy: Alternative Work Arrangements**

**Issued: September 2014**

**Revised:**

**No. 6.05**

Flexible work schedules and other arrangements are only available in instances where there is no adverse effect on the work to be performed. Certain work within the City, by its very nature, does not allow for flexible work arrangements.

In all cases, management retains all of its prerogatives regarding an alternative work arrangement. A manager may deny a request based on business reasons. An alternative work arrangement may also be terminated at any time by a manager if business needs so dictate.

The following work arrangements may be available options to our employees:

- **Compressed workweek:** A full time (40 hour) work schedule compressed into a three (3) or four (4) day workweek (i.e. four 10-hour days).
- **Flextime:** A work schedule that permits flexibility in starting and ending times without altering the required number of work hours in a given period (i.e. in a workweek) and usually specifies a core period of the day during which all employees must be scheduled. Such scheduling is not available to counter and customer service staff members that have established working hours for contact with our customers.
- **Part-time:** A regular employee working less than a full-time work schedule and no more than 30 hours per week. (Note: A reduction in hours which results in an employee working less than 30 hours per week, based on a quarterly average, may have consequences on his/her benefits package.)
- **Reduced work hours:** A temporary reduction of work hours for full-time staff, not less than 30 hours per week. Such an arrangement must be reviewed within 90 days.
- **Telecommuting:** A work schedule that allows an employee to work all or part of their workweek at home, on the road or in an alternate work location, instead of physically traveling to a central workplace.

For purposes of appropriateness and consistency of alternate arrangements, a brief description of specific alternate work arrangements should be sent to the Department Head and City Manager for review with Human Resources.

**SECTION 7:  
CLASSIFICATION AND  
COMPENSATION PLAN**



# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Classification and Compensation Plan**

**Policy: Classification Plan**

**Issued: September 2014**

**Revised:**

**No. 7.01**

The classification plan provides a complete inventory of all positions in the City service and an accurate description and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities.

The classification plan is to be used for the following:

- as a guide in recruiting and examining candidates for employment
- to determine lines of promotion and in developing employee training programs
- to determine pay for various types or work
- to determine pay ranges and other departmental budget items
- to provide uniform terminology understandable to City employees and the general public

## **7.01a: Use of Class Titles**

Class titles are to be used in all personnel, accounting, budgeting, appropriation and financial records. No person will be appointed to or employed in a position under a title not included in the classification plan.

## **7.01b: Use of Class Specifications or Job Descriptions**

Specifications are to be interpreted in their entirety and in relation to other jobs in the classification plan. Particular phrases or illustrative examples are not to be isolated and treated as a full definition of any class. Specifications are deemed to be descriptive and explanatory of the kinds of work performed and not necessarily inclusive of all duties performed. Specifications may be added, deleted or revised with the City Manager's approval. If a new position is created, the specification will be approved by City Council. If a position is reclassified, it will be approved by the City Manager. If such new position or reclassification increases the personnel services budget, the reclassification must be approved by City Council.

## **7.01c: Administration of the Classification Plan**

The City Manager is charged with maintenance of the classification plan so that it will reflect the duties performed by each position and the class to which each position is allocated. It is the duty of the City Manager, or designee, to examine the nature of the positions as they are created and to allocate them in conformity with these rules and regulations; to make changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions; and to periodically review

## **ADMINISTRATIVE REGULATIONS GUIDE**

the entire classification plan and recommend appropriate changes in allocations or in the classification plan. Such a review should occur every five (5) years and should include a comparison of the duties, responsibilities, salary ranges, and benefits of the City of Bonita Springs positions with other comparable public and private organizations.

### **7.01d: Allocation of Positions**

When a new position is established, the duties and responsibilities of a vacant position are significantly changed, or an employee in an existing position has been assigned and is performing duties and responsibilities for an extended period of time that are not consistent with the duties and responsibilities for the employee's assigned class, a new Job Description should be developed. The City Manager, or designee, will review the Job Description, conduct job audits, if necessary, and establish the proper classification.

If a classification is required that is not in the City's pay plan, the City Manager shall establish the new classification and pay range and obtain City Council approval.

### **7.01e: Reclassification of Positions**

Upon reclassification of a position from one class to another with a higher pay grade in the compensation/pay plan (higher minimum salary), the method of adjusting the pay of the employee who has been filling the reclassified position on a regularly assigned basis shall be in accordance with the rules and regulations regarding promotions. If the position is reclassified to a class with the same or lower pay grade (equal or lower minimum salary), the employee's salary shall not be changed.

### **7.01f: Position Control**

All positions in the City are established and maintained through a personnel budget each fiscal year in accordance with established budget and accounting procedures. The establishment of new or additional positions will be accomplished at the discretion of the City Manager upon approval of the City Council.

### **7.01g: Special Positions**

The City Manager and City Attorney may utilize interns, clerks or fellows in positions that are not compensated by the City. Payment may be through grants or programs or for educational credits.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Classification and Compensation Plan**

**Policy: Compensation Plan**

**Issued: September 2014**

**Revised:**

**No. 7.02**

The compensation plan is intended to reflect the following:

- fair compensation for all classes in the classification plan with regard to range of pay for other classes
- general rates of pay for similar employment in private establishments and other municipalities or civil jurisdictions in the area or in other comparable areas
- availability of applicants to fill positions

To accomplish this, the City Manager may periodically seek approval from the City Council to conduct a comparative study of all the factors affecting the level of salary ranges and will recommend to the City Council such changes in salary ranges as are pertinent. Such adjustments will be made by increasing or decreasing the salary ranges as provided in the basic salary schedule. The rate of pay for each employee may be adjusted as approved by the City Council.

## **7.02a: Use of Salary Ranges**

Salary ranges are intended to furnish administrative flexibility in recognizing differences among positions allocated to the same class, in providing employee incentive, and in rewarding employees for meritorious service.

## **7.02b: Appointment and Starting Rates**

The minimum salary established for a position is considered the normal appointment rate for new employees.

Appointments above the minimum salary, but within the salary range, may be authorized by the City Manager if the applicant's training, experience, market conditions or other qualifications are substantially above those minimally required for the position.

## **7.02c: Pay Adjustments**

Minimum and maximum pay rates are determined for each position based upon periodic salary studies. City Council may, at any time, adopt, amend or alter pay ranges. A pay adjustment may not increase the rate of employee base pay above the maximum pay range of the employee's classification. When an employee's base rate of pay is at the maximum of the pay range of the employee's classification, the employee will only be eligible for a lump sum payment, if qualified.

# ADMINISTRATIVE REGULATIONS GUIDE

## **7.02d: Merit Pay Adjustments**

For the purposes of merit pay adjustments, the City Council may adopt an increase percentage annually as a portion of the personnel services budget. The type, amount, and distribution of employee merit pay adjustments will be approved annually by the City Manager based on the Performance Management System.

In the event that there is a change in position during the year, the merit pay out will be pro-rated based on the salary, performance score, and time in each position.

If City Council provides the appropriate funding during the budget process, pay adjustments for merit will be effective at the beginning of the first full pay period after April 1<sup>st</sup> of each year.

## **7.02e: Cost of Living Adjustments**

City Council has the option of considering a cost of living adjustment (COLA) when necessary to adjust salaries across the board for all employees. City Council provides the appropriate funding, if any, during the budget process.

## **7.02f: Promotion Pay Adjustments**

When an employee is promoted to a position with a higher minimum salary, the employee's new pay shall be increased to the minimum for the new position or the employee shall receive a pay increase within the new range that reflects at least a five (5) percent increase, whichever is greater.

The Department Head may recommend a larger increase depending upon the circumstances of the promotion. Approval must be received from the City Manager.

Promoted employees shall serve a promotional introductory period in accordance with these policies and procedures (see section 6.03: Introductory Period). Promotions will not change the employee's anniversary date.

## **7.02g: Demotions**

### ***Involuntary Demotion***

When an employee is involuntarily demoted to a position in a classification with a lower minimum level salary, the employee's pay is likely to be reduced with the City Manager establishing a rate of pay within the range of the lower classification with consideration given to the Department Head's recommendations and factors such as the employee's length of service, work experience/history, knowledge, skills, abilities and previous performance evaluations.

## ADMINISTRATIVE REGULATIONS GUIDE

Involuntary demotions may occur when an employee is not able to properly fulfill the normal duties and responsibilities assigned to a specific position.

### ***Voluntary Demotion***

When an employee requests a voluntary demotion, the pay may be reduced by the City Manager following the guidelines stated above. Voluntary demotions will only be granted if the position exists and it is in the best interests of the City to fill the position.

### **7.02h: Lateral Transfers**

An employee on regular or introductory period status may, with the approval of the Department Heads concerned and City Manager, be transferred. Prior to accepting the transfer, employees should carefully consider the rules by which a transfer is accomplished.

An employee may be transferred within a department, to another department with the same classification or to another classification with a comparable salary range, and such transfer shall not change the employee's pay grade, pay rate or anniversary date:

1. If the employee has been employed less than six (6) months, he or she must serve an additional six (6) month introductory period.
2. If the employee has been employed six (6) months or more, but less than one year, he or she must serve a three (3) month introductory period.
3. If the employee has been employed for one (1) year or more, he or she must serve a one (1) month introductory period.
4. If during the introductory period the employee is found to be unqualified for the position or incompetent in performing the duties of the new position, he or she may be returned to the position from which he or she was transferred with the approval of the Department Heads and City Manager only if a vacancy exists.
5. If the former position is filled, an effort will be made to place the employee in a comparable position. If a vacancy does not exist and if it is impractical to create a new position, the employee may be transferred or demoted to another position for which he or she is qualified, or terminated and eligible for re-hire.

### **7.02i: Acting Appointments Pay**

If an employee is temporarily appointed by a Department Head or the City Manager to an acting position for reasons other than vacation, for more than two (2) consecutive work weeks, the employee's pay may be increased to an appropriate amount as determined by the City Manager, for the duration of the appointment.

## ADMINISTRATIVE REGULATIONS GUIDE

### 7.02j: Pay for Work during Emergencies or Disaster

The continued operation of critical functions in the event of a natural or man-made emergency or disaster situation is vital to the overall operation of the City and its many entities. Pay for employees who are required to work during an emergency or disaster will be as follows:

#### ***Reporting Personnel***

1. City employees, exempt or non-exempt, who are designated as essential personnel by the City Manager and are assigned to work during emergencies, will be compensated for time worked. Paid time begins when the employee receives the call to report to work.
2. Emergency pay is calculated based on the employee's straight hourly rate; if more than 40 hours are worked during a normal work week, time and one-half the regular straight-time rate will be paid.

#### ***Non-Reporting Personnel***

1. When City operations are closed down before the start of a scheduled workday, all employees (non-essential and essential) will receive full pay for the scheduled workday.
2. When City operations are closed down during a scheduled workday, employees who report to work and are subsequently released by the City Manager will receive full pay for the workday.
3. Employees already on official leave will not receive any additional paid time off and will be paid according to their original leave request.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Classification and Compensation Plan**

**Policy: Performance Management**

**Issued: September 2014**

**Revised:**

**No. 7.03**

## **7.03a: Annual Performance Evaluation**

The City utilizes a program for rating the work performance of employees. The Performance Management System is designed to permit the evaluation of the employee's performance as accurately and as fairly as is reasonably possible. The ratings shall be set forth on the authorized Performance Evaluation forms based on the annual performance cycle illustrated below:

- Performance Planning Meeting (June)
- Mid-Cycle Performance Feedback (October)
- End of Cycle Performance Discussion (February)
- Performance Results Meeting (March)
- Salary Discussion (April)

Performance evaluations may be used for determining the following:

- the need for training
- the advisability and amount of merit increases
- the order of lay-offs
- the advisability of a promotion, demotion, disciplinary action or termination
- the extension of introductory periods

Supervisors are responsible for accurate and prompt submission of employee performance evaluations, in accordance with established procedures. Performance evaluations are not appealable under the provisions of this Guide; however, employees are permitted to provide written responses to be placed in the employee's personnel file.

Performance evaluations that reflect ratings that are unacceptable or unsatisfactory as determined by the City may require the employee to be placed on a performance improvement plan for up to three (3) months at the Department Head's recommendation and upon the City Manager and Human Resources' approval.

## **7.03b: Introductory Period Performance Evaluation**

During employee's introductory period (6 months), the performance management cycle will be conducted on a reduced schedule. Merit increases may be given at the completion of introductory period for those employees who were not eligible during the annual performance cycle.

# ADMINISTRATIVE REGULATIONS GUIDE

## **7.03c: Performance Evaluation for Promotions**

If an employee is selected for a promotion, the Department Head for the current position will complete a final performance evaluation.



**SECTION 8:  
SEPARATIONS**

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Separations**  
**Policy: Separations**  
**Issued: September 2014**  
**Revised:**

**No. 8.01**

Separations from City service are designated as one of the following types:

1. Resignation
  - a. Executive and exempt employees are requested to provide a minimum of thirty (30) days' notice in writing prior to leaving employment. All other regular employees are requested to give a minimum of two (2) weeks' notice.
2. Retirement
  - a. Retirement will be handled in accordance with the Florida Retirement System.
3. Disability
  - a. Disability will be handled in accordance with benefits programs and the Florida Retirement System, as applicable.
4. Death
  - a. Death will be handled in accordance with benefits programs and the Florida Retirement System, as applicable.
5. Termination
  - a. Causes for termination are set out in Section 12.02 of this guide.
6. Reduction in Force (Layoff)
  - a. Please refer to section 9.02 of this Guide.

## **8.01a: Exit Interviews**

The purpose and intent of the exit interview is to provide management with information as to why and in what areas employees may be dissatisfied with their jobs. This information may, in turn, improve the City's system and, hopefully, reduce the City's turnover rate.

Where possible, each employee who resigns from the City will be interviewed by the Human Resource Manager and must complete an Exit Interview form. The completed Exit Interview form and interview information is to remain with the Human Resource Manager and be utilized to improve the Administrative Regulations Guide.

## **8.01b: Return of City Property**

At the time of separation and prior to receiving final monies due, all records, books, assets, uniforms with insignia, equipment, cell phones, keys, tools, and any other items City property items that are in the employee's custody, shall be transferred to the department and certification to this effect shall be by the department supervisors. Any monies due the City because of any shortages shall be collected through appropriate action.

# ADMINISTRATIVE REGULATIONS GUIDE

## **8.01c: Final Pay**

All final paychecks will be given to the employee by their Department Head or Human Resources.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Separations**

**Policy: Force Reductions and Recalls**

**Issued: September 2014**

**Revised:**

**No. 8.02**

### **8.02a: Reduction in Force (Layoff)**

The City Manager may lay off an employee or employees when it is deemed necessary by reason of shortage of funds, lack of work, abolition of positions, material changes in the job duties or organizational structure or for other reasons within the discretion of the City.

In the event of a reduction in force, Temporary or Seasonal employees in the classification and department affected shall be laid off first. If further reductions are necessary, newly hired introductory period employees shall then be laid off. Employees who are on promotional probation and non-introductory period employees shall be laid off subsequent to the above.

Employees shall be laid off based on a combination of the following criteria: length of service with the City, qualifications to perform the work, and performance evaluations for the past three (3) years. Veteran's preference shall also be considered.

Any employee who is to be laid off will be given a minimum of ten (10) working days pay in lieu of the notice of the pending layoff.

The employee may request an Informal Hearing which must be submitted to Human Resources, in writing, within two (2) business days of the employee's receipt of formal notification of recommended lay off.

Laid off employees who have completed their introductory period will receive three-fourths accrued PTO at the employee's current rate of pay (subject to a maximum of a total of 360 hours that can be paid out in PTO leave).

Application of the procedures for laying off employees set forth herein, but not the decision to layoff or the selection of the employee(s) to be laid off, shall be appealable in accordance with the appeal procedure as outlined in this Guide.

### **8.02b: Recall**

If a recall is initiated, employees shall be recalled to the classification and department from which they were laid off in the reverse order in which they were laid off, provided they have not been laid off for more than one (1) year. If an employee has been laid off for more than one year, the employment relationship shall be considered terminated.

A recalled employee shall have ten (10) work days from date notice is received to return to work after having been recalled in writing by certified mail with return receipt requested,

## ADMINISTRATIVE REGULATIONS GUIDE

addressed to the last known address of record. Failure to comply with this provision shall constitute a termination in the employment relationship unless there is a reason acceptable to the City for such failure.

For the purposes of PTO accrual rate only, recalled employees shall retain credit for the prior service.

Laid off employees who are recalled or rehired shall not utilize or accrue PTO or medical benefits during the period they were laid off.

All layoffs and recalls shall be coordinated and processed with authorization of the City Manager.

**SECTION 9:  
SAFETY**

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Safety**

**Policy: Health and Safety**

**Issued: September 2014**

**Revised:**

**No. 9.01**

It is the policy of the City to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state or local laws.

All City employees are encouraged to incorporate safety and loss prevention practices in their daily activities.

Supervisors' safety responsibilities include:

- familiarizing themselves with all safety and health policies and procedures that are relevant to the work operations and staff under their supervision
- inspecting their work areas and equipment periodically
- training their employees in safety practices or arranging for such training where appropriate and keeping logs of such training activities
- identifying and remedying conditions that are recognized by the City as being unsafe
- Completing accident reports and submitting them to Human Resources within 24 hours of the incident

Each department must meet local, state, and federal rules and standards and be responsible for developing a set of safety rules, policies, and regulations that pertain to their own particular operations.

It is the responsibility of the employee to know and adhere to the safety rules and regulations which apply to the area in which he or she is working.

## **9.01a: Health**

It is the policy of the City of Bonita Springs that employees with infectious, life-threatening or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees or citizens.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Safety**

**Policy: Accident Reporting**

**Issued: September 2014**

**Revised:**

**No. 9.02**

Employees should immediately report to their supervisor all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries or property damage to City employees or others.

Employees must contact Human Resources or their supervisor within 24 hours after the occurrence of any injury to complete an Accident Investigation Report. If medical treatment is needed, Human Resources must be contacted immediately. For motor vehicle accidents involving City vehicles, the Human Resources must be contacted within 24 hours after the occurrence of the accident to complete the Accident Investigation Report with a copy of the police report.



## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Safety**

**Policy: Safety Equipment and Devices**

**No. 9.03**

**Issued: September 2014**

**Revised:**

The City will provide special clothing or equipment, or reimburse the employee for its purchase, when such clothing or equipment is required by regulation or by City policy. Such clothing and equipment, if provided, must be used. Employees are responsible for the proper use, care and maintenance of such clothing and equipment and will be subject to disciplinary action for failure to comply with this obligation.

An employee may be required to pay up to the full replacement cost for any City equipment or property that is lost or damaged due to misconduct, misuse or neglect on the part of the employee.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Safety**

**Policy: Use of City Vehicles**

**Issued: September 2014**

**Revised:**

**No. 9.04**

While operating any motorized equipment or vehicle for City business, employees should do so free from voluntary distractions to include, but not limited to, eating, drinking, reading, smoking, talking and texting on cell phones, preparation of personal appearances, etc.

All City employees who are required to drive City vehicles, or their own vehicle for City business, must possess a valid Florida operator's license and maintain a safe driving record. The supervisor must determine that the employee is capable of operating all motor-powered and self-propelled equipment required in the performance of the employee's work.

Employees are prohibited from using electronic devices while operating any motorized equipment unless operationally required. Cell phones equipped with "hands free" devices (i.e. Bluetooth) may be allowed at the discretion of the Department Head for emergency purposes or to facilitate effective City operations. The use of tobacco products in motorized equipment owned by the City is prohibited.

Employees must immediately report any automobile accidents or citations involving a City vehicle. City management reserves the right to limit or restrict the employee's use of vehicles until resolution of such accident or citation.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Safety**

**Policy: Workplace Violence Prevention**

**No. 9.05**

**Issued: September 2014**

**Revised:**

It is the policy of the City of Bonita Springs to provide a safe environment for working and conducting business. The City will not ignore, condone or tolerate acts of violence committed by or against City employees or members of the public, while on City property or while performing City business at other locations. The City of Bonita Springs is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior. City employees determined to be in violation of this policy will be subject to appropriate disciplinary action, up to and including termination.

## **9.05a: Violence Defined**

Workplace violence consists of any physical or non-physical act that results in threatened or actual harm to a person or actual damage to property. It includes any threatening words or actions whether verbal or non-verbal, which create, in the mind of any reasonable person, the belief that immediate future harm to any person or property is imminent.

Violent acts and behavior can take many forms. Such conduct might be physical or nonphysical, verbal or nonverbal, direct or indirect, and explicit or implicit. Workplace violence is specific to the situation, may be non-specific to certain employees (weapons, bomb threats, throwing objects, threats of vandalism, arson or sabotage), target specific employees (fighting, hitting, attacking, insulting, threatening, intimidating, stabbing or brandishing a weapon to a certain individual) or an act that consists of obsessively direct behavior (being intensely focused on a grudge, grievance or romantic interest in another person that is reasonably likely to result in harm or threats of harm to persons or property).

## **9.05b: Responsibilities / Complaint Procedures**

The City takes every workplace violence issue very seriously. As a means of prevention, City employees are strongly urged to take appropriate action immediately upon knowledge of violent behavior taking place either on City property or regarding any legitimate interest of the City.

- For immediate assistance in an emergency situation (i.e. assault, direct threat of immediate violence, suicide attempt or any crime in progress) call 9-1-1.
- If the complaint involves a non-emergency situation, employees are strongly urged to report the violent behavior immediately to Human Resources or any supervisor.

## **9.05c: Investigations of Allegations**

## ADMINISTRATIVE REGULATIONS GUIDE

The City of Bonita Springs recognizes that workplace investigations require discretion and sensitivity to protect the rights of all persons involved and shall proceed in a manner that demonstrates objectivity, fairness, and a concern for confidentiality.

Incidents involving emergency and/or criminal activity will be referred to the Lee County Sheriff's Department. An internal investigation may occur simultaneously if it does not interfere with the efforts of the outside investigation.

Incidents that do not involve an emergency situation and/or criminal activity will be referred to Human Resources. Human Resources, in consultation with the City Manager and City Attorney's offices, will determine the appropriate course of action.

Due to the varying nature of violence in the workplace, the City reserves the right to adapt its investigative process on a case-by-case basis, as appropriate, to handle the sensitive and subtle considerations presented by workplace violence issues.

### **9.05d: Cooperation and Confidentiality**

City employees are required to fully cooperate in any internal investigations that may be conducted. This includes, but is not limited to, answering all questions honestly and fully.

Employees interviewed at any time during the investigation shall keep any and all information that is shared during the investigation strictly confidential and shall not, under any circumstance, discuss the information or the investigation with anyone other than authorized persons.

Failure to cooperate with an investigation or failure to abide by the rule of confidentiality may be grounds for disciplinary action up to and including termination.

The City will take all reasonable and lawful actions necessary to keep the information provided in the complaint and investigation process as confidential as practically possible to provide a thorough investigation and to the extent permitted by Florida law.

Nothing in this section is intended to compromise an accused individual's rights protecting them against self-incrimination in a criminal investigation.

### **9.05e: Retaliation Prohibited**

Retaliation against employees for reporting violent behavior or assisting in the investigation of a complaint is prohibited and will not be tolerated.

Retaliation includes, but is not limited to, such acts as refusing to recommend an employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers or escalating a violent situation.

**SECTION 10:  
LEAVE ADMINISTRATION**

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Holidays**

**Issued: September 2014**

**Revised:**

**No. 10.01**

The following holidays, and any other days that the City Council and/or City Manager may declare, shall be observed by the City of Bonita Springs:

- |                               |                    |
|-------------------------------|--------------------|
| • January 1                   | New Year's Day     |
| • As designated in January    | M. Luther King Day |
| • As designated in February   | President's Day    |
| • Last Monday in May          | Memorial Day       |
| • July 4                      | Independence Day   |
| • First Monday in September   | Labor Day          |
| • November 11                 | Veteran's Day      |
| • Fourth Thursday in November | Thanksgiving Day   |
| • Day following Thanksgiving  | Friday             |
| • December 25                 | Christmas          |

When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday.

The City Manager will determine when any departments or operations will be closed in observance of any holiday.

Special consideration for additional holiday status may be given to those days immediately preceding or following a holiday that falls on a Tuesday or Thursday, respectively, at the discretion of the City Manager.

## **10.01a: Holiday Pay**

All employees are entitled to holiday pay for their regularly scheduled hours if the holiday falls on their regularly scheduled workday.

If a holiday is observed on a day which is a regular work day for employees, and if they are permitted to be off that day due to the holiday, they shall be paid for the number of hours they would have worked in a normal work shift at their regular straight time rate provided they work the full scheduled work day immediately preceding and immediately following the holiday, unless the employee is absent on either day pursuant to leave authorized by the employee's supervisor, before or after the event.

For full-time employees only, if a holiday occurs on a day that is outside or beyond the regularly scheduled work week (which is a regularly scheduled day off), he or she will

## ADMINISTRATIVE REGULATIONS GUIDE

receive additional pay for that work week equal to the hours contained in one of that employee's regular work shifts (not to exceed eight (8) hours).

### **10.01b: Holiday on Scheduled Work Day**

All employees are entitled to holiday pay at their regular rate of pay for their regularly scheduled hours. In addition, non-exempt employees who are scheduled to work on any of the designated holidays will be paid for all hours actually worked on that holiday at the regular rate of pay. Hours worked on a holiday in excess of normal work hours or hours worked beyond or outside the normal work week will be paid as overtime or awarded as compensatory time-off at the rate of time and one-half the employee's regular straight time rate in accordance with the provisions for overtime/compensatory time.

Employees in the exempt classification who are required to work on holidays may be given time off with pay at a later date with appropriate approval from their Department Head.

Requests for leave time for the day before or after a holiday must be submitted to the employee's Department Head at least one (1) week in advance unless otherwise authorized by the employee's supervisor.

### **10.01c: Holiday While on Leave**

Employees on PTO, Bereavement or Military leave must use the holiday on the same day that it is recognized by the City/earned, except as designated by the Department Head. Holidays which occur during such leave will not be charged against the leave.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**  
**Policy: Paid Time off (Adopted by Ordinance 13-14)**  
**No. 10.02**  
**Issued: September 2014**  
**Revised:**

Paid time off (PTO), combines vacation, sick, and personal leave time into one single bank of hours for employees to use to take paid time off from work.

## 10.02a: Rate of Accrual

The rate of accrual for all full-time regular employees shall depend on when they became eligible to receive PTO, on a bi-weekly pay period basis, in accordance with one of the following charts:

PTO – Eligible after October 1, 2013

<u>Years of Continuous Service</u>	<u>Accrual Rate</u>	<u>Hours</u>	<u>Days</u>
0-4	5.38	140	17.5
5-9	6.15	160	20.0
10-14	6.92	180	22.5
15-19	7.38	192	24.0
20+	8.15	212	26.5

PTO – Eligible before October 1, 2013

<u>Years of Continuous Service</u>	<u>Accrual Rate</u>	<u>Hours</u>	<u>Days</u>
0	5.38	140	17.5
1	5.69	148	18.5
2	6.00	156	19.5
3	6.31	164	20.5
4	6.62	172	21.5
5	6.92	180	22.5
6	7.23	188	23.5
7	7.54	196	24.5
8	7.85	204	25.5
9	8.15	212	26.5
10	8.46	220	27.5

Length of Continuous Service is calculated on the employees' anniversary date.

PTO leave shall be earned as of the last day of each bi-weekly pay period.



## ADMINISTRATIVE REGULATIONS GUIDE

Part-time employees whose position is designated for normal work hours of at least twenty-four (24) hours per week shall accrue leave at fifty (50) percent of the regular full time rate for the same length of service as outlined above.

### **10.02b: Rollover Hours**

The maximum number of PTO hours permitted to rollover at the end of each fiscal year is six hundred (600) hours.

### **10.02c: Eligibility**

An employee is eligible to use accrued PTO after completing three (3) months of service.

### **10.02d: Scheduling**

PTO leave requests must be submitted to and approved by the employee's supervisor prior to taking PTO. Leave requests should be made at least two (2) weeks in advance of the date the employee would like the leave to begin or, in emergency situations, with as much advance notice as is possible.

The employee's workload and department staffing will be taken into consideration by the supervisor. Supervisors may not be able to approve PTO during periods of heavy work.

Since PTO is frequently used around the holidays, employees need to coordinate PTO with other employees and managers well in advance of holidays to ensure appropriate staffing.

When an employee needs to request PTO due to an unanticipated illness or injury, the employee (or a representative in the event the employee is incapacitated and unable to make the appropriate notification) must notify his/her immediate supervisor at the beginning of the workday to discuss the individual situation.

Unless the length of time of the absence is known up front, the supervisor must be contacted on each additional day of absence.

In the event that the employee is on PTO leave due to illness or injury for three (3) or more days, the City may request a physician's certificate to verify return to work status.

### **10.02e: Excessive Use or Abuse of PTO Leave**

Excessive tardiness and poor attendance disrupts workflow and customer service. Supervisors will notify you of your starting and ending times. You are expected to begin working at your scheduled starting time and to carry out your duties during all scheduled work time.

## ADMINISTRATIVE REGULATIONS GUIDE

You should notify your supervisor as far in advance as possible whenever you are unable to report to work, will be late or must leave early. Such notification should include a reason for the absence and an indication of when you can be expected to report to work.

Unauthorized or excessive absences or tardiness may result in disciplinary action, including termination. An absence is unauthorized if you have not followed proper notification procedures or the absence has not been properly approved.

Excessive unauthorized absences are defined as four (4) unplanned (less than 24 hours' notice) days within a three (3) consecutive month period.

### **10.02f: Separation**

Upon separation from employment, all employees who have completed their introductory period will receive a portion of their accrued PTO balance. As of the date of separation, employees will receive one half (1/2) of the PTO balance accrued, up to a maximum of two hundred forty (240) hours. This payout will be calculated at their base rate of pay at the time of separation. PTO cannot be used in lieu of resignation notice, unless otherwise approved by the City Manager.

For PTO purposes, rehired employees are considered new employees.

### **10.02g: Donation of PTO Leave**

In extenuating and extraordinary circumstances, it is possible for an employee due to a serious illness or injury to exhaust all of his or her leave benefits. In those cases, PTO leave may be donated by other employees to such employee subject to the following conditions:

Donation can be used for a serious illness or injury for the employee or immediate family member as defined in Section 10.07b – Family Medical Leave Act; spouse, child or parent.

Donations will be calculated on a dollar amount, not hourly rate. For example, if an employee making \$20.00/hour donates 10 hours to an employee making \$10.00/hour, the receiving employee will receive 20 hours.

In order to be allowed to have donations provided by other employees, the receiving employee must not have a history of abuse or misuse of PTO leave hours within the past twelve (12) months.

The donating employee may not donate more than forty (40) hours per fiscal year.

The donating employee can only donate hours as long as their own PTO leave balance does not decrease below one-hundred twenty (120) hours at any time.

## ADMINISTRATIVE REGULATIONS GUIDE

The receiving employee may not receive more than four hundred and eighty (480) hours per fiscal year.

If the receiving employee does not use all of the donated hours, the hours will be re-credited to the donating employee or employees upon a pro-rated basis, notwithstanding any provision in this Guide to the contrary.

The hours donated under this section may only be used for serious illness or injury to the receiving employee when it is not connected with a work-related injury or illness covered under worker's compensation insurance.

Under no circumstances shall the receiving employee receive benefits under this section, where, or to the extent there is any other source of compensation available to the employee including, but not limited to, benefits payable under a disability plan or worker's compensation insurance.

If the receiving employee should receive or cover payment from a third party for the benefits (or substantially the same benefits) donated, he or she shall reimburse the City for the value of such benefits. In such case the City will re-credit the donating employees for the pro-rated portions of the hours donated.

Donated leave shall not be re-credited to donating employees except as otherwise provided in this section.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Compensatory and Administrative Leave**

**No. 10.03**

**Issued: September 2014**

**Revised:**

Eligible non-exempt employees are permitted to take compensatory time, calculated at time and a half, in lieu of overtime. Refer to Section 6.04c: Overtime and Compensatory Time for definition of overtime hours.

Exempt employees who are not normally eligible to earn or accrue overtime or compensatory time will be permitted up to twenty-four (24) hours paid time off per fiscal year to conduct personal business.

Such time off must be approved by the immediate supervisor, Department Head or City Manager, as appropriate.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Bereavement Leave**

**Issued: September 2014**

**Revised:**

**No. 10.04**

Bereavement leave is intended to provide sufficient time, within reasonable guidelines, for an employee to attend a funeral or memorial service for a loved one. Regular employees may be granted, upon request and with the approval of their Department Head, bereavement leave with pay due to a death in the family.

Employees who wish to take time off due to the death of a family member should notify his or her supervisor or Department Head immediately. Employees may be requested to provide a statement in writing to his or her immediate supervisor or Department Head giving the name of the deceased and his/her relationship to the employee, as well as the location (city and state) of the memorial.

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 overtime or shift differentials.

Paid bereavement leave is granted according to the following schedule:

- Employees are allowed up to five (5) consecutive days off from regularly scheduled duty with regular pay in the event of the death of the employee's spouse, child, parent or sibling.
- Employees are allowed three (3) days off from regular scheduled duty with regular pay in the event of death of the employee's aunt, uncle, niece, nephew, grandparent, or grandchild or the spouse's sibling, child, grandparent or grandchild.

Additional bereavement leave or bereavement leave for individuals not specifically listed in this policy shall require the use of PTO; otherwise, the bereavement leave will be considered an unpaid leave of absence.

To be eligible for paid bereavement leave, the employee generally must attend the funeral of the deceased relative.

Abuse of bereavement leave shall be subject to disciplinary action. Falsification of the need for bereavement leave shall result in immediate termination.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Military Leave**

**Issued: September 2014**

**Revised:**

**No. 10.05**

**MILITARY DUTY LEAVE** (In accordance with Chapter 115, Florida Statutes, entitled Leaves of Absence to Officials and Employees)

1. An employee who is a member of the Armed Forces of the United States shall, upon presentation of a copy of the employee's official orders to the employee's supervisor, be granted leave without loss of benefits (including retirement) during periods in which the employee is ordered to active service or military training.
2. Florida statute recognizes two types of duties within the military for a leave of absence: active service and military training.
  - a. Active service: active duty in the Florida defense force or civil service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by property authority for duty with an Armed Forces, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave or other lawful cause.
  - b. Military training: armed forces reserve or guard training for inactive service members.
3. Any City employee who is also a member of the National Guard or a reserve component of the Armed Forces of the United States may be granted leave of absence from their respective duties to enter active duty status, the first thirty (30) days of any such leave will be with full pay. During such leave of absence the employee is entitled to preserve all benefits and retirement privileges and such time will be treated as continuous service, in accordance with Florida Statute 115.14, entitled "Leaves of Absence to Officials And Employees: Employees".
4. All employees who are commissioned reserve officers or reserve enlisted personnel in the United States military, naval service, or members of the National Guard are entitled to leaves of absence, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty. Leaves of absence may not exceed 240 working hours in any one annual period. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of

## ADMINISTRATIVE REGULATIONS GUIDE

military character will be without pay but will be granted without loss of time or efficiency rating in accordance with Florida Statute 115.07, entitled "Leaves of Absence to Officials And Employees: Officers and Employees' Leaves of Absence for Reserve or Guard Training".

5. Any employee who is ordered to report for a physical examination with the Selective Service System shall, upon presentation of official orders, be granted paid leave for this purpose.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Witness and Jury Duty Leave**

**No. 10.06**

**Issued: September 2014**

**Revised:**

### **10.06a: Witness Duty**

1. Any employee, who upon the request and for the benefit of the City attends legal proceedings involving the City or is subpoenaed to any court proceedings involving the City, shall be paid for regular work hours.
2. A certification of attendance from the court is required when returning to work from witness duty, whether paid by the City or not, for that time.
  - a. It is the employee's responsibility to request a certification of attendance from the court upon dismissal from witness duty and prior to returning to work.
  - b. The certification of attendance must be submitted to the employee's supervisor upon returning to work.
  - c. Failure to provide a certification of attendance from the court shall result in the employee not being paid for time spent on witness duty.
3. Payment received by the employee for witness duty, except for meals, travel, and lodging expenses, shall be endorsed to the City.

### **10.06b: Jury Duty**

1. When an employee is required to serve on jury duty, the City shall pay the employee jury duty pay for their regularly scheduled work hours on the days they serve.
2. An employee who is required to serve on jury duty shall notify his/her supervisor of the requirement as soon as they receive the notification to report for jury duty. The employee should notify the supervisor as soon as they are informed whether they must attend jury duty no later than the beginning of their shift.
3. When an employee is released or excused from jury duty, the employee shall immediately notify his/her supervisor. At that time, the supervisor will make a determination as to whether the employee shall return to work immediately or for the next work shift. If an employee is released prior to the completion of ½ of their scheduled work shift, the employee must report to work. Upon supervisor approval, the employee may elect to take PTO for the remainder of the work shift.
4. A certification of attendance from the court is required when returning to work from jury duty, whether paid by the City or not, for that time.



## ADMINISTRATIVE REGULATIONS GUIDE

- a. It is the employee's responsibility to request a certification of attendance from the court upon dismissal from witness duty and prior to returning to work.
  - b. The certification of attendance must be submitted to the employee's supervisor upon returning to work.
  - c. Failure to provide a certification of attendance from the court shall result in the employee not being paid for time spent on jury duty.
5. Payment received by the employee for witness duty, except for meals, travel, and lodging expenses, shall be endorsed to the City.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Family and Medical Leave**

**Issued: September 2014**

**Revised:**

**No. 10.07**

It is the policy of the City of Bonita Springs to grant its employees up to twelve (12) weeks leave of absence in any twelve (12) month period to be used in accordance with the provisions of the Family and Medical Leave Act (FMLA).

### **10.07a: General**

Employees who have been **employed** for at least one year (52 weeks – which need not be consecutive), *and* have **worked** at least 1,250 hours during the preceding twelve (12) month period are eligible for leave under the FMLA.

For employees who are not eligible for FMLA leave, the City will review business considerations and the individual circumstances involved. Any leave granted under these special conditions and circumstances would be non-FMLA leave that does not afford the protections granted to eligible employees by the Family and Medical Leave Act.

The Family and Medical Leave Act requires that a total of twelve (12) weeks of unpaid leave be made available in any twelve (12) month period. The City requires that all applicable PTO leave first be exhausted and counted towards the twelve weeks of FMLA required under the law. The remainder of the leave period, if any, is unpaid.

### **10.07b: Reasons for Leave and Conditions / Restrictions**

All employees who meet the applicable time-of-service requirements may be granted a combined total of twelve (12) weeks of leave, whether paid or unpaid, during the designated twelve (12) month leave period for the following reasons:

- a) The birth of the employee's child and in order to care for the child.
- b) The placement of a child with the employee for adoption or foster care.
- c) To care for the employee's spouse, child or parent who has a serious health condition (the care of grandparents or in-laws is not covered under the FMLA).
- d) A serious health condition that renders the employee incapable of performing the functions of his/her job. To care for the employee's spouse, parent, child or next-of-kin who is a covered service member with a serious injury or illness sustained while on active duty. (Refer to Policy 10.06 Military Leave)
- e) For a qualifying exigency when an employee's spouse, child or parent (as defined below) is called to active duty. (Refer to Policy 10.06 Military Leave)
  - Spouse – the husband or wife of the employee as defined or recognized under the laws of the state of Florida

## ADMINISTRATIVE REGULATIONS GUIDE

- Child or ‘Son or Daughter’ – the son or daughter of the employee that is biological, adopted, or a foster child, a legal ward or a child of a person standing *in loco parentis (in place of parent – determined by the courts)* who is (a) under eighteen (18) years of age or (b) eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability
- Parent – the biological parent of an employee or an individual who stood *in loco parentis (in place of parent – determined by the courts)* to an employee when the employee was a child. Note: Employees who have no biological or legal relationship with a child may nonetheless stand in loco parentis to the child and be entitled to FMLA leave. Human Resources, in consultation with the City Attorney’s Office, shall make determinations regarding in loco parentis conditions and qualifications on a case-by-case basis. Reasonable documentation will be required.

Leave to be used for the birth or placement of a child for adoption or foster care must be taken within twelve (12) months from the date of the birth or placement. If the City employs both parents, they will be permitted to take a combined total of twelve (12) weeks of leave for the birth or placement of the child.

Family or medical leave may be taken as intermittent leave (defined as taking leave in separate blocks of time for a single qualifying reason), or leave on a reduced-schedule (defined as a reduced daily or weekly schedule), only if there is a **medical need** for such leave (as distinguished from voluntary treatments and procedures), and that such medical need can be **best** accommodated through an intermittent or reduced leave schedule.

- An employee needing intermittent FMLA leave or leave on a reduced leave schedule must make a reasonable effort to schedule the leave so as not to disrupt the City’s operations.
- In addition, provisions of the Family and Medical Leave Act allow the employer to assign an employee to an alternate position with equivalent pay and benefits that better accommodates the employee’s planned intermittent or reduced leave schedule, when available. The employee will be returned to his/her original or similar position following this application of leave.
- When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees. The employer’s consent is not required, however, for leave during which the mother has a serious health condition or if the newborn child has a serious health condition.

### 10.07c: Tracking and Availability of Leave

The City uses a twelve (12) month leave period measured forward from the date the employee first takes FMLA leave. The first day FMLA is taken is the day that the leave

## ADMINISTRATIVE REGULATIONS GUIDE

year begins. After completion of twelve (12) months from that date, the next twelve (12) month period begins the next time the FMLA leave is used.

For ease of tracking intermittent leave, the twelve (12) week entitlement may be equivalently defined in hours. If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the leave period would be used for calculating the employee's normal work week.

If an employee is not eligible to take FMLA leave, the department will notify the employee why he or she is not eligible.

FMLA leave will be tracked and notated on the employee's time sheet by the department. It shall be the responsibility of Human Resources to inform an employee of the amount of FMLA leave available at the time leave is requested. The department shall inform the employee and Human Resources when the end of the twelve (12) week entitlement is nearing.

To the extent allowed by law, in the event an absence occurs for a reason covered by the FMLA, the City reserves the right to count it as family medical leave, whether the employee has applied for it or not. When this occurs, the employee will be promptly notified as required by law.

### **10.07d: Request for Leave**

An employee requesting leave when the need for the leave is foreseeable should contact Human Resources to receive the proper forms and return them for further processing. Medical information is confidential and is only retained by Human Resources in confidential files.

### **10.07e: Notice of Leave**

An employee intending to take family or medical leave due to an expected birth or placement of a child, or because of a planned medical treatment, must submit a leave request form at least thirty (30) days before the leave is to begin. Failure to provide this notice may postpone the leave or have it count retroactively.

If leave is to begin within thirty (30) days, an employee must give notice to his/her immediate supervisor and Human Resources as soon as the necessity for leave arises.

If the leave is not foreseeable, the employee may provide notice to their supervisor or Department designee by phone or email. Medical details need not be given. The employee should provide enough information for the department to understand that a serious health condition will create incapacity from the employee's job. If leave is to care for a family member, information must be provided that the condition will render the family member unable to perform daily activities. The employee should include at least an estimate of how long they will be absent. Failure by the employee to provide sufficient

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information to determine whether FMLA is applicable may result in delay or denial of protected leave.

If the current absence relates to an already-approved FMLA condition, the employee must advise the department at the time the leave is requested. Calling in “sick” without providing more information is not considered sufficient notice for that leave to be protected.

Normal department call-in procedures for unscheduled absences should be observed unless an emergency situation is indicated.

If a supervisor learns of an event which can be reasonably foreseen to qualify as FMLA leave, the supervisor must notify Human Resources immediately.

In general, the FMLA is not counted retroactively, however; if the City learns that leave is for an FMLA-qualifying purpose after leave has begun, the entire or some portion of the paid leave period may be retroactively counted as FMLA leave, to the extent that the leave period qualified as FMLA leave. Such determinations will be made by Human Resources.

An employee may be absent from work due to an on-the-job illness or injury that also qualifies as a serious health condition under FMLA and still receive workers’ compensation. In such cases, workers’ compensation leave and FMLA leave will run concurrently. Human Resources, when necessary, shall make such determinations as to whether workers’ compensation leave should be counted as FMLA leave. Human Resources will notify the employee in writing that his/her workers’ compensation leave is also being counted as FMLA leave when the condition qualifies as an FMLA covered condition.

If the workers’ compensation leave is longer than the twelve (12) week entitlement under FMLA, such leave will revert to the rules provided by workers’ compensation laws and regulations.

### **10.07f: Medical Certification of Leave**

A request for leave based on the serious health condition of the employee or employee’s spouse, child or parent will require a “Medical Certification Statement” completed by the applicable health care provider. This certification must be submitted to Human Resources. ***Failure to complete and submit necessary FMLA paperwork may result in the denial of FMLA leave until such time as proper paperwork has been completed, received, and reviewed by the City.*** The City may also request re-certifications periodically during the course of any FMLA leave, according to guidelines in the regulations.

The certification forms provided by the City should be completed by the employee’s/ family member’s healthcare provider and must be returned to Human Resources within

## ADMINISTRATIVE REGULATIONS GUIDE

fifteen (15) days from the date that the request is made on the Notice of Eligibility and Rights and Responsibilities, unless the employee notifies Human Resources of extenuating circumstances. Failure to use the City's designated certification form may result in delay in approving protected leave, even if other information is submitted. If incomplete or insufficient information is received by HR, the employee will be asked to obtain the missing information from the healthcare provider. Failure to provide certification as requested may result in denial of protected leave.

Medical certification is needed for a female employee (mother) in the case of FMLA leave being taken for the birth of a child. For adoption, foster placement or for leave being taken by the male employee (father), proof of birth, adoption or foster placement should be provided as certification.

The City may request, at its own expense, second or third medical opinions regarding FMLA determination and periodic re-certifications of FMLA status.

### **10.07g: Benefits Coverage during Leave**

During a period of family or medical leave, an employee will be retained by the City health plan under the same conditions that applied before the leave commenced.

To continue health coverage, the employee must continue to make any contributions that he/she made to the plan prior to taking leave. Failure of the employee to pay his/her portion of the health insurance premium may result in the loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of health insurance premiums during any unpaid leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his/her job or do circumstances beyond the employee's control.

An employee is not entitled to the accrual of employment benefits that would have accrued if not for the taking of leave. However, an employee who takes family or medical leave will not lose any employment benefits that accrued before the date the leave began.

### **10.07h: Restoration of Employment**

An employee eligible for family and medical leave, with the exception of those employees designated as "key employees", will be restored to his/her old position *or* to a position with equivalent pay, benefits, and other terms and conditions of employment. The City cannot guarantee that an employee will be returned to his/her original position. The City will make a determination as to whether a position is an "equivalent position". If an employee wishes to challenge this determination, he/she should contact Human Resources.

Pursuant to the FMLA, an employee may be denied restoration rights if:

## ADMINISTRATIVE REGULATIONS GUIDE

- a) the individual cannot perform the essential functions of the job, with or without accommodation.
- b) the individual would pose a significant risk to the safety of other employees.
- c) the employee's job was eliminated or he/she was laid off because of business conditions.

### **10.07i: Contact / Communication Guidelines**

During FMLA leave, employees must periodically report on their medical status and intent to return to work. An employee must contact Human Resources no less often than once every thirty (30) days; and, at any time that the need for FMLA has changed.

The City is allowed to initiate communication with employees who are on an FMLA leave, but not more than once every thirty (30) days.

### **10.07j: Return from Leave**

An employee must notify the department and Human Resources of his/her intention to return from FMLA leave before he/she can be returned to active status.

If an employee wishes to return to work prior to the scheduled expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.

Except during the course of approved intermittent leave, all employees of the City whose FMLA leave was taken due to the employee's own serious health condition must obtain and provide to Human Resources certification from the employee's health care provider that the employee is able to resume work. This certification must be obtained **before** the employee will be allowed to return to work. The City will consider any reasonable accommodations to be an ongoing condition as required by law.

The City reserves the right to request medical clearance for intermittent medical absences if reasonable safety concerns exist due to the approved FMLA condition. This request will be made only in consultation with Human Resources.

If at any point an employee gives notice that he/she will not be returning from FMLA leave, the supervisor should request a written resignation.

### **10.07k: Failure to Return from Leave**

The failure of an employee to return to work upon the expiration of a qualifying FMLA leave will subject the employee to immediate termination unless a leave of absence is granted. (See section 10.10: Leave without Pay.)

### **10.07l: Relationship of FMLA to the Americans with Disabilities Act**

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The Family and Medical Leave Act provides certain job protections and entitlements as they relate to the “serious health condition” of the employee and/or the employee’s immediate family. The Americans with Disabilities Act requires employers to make “reasonable accommodations” for individuals with qualifying disabling conditions. While the FMLA and the ADA seem to cover separate situations and operate exclusively from each other, supervisors must be aware that in practice there may be circumstances that present themselves in ways that may create difficulty in separating the two acts.

The Americans with Disabilities Act requires that each case be handled on a case-by-case basis. If an employee requests a modified work schedule following a leave, as a result of an FMLA leave condition or at any other time, the request must be evaluated to determine if it is a “reasonable accommodation” request falling under the ADA, or simply an FMLA leave request.



## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Domestic or Sexual Violence Leave Law**

**No. 10.08**

**Issued: September 2014**

**Revised:**

In accordance with Florida Statute 741.313, as amended, entitled “Unlawful Action Against Employees Seeking Protection”, an employee, or a family or household member of an employee, that is the victim of domestic or sexual violence may request and take up to three (3) working days of leave in any twelve (12) month period, pending documentation of the leave being used for the reasons below:

1. to seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence or sexual violence
2. to obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic or sexual violence
3. to obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence
4. to make the employee’s home secure from the perpetrator of the domestic or sexual violence or to seek new housing to escape the perpetrator
5. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence

Employees who have been employed by the City for three (3) or more months are eligible for this leave. Domestic Violence Leave may be taken as PTO.

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must notify their Department Head or Human Resources prior to the leave or at the time of taking the leave.

Written requests for leave that are submitted to the City by an employee and any City timesheet that reflects such a request is confidential and exempt from the public records law for one (1) year after the leave has been taken. Personal identifying information that is contained in records documenting an act of domestic violence and is submitted to the City is confidential and exempt from the public records law.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Worker's Compensation Leave**

**No. 10.09**

**Issued: September 2014**

**Revised:**

It is the policy of the City of Bonita Springs, in accordance with chapter 440, Florida Statutes, and entitled "Workers Compensation", to ensure the availability of all reasonable and necessary authorized medical care and payment of all related medical costs to employees who are injured or develop an occupational disease as a result of the conditions of their job. Additionally, employees may be entitled to receive partial compensation for lost wages due to a qualified job-related injury or illness.

### **10.09a: General Provisions**

Employees who sustain an on-the-job work-related injury or illness should immediately inform their supervisor or Human Resources. Failure to notify the supervisor immediately may impact benefits under the Workers' Compensation Law.

The supervisor is responsible for reporting all Workers' Compensation injuries to Human Resources within 24 hours of the injury.

In non-emergency situations, prior to medical attention being sought for any work-related injury or illness, employees shall consult with Human Resources for treatment or referral to an authorized health care provider. Failure to follow this procedure may jeopardize the employee's benefits under the Workers' Compensation Law. This provision does not apply to life-threatening emergencies when immediate care must be sought through "9-1-1" dispatch. However, Human Resources must be informed as soon as possible of the injury.

If an authorized health care provider certifies the inability of an employee to perform work due to a work-related injury or illness, the employee must elect to use PTO leave for the first seven (7) calendar days. On the eighth (8<sup>th</sup>) calendar day off of work, the employee will revert to workers' compensation indemnity benefits for partial or total indemnity benefits under Florida Workers Compensation Law. Employees will be paid workers' compensation indemnity benefits for the first seven (7) calendar days only if they are disabled for more than twenty-one (21) calendar days (these days do not have to be consecutive calendar days).

Indemnity benefits will be based upon the employee's average weekly wage for the thirteen (13) week period immediately preceding the work-related injury or illness.

While receiving indemnity benefits, PTO leave will still be accrued. Holiday pay is not available to an employee receiving total temporary indemnity benefits. Holiday pay may be available to an injured employee if the Holiday falls within the first seven (7) calendar days of the injury.

## ADMINISTRATIVE REGULATIONS GUIDE

Employees may elect to use up to one (1) hour of accrued PTO per day in addition to workers' compensation indemnity benefits in order to *approximate* net wages received prior to the occurrence of the job-related injury or illness. If the employee chooses not to use accrued leave, or no leave is available for use by the employee, the employee shall be placed on leave without pay and shall revert to any applicable workers' compensation benefits. Workers compensation wage indemnity benefits are paid at the rate of 66.67% of gross wages and are tax-free. If an employee is allowed to use one (1) hour of paid leave to supplement the tax-free benefit, the net wages received should be nearly equivalent to the net wages received prior to the covered injury.

Workers compensation may not be payable if the injury was occasioned primarily by the intoxication of the employee; by the influence of any drugs, barbiturates, or other stimulants not prescribed by a physician; or by the willful intention of the employee to injure or kill himself or herself, or another.

If injury is caused by the knowing refusal of the employee to use a safety appliance or observe a safety rule required by statute or lawfully adopted by the City and brought to the employee's attention prior to the accident, or if injury is caused by the employee's refusal to use safety equipment provided by the City, workers' compensation indemnity benefits may be reduced by twenty-five percent (25%) and the employee will not be allowed to use accrued PTO leave to supplement workers' compensation indemnity.

Once maximum medical improvement (MMI) has been reached, the employee shall be returned to their regular position unless the employee is unable to perform an essential job function of the position. If the employee is unable to perform an essential job function and has a qualifying condition that may substantially limit one or more life function(s); the employee should contact Human Resources. If the employee cannot perform the essential functions of the position after MMI, and proper certification is received for a qualifying condition under the Americans with Disabilities Act (ADA); the City will consider all requests for reasonable accommodations.

*Return to Alternate Duty.* When Human Resources has been advised that the employee is entitled to receive a temporary partial disability benefit or a temporary total disability benefit, and there is medical certification that the employee cannot perform the duties of the employee's regular position, but the employee can perform some work beneficial to the City, the Department Head may return the employee to alternate duty at his/her regular rate of pay to perform any duties the employee is capable of carrying out, subject to the following conditions:

- a) Under no circumstances shall the employee be allowed to continue to perform the alternate duties once maximum medical improvement has been reached unless appointed to another existing and open position, the duties of which are within the employee's restrictions.
- b) Alternate duty is at the sole discretion of the department and is based on the operational needs and requirements of the City. No alternate duty positions will be created in the absence of an operational need or requirement.

## ADMINISTRATIVE REGULATIONS GUIDE

### **10.09b: Return after Workers Compensation Leave**

An employee has a maximum period of fifty-two (52) consecutive weeks of workers' compensation disability leave.

After the fifty-two (52) week period, the employee must return to the essential duties of the employee's position with or without reasonable accommodation.

The ability to perform the essential duties of a position shall be determined by the City on the basis of medical information provided by the employee's workers' compensation treating physician.

If an employee returns to work before the end of fifty-two (52) weeks of workers' compensation leave and subsequently has a recurrence of the same illness/injury/disability or one of a different nature within thirty (30) days after his/her return to work and is once again placed on workers' compensation leave, the workers' compensation leave will continue where it left off. (i.e. An employee who returns to work after twenty (20) weeks of workers' compensation leave and then returns to workers' compensation leave within thirty (30) days will only have twenty-two (22) workers' compensation leave weeks remaining to use.)

The failure of an employee to return to work at the expiration of the fifty-two (52) week workers' compensation leave will subject the employee to immediate termination unless a leave of absence is granted. (See Section 10.11: Leave without Pay)

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Leave Without Pay**

**Issued: September 2014**

**Revised:**

**No. 10.10**

An employee may submit a written request for leave without pay to his or her Department Head. Upon recommendation of the Department Head, the City Manager may approve the request, where a good cause is shown, for a period not to exceed thirty (30) days. Upon written request, and with the recommendation of the Department Head, where good cause is shown, the City Manager may extend the leave without pay four periods not to exceed an additional thirty (30) days each.

Such leaves are intended to be granted only for maternity, paternity, disability, medical, education, military service, or extenuating and extraordinary personal reasons.

In reviewing such requests, the City Manager will also consider factors such as, but not limited to, length of service, attendance records, work history, operational needs and any other factors that may be relevant.

Requests for leave without pay as the result of illness or injury may be approved by the Department Head for a time not to exceed five (5) work days provided the employee has exhausted his or her accrued sick leave. Requests for leave in excess of five (5) working days must be approved by the City Manager.

Other than retaining the original date of hire, no benefits, including sick or vacation leave accrual will accumulate during unpaid leave of absence which exceeds five (5) working days.

While on leave without pay, except as provided in Section 10.08: Family and Medical Leave, insurance benefits will be continued only if the employee remits to the City the total premium amount which includes both the City and the employee's share. If a monthly premium is delinquent and payment is not made by cash or payroll deduction for the next applicable pay period, coverage will be canceled as of the beginning of the delinquent period. Regardless of circumstances, payment arrangements must be made in advance so that premiums are kept current. If coverage is canceled during an approved leave of absence, it will be reinstated upon return to active duty after observing the thirty (30) day waiting period prescribed for new employees.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Leave Administration**

**Policy: Severe Weather Conditions and Emergency Situations**      **No. 10.11**

**Issued: September 2014**

**Revised:**

In case of severe weather conditions and/or emergency situations, please follow the direction of your Department Head and the City's Emergency Management Plan.

**SECTION 11:  
BENEFITS**

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Benefits**

**Policy: Benefits Summary**

**Issued: September 2014**

**Revised:**

**No. 11.01**

In addition to PTO and Holiday Leave, the City of Bonita Springs offers the following benefits:

1. Health Insurance
2. Dental Insurance
3. Life Insurance
4. Vision Plan
5. Long-term Disability Insurance
6. Short-term Disability Insurance
7. AFLAC
8. Deferred Compensation Plan (457)
9. Contributory Retirement Plan (Florida Retirement System)

For more information regarding these benefits, please contact Human Resources.



## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Benefits**

**Policy: Educational Assistance**

**Issued: September 2014**

**Revised:**

**No. 11.02**

It is the policy of the City to make available the opportunity for training, development, and advancement consistent with individual ability, performance, and the requirements of the City.

### ***Educational Funds***

Funds for educational assistance may be established in the annual budget to assist employees with educational tuition costs.

The use of these funds will be limited to no more than \$1,500 per person each fiscal year. The City will reimburse employees for undergraduate courses towards one degree, graduate courses for up to one post graduate degree, up to a Master's degree, and courses or exam for job related certifications.

### ***Eligibility Requirements***

City employees appointed to regular full-time positions who have completed six (6) months of service will be eligible to participate in this program.

### ***Conditions for Approval and Payment***

The City will participate in the cost of courses (online, self-study correspondence, and classroom) if they meet one of the following criteria:

1. The course is directly related to the duties of the position held by the employee applying for assistance.
2. The course is directly related to the duties of a position with the City to which the employee might be reasonably expected to progress in the normal course of advancement.
3. The course is a valid elective for a degree program that has been approved by the Department Head.

To be eligible for reimbursement, the employee must first submit for review and approval an education plan indicating the goals of the employee.

Courses taken must be from an accredited Florida State sponsored college or university, unless otherwise approved by Human Resources.

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The City will reimburse an employee for the cost of tuition for approved courses, including required books, fees, supplies or other approved expenses in connection with the course to be taken, subject to the following grade/reimbursement schedule:

- A = 100%
- B = 75%
- C = 50%

To be eligible for reimbursement, an employee must successfully pass the course and present an official grade transcript, report card or certificate so indicating. A passing grade (in a course graded pass/fail, satisfactory/unsatisfactory, etc.) shall be considered a grade of "A" or equivalent.

The City will not pay the cost of tuition which has been advanced from other sources such as scholarships, grants or other subsidies. In the event of a partial scholarship or grant, reimbursement will be based on the grade/reimbursement schedule or the actual expense to the employee whichever is greater.

No coursework may be performed during working hours.

### ***Application Procedure***

Each application for tuition reimbursement must be submitted in writing by the requesting employee and signed by the employee's supervisor and Department Head prior to enrollment in the course, and must follow the standards in the employee's approved education plan.

### ***Tuition Reimbursement Refund***

If an employee receiving a tuition reimbursement voluntarily terminates employment with the City within one (1) year after receiving reimbursement, the employee must immediately refund the total amount of the reimbursement received to the City, or have that amount deducted from their final pay. The reimbursement amount will be prorated on a quarterly basis.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Benefits**

**Policy: Employee Suggestion Program**

**No. 11.03**

**Issued: September 2014**

**Revised:**

Employees are urged to send any constructive suggestions or comments to Human Resources, either signed or unsigned.

**SECTION 12:  
CORRECTIVE ACTIONS /  
DISCIPLINARY PROCEDURES**

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Corrective Actions / Disciplinary Procedures**

**Policy: Intent / Scope**

**No. 12.01**

**Issued: September 2014**

**Revised:**

It is essential that all employees of the City of Bonita Springs work together for the main objective of serving the community. Employees who fail to follow the proper policies and procedures are doing a disservice to other City employees and the community as a whole.

The penalties or recommended corrective actions are intended as guidelines only. The City may take more or less severe corrective actions in any given instance where the circumstances warrant.

The offenses listed are examples only and are not intended to be all inclusive. The City retains the right to treat each violation on an individual basis. Failure of a supervisor or Department Head to take an authorized corrective action does not waive any corrective action for subsequent offenses.

In determining the corrective action to be taken, consideration should be given to the totality of the circumstances, including, among other things, the severity of the offense, costs involved, the time interval between violations, the length and quality of service records, and the performance and ability of the employee concerned.

Corrective actions should be regarded as progressive measures with the ultimate aim of encouraging employees to perform to the best of their capabilities.

Violations of any offenses may be grounds for termination at any time, including during an employee's introductory period.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Corrective Actions / Disciplinary Procedures**

**Policy: Offenses / Reasons for Discipline**

**No. 12.02**

**Issued: September 2014**

**Revised:**

## Examples of Offenses

- ✓ Operating, using or possessing tools, equipment or machines to which the employee has not been assigned or performing other than assigned work.
- ✓ Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
- ✓ Washing up or changing clothes during working hours without specific permission of supervisor.
- ✓ Taking more than the specified time for meals or rest periods.
- ✓ Productivity or workmanship not up to required standards of performance.
- ✓ Provoking or instigating a fight or fighting on City property.
- ✓ Posting or removal of any material on bulletin boards or City property unless authorized.
- ✓ Distributing written or printed material of any description of City premises unless authorized.
- ✓ Being discourteous to persons with whom the employee comes in contact while in the performance of duties.
- ✓ Failure to record / submit your own time in an efficient manner.
- ✓ Tardiness (no more than three (3) times in a six (6) month period)
- ✓ Habitual, chronic or excessive absenteeism.
- ✓ Excessive use of PTO defined as four (4) unplanned (less than 24 hours' notice) days within a three (3) consecutive month period.
- ✓ Violating a safety rule or safety practice.
- ✓ Failure to report prior to leaving work on the day of an incident, an accident or personal injury in which the employee was involved while on the job.

## ADMINISTRATIVE REGULATIONS GUIDE

- ✓ Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, "catcalls", demonstrations on the job or similar types of disorderly conduct.
- ✓ Creating or contributing to unsafe and unsanitary conditions.
- ✓ Failure to report the loss of City property, including employee's City fob or keys to facilities, immediately to the Department Head.
- ✓ Failure to keep the department notified of proper address or telephone number (if any).
- ✓ Negligence by an employee which results in damage to City equipment or property or injury.
- ✓ Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time, including abusive language.
- ✓ Failure to work overtime, special hours or special shifts after being scheduled according to overtime.
- ✓ Negligence or omission in complying with the requirements as set forth in departmental rules and standards of conduct.
- ✓ Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City or its operation.
- ✓ Being absent without permission or taking unauthorized leave.
- ✓ Reporting for work while under the influence of alcohol or drugs.
- ✓ Making mistakes due to carelessness which affect the safety of City personnel, equipment, tools or property.
- ✓ Failure to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to City business.
- ✓ Vending, soliciting or collecting contributions for any purpose whatsoever at any time on City premises unless authorized under the policies in this Guide.
- ✓ Discourteous or disrespectful conduct toward a lead worker, supervisor or employee in a position of authority.
- ✓ Gross negligence in the performance of assigned duties.

## ADMINISTRATIVE REGULATIONS GUIDE

- ✓ Deliberately misusing, destroying or damaging any City property or property of an employee.
- ✓ Violation of the conflict of interest provisions in this Guide, including receipt from any person or participation in, any fee, gift or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
- ✓ Falsification of time records.
- ✓ Falsification of employee or City records or use of official position for personal advantage, including employment applications, accident records, work records, purchase orders, time sheets, leave requests or any other report, record or application.
- ✓ Insubordination.
- ✓ Unauthorized or illegal use or display of firearms, explosives or weapons on City property or during work hours.
- ✓ Theft, removal from City locations or destruction without proper authorization of any City property or property of any other employee.
- ✓ Immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his/her job, fellow workers, reputation or goodwill in the community.
- ✓ Being absent from work for a period of three (3) consecutive working days without proper authorization.
- ✓ Failure to return from an authorized leave of absence.
- ✓ Permitting another person to use an employee's City access identification, using another person's or altering a City identification card.
- ✓ Continuing failure to maintain acceptable level of performance of assigned duties in an employee's position.
- ✓ Drinking intoxicating liquor/alcohol or use or abuse of illegal or controlled substances while on duty.
- ✓ Use or attempted use of political influence or bribery to secure an advantage in any manner.
- ✓ Concerted curtailment, restriction of production or interference with work in or about the City work stations including, but not limited to, instigating, leading or



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participating in any walkout, strike, sit-down, stand-in, slowdown or refusal to return to work at the scheduled time for the scheduled shift.

- ✓ Violation of Florida Statutes prohibiting public employees or employee organizations from participating in a strike or job action against a public employer.
- ✓ Failure to work overtime, special hours or special shifts after being given reasonable notice or being scheduled according to overtime, severe weather, emergency situations, and other applicable policies.
- ✓ Loss of the necessary prerequisites or abilities to perform work, except as restricted by state or federal law.
- ✓ Noncompliance, or repeated abuse or violation of the City's Administrative Regulations Guide, safety rules and regulations, departmental or City practices and procedures or any combination thereof.
- ✓ Conviction of a felony or a misdemeanor of the first degree involving moral turpitude, while either on or off the job.
- ✓ Violations of laws involving moral turpitude, unlawful discrimination or sexual harassment.
- ✓ Operating a motor vehicle on City business without a valid Florida driver's license.
- ✓ Repeated violation of the policies and procedures outlined in this Guide.

The above reasons for discipline are examples only and the City retains the right to discipline any employee for reasons other than those listed.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Corrective Actions / Disciplinary Procedures**

**Policy: Corrective or Disciplinary Actions**

**No. 12.03**

**Issued: September 2014**

**Revised:**

The actions set forth below are descriptive of the corrective or disciplinary actions the City may take. These are typical actions, but they are not the exclusive actions available. The failure of the City to adhere strictly to the procedures described does not prevent the City from taking necessary disciplinary action, and it is not subject to the grievance procedure.

Where disciplinary or corrective action is taken, the supervisor or Department Head shall notify the employee of the action taken. A copy of such notice will be sent to Human Resources for placement in the employee's personnel folder.

In imposing any disciplinary measures, the supervisor or Department Head will not take into consideration any prior offense which occurred more than one (1) year previously, so long as there has been no recurrence of the offense; or of any infraction which occurred more than two (2) years previously.

## **12.03a: Verbal Counseling / Warning**

When an employee's performance, attitude, work habits or personal conduct at any time falls below a desirable level, and minimal disciplinary or corrective action is warranted, the supervisor should inform the employee promptly and specifically of that fact and give verbal counsel and assistance, and if necessary, a verbal warning. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating more severe corrective or disciplinary measures.

## **12.03b: Written Warning**

When disciplinary or corrective action more severe than verbal counseling/warning is warranted, or where verbal counseling has not resulted in expected improvement, a written warning may be issued explaining the nature of the offense or reason for discipline. A written warning may also be issued in any situation where a verbal counseling/warning is warranted, whether or not verbal counseling/warning has been initiated. Copies of the warning will be sent to the employee(s) and originals will be placed in the employee's personnel file which is maintained in the Human Resources Department.

## **12.03c: Suspension**

If an employee is suspended, that employee will be prohibited from returning to work until the specified period of suspension has passed. If the suspension is greater than one (1) day, it shall be issued on a consecutive working day basis. Unless provided for otherwise in this policy or disallowed by the Fair Labor Standards Act, all suspensions shall be without pay

## ADMINISTRATIVE REGULATIONS GUIDE

Suspensions shall be used when an employee is removed from the job due to extreme misconduct or unlawful behavior, or when instances of progressive discipline support a suspension for a specified period of time.

### **12.03d: Termination**

Department Heads shall supply thorough documentation to, and discuss recommendations for an employee's termination with Human Resources.

A written notice of the recommendation to terminate and placement on suspension shall be given to the employee in person. However, after two unsuccessful attempts to deliver the notification, the notice shall be sent via U.S. mail to the most recent address on record. The recommendation shall include the following information:

1. The underlying reasons for the recommended termination.
2. Supporting documentation for the recommendation for termination.
3. An explanation of the employee's rights to request an Informal Hearing prior to the recommendation to terminate being decided upon by the City Manager or his designee and the fact that the decision shall be final. If the employee does not exercise his/her right to an Informal Hearing, the termination will become effective after the expiration of the two (2) day paid pre-termination period.
4. If the employee elects a pre-termination hearing and the City Manager or designee authorizes the termination, a notification letter shall be delivered to inform the employee of the decision and to provide notice of the employee's right to appeal.

Introductory period employees who have not successfully completed the established introductory period may be subject to termination with or without cause and it shall be effective after a review by the City Manager and Human Resources Manager.

At time of termination, employees are required to surrender all City property which may be in their possession and all other conditions of termination must be complied with prior to issuance of the final paycheck.

# ADMINISTRATIVE REGULATIONS GUIDE

**Section: Corrective Actions / Disciplinary Procedures**

**Policy: Appeals**

**Issued: September 2014**

**Revised:**

**No. 12.04**

## **Appeals Process**

1. Initial introductory employees shall not have the right to appeal any type of disciplinary action. Position introductory employees shall not have the right to appeal demotions.
2. Employees may respond to discipline actions of verbal, written and suspensions of three consecutive workdays or less. This response shall be in writing and will be attached to the discipline documentation in the employee's personnel file.
3. Employees have the right to appeal suspensions of greater than three (3) days, demotions (except for position introductory employees) or recommended terminations by requesting an Informal Hearing prior to the City Manager's final determination. A written request for this Informal Hearing must be submitted to Human Resources within two (2) business days of the employee's receipt of formal notification of recommended suspension, demotion or termination.

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Corrective Actions / Disciplinary Procedures**

**Policy: Discipline for Employees in Introductory Period**

**No. 12.05**

**Issued: September 2014**

**Revised:**

Because of the objectives of the introductory period as established in section 6.03: Introductory Period, the standard of conduct during the initial introductory period is necessarily greater than otherwise; the penalties for offenses contained in this section may be correspondingly greater; and the methods for dealing with such offenses may be more strict. Accordingly, discipline of initial introductory probationary period employees shall be accomplished in accordance with the following special rules.

- Except as modified here, rules concerning discipline of regular employees have equal application to initial introductory period employees.
- Introductory period employees may be terminated during the initial introductory period, including any extensions of it, for any offenses listed in this section or where the Department Head finds that the employee is unable or unwilling to perform the duties of the position in a satisfactory manner, or where the Department Head finds that the employee's work habits or dependability do not merit continuance as an employee.
- Initial introductory period employees are not afforded the right to appeal or grieve disciplinary action taken, and the action taken will be deemed to be the final agency action.

**SECTION 13:  
EMPLOYEE RECORDS**

## ADMINISTRATIVE REGULATIONS GUIDE

**Section: Employee Records**  
**Policy: Employee Records**  
**Issued: September 2014**  
**Revised:**

**No. 13.01**

The City Manager or designee is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

### ***Records***

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

The Human Resource Manager should be informed of any special training courses completed by an employee. Copies of diplomas or certificates will be forwarded to the Human Resource Manager and become a permanent addition to the employee's personnel file.

### ***Records Retention and Disposition***

Human Resources shall determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable laws.