

Ray Bagshaw
Mayor

Pamela Henley
Council Member

Judy Beardslee
Council President

Lee Chotas
Council Member

Neil Powell
Council Member

John Dowless
Council Member

**CITY COUNCIL AGENDA
REGULAR MEETING
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, March 20, 2012
6:30 p.m.**

WELCOME! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert's Rules of Order guide the conduct of the meeting. **PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING.** "THANK YOU" for participating in your City Government.

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL AND DETERMINATION OF A QUORUM

E. CONSENT AGENDA

1. Approval of:

- July 19, 2011 Edgewood City Council Meeting (Pgs. 1 – 7)
- August 4, 2011 Edgewood City Council Workshop (Pgs. 8-11)

(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)

F. PRESENTATIONS

1. Mayoral Proclamation – Sexual Assault Awareness Month (April) (Pgs. 12-13)
2. Amanda Skaggs, Relay For Life (Pgs. 14-16)
3. Dennis Maschinot, TECO Energy/People's Gas

G. ORDINANCES – FIRST READING

1. **ORDINANCE NO. 2012-02: AN ORDINANCE OF THE CITY OF EDGEWOOD,**

FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE. (Tabled from 2/21/2012 City Council Meeting) (Pgs. 17- 20)

H. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. **ORDINANCE NO. 2012-01:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED PERSONNEL POLICIES, PROCEDURES, AND RULES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (Pgs. 21 – 132)
2. **ORDINANCE NO. 2012-03:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO MAINTENANCE OF PRIVATE INFRASTRUCTURE WITHIN GATED COMMUNITIES; AMENDING SECTION 126-559 TO REPLACE THE REQUIREMENT FOR ANNUAL ENGINEERING REPORTS WITH A REQUIREMENT THAT ENGINEERING REPORTS BE GIVEN TO THE CITY UPON REQUEST; CLARIFYING PROVISIONS WITHIN SECTION 126-559; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Pgs. 133 – 134)

I. UNFINISHED BUSINESS

J. NEW BUSINESS

K. GENERAL INFORMATION (No action required)

L. CITIZEN COMMENTS

M. BOARDS & COMMITTEES

1. Planning & Zoning Boards Consideration and Recommendation(s) from March 12, 2012 Planning & Zoning Board Meeting (Pgs. 135 – 151)

N. STAFF REPORTS

1. Police Chief
2. City Clerk
3. City Attorney

O. MAYOR & COUNCIL REPORTS

P. ADJOURNMENT

UPCOMING MEETINGS:

April 17, 2012.....City Council Regular Meeting
May 22, 2012.....City Council Regular Meeting
June 19, 2012.....City Council Regular Meeting

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – JULY 19, 2011**

On Tuesday, July 19, 2011, the Edgewood City Council held a regular meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 6:30 p.m. Council Member Dowless gave the invocation followed by the Pledge of Allegiance.

The following attendance is noted:

Attendees:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Dowless
Council Member Bozeman (excused himself from meeting at 7:35 p.m.)

Absent

Council Member Henley (excused)

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Drew Smith, City Attorney

CONSENT AGENDA

1. Approve the minutes of:
 - March 15, 2011 Regular Council Meeting
 - March 30, 2011 Special Council Meeting
 - April 7, 2011 Special Council Meeting
 - April 7, 2011 Council Workshop

Motion by Council Member Dowless to approve the Consent Agenda items, with Second by Council Member Powell; the Motion was approved unanimously (4/0).

PRESENTATIONS

1. Commendation Award – Officer Chris Meade

Chief Marcus presented a commendation award to Officer Chris Meade for an arrest he made, and subsequent investigation that revealed the suspect had attempted to enter six separate warehouses.

Holland & Reilly – Report regarding “Engagement to Perform Advisory Services – October 2009 – December 2010

CPA, Tom Reilly gave a slide show presentation relevant to his firm's review of the internal processes, and internal cash control. The review was done due to concerns regarding previous staff, and to determine any strengths and weaknesses in procedures.

In response to Council Member Powell, Mr. Reilly explained the second dollar fund, noting that the guidelines are under Florida Statute and it is not the first dollar the City receives.

Mr. Reilly said several observations were made, which led to their recommendations.

- Noted that an accounting manual needs to be in place, particularly because of the transition in staff.
- Noted two software packages in use by three accounting systems. Mr. Reilly confirmed for Council Member Dowless that in his discussions with Scott Zane, he learned that there is a back-up system for the accounting software.

Council President Beardslee noted that she and Mayor Bagshaw have been in discussion with Mr. Reilly throughout the process, and have begun taking steps to make changes based on discussion and recommendation from Mr. Reilly. She noted that the accounting will be moved to Peachtree software, meaning only one accounting software in place.

- Mr. Reilly noted that if accounting is brought in-house, there has to be someone else on staff that can step in. He said it is not unusual to have an outside accounting firm and not necessarily for the purpose of writing checks.

Council Member Dowless questioned security of backup files, and Chief Marcus explained the process. Chief Marcus also explained security measures for purposes of an emergency.

- Mr. Reilly said that when he began going through records in City Hall, they were very incomplete however, when he went to the Police Department the records were there.

In response to Mr. Reilly's concerns regarding payroll Council President Beardslee said that she and Mayor Bagshaw are addressing the concerns.

- Mr. Reilly emphasized the need to avoid paying sales tax, as evident by receipts.

Council President Beardslee noted that the City is close to changing the bank depository. She said that the City is working towards dual controls. She said there will be one account with five sub-accounts.

Mr. Reilly and Chief Marcus had a discussion regarding the difference in fund and account. Mr. Reilly noted that there is a difference in the terms account and fund.

Council President Beardslee reminded Council about the 2009 Charter change that put into place new financial processes. Mr. Reilly said that under GASB #54, which soon comes into effect and may cause the need to re-address those Charter changes.

Mr. Reilly explained how the names of funds change under GASB #54, in particular, committed funds.

7:35 p.m. Council Member Bozeman excused himself from meeting.

Council Member Powell asked how much money has the review saved the City. Council President Beardslee noted efficiency and accountability. She explained how the installation of new software is going to save the City money plus provide the historical data in-house.

Council President Beardslee thanked Mr. Riley and his firm for everything they did and for the information. Mr. Reilly said he will send a final copy of his report to the City.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

UNFINISHED BUSINESS

1. GATSO Agreement (Red Light Camera)

Chief Marcus provided an additional portion (final recommendation) to the report provided with the agenda packet. He noted the recommendations are included in the information. He presented a video that was taken during the traffic study. The video showed an auto accident that occurred when a car ran the red light. Council President Beardslee questioned approving the cameras due to a local municipality that turned down the cameras.

Mark Budard reported on the study and how it was done and reported the findings to the Chief.

In response to Mayor Bagshaw, Chief Marcus said if the City ever annexed at Orange and Hoffner, this would become a viable intersection. Chief Marcus said that Holden and Orange was not recommended. Council Member Powell asked about “rolling right” at the light, and Chief Marcus said the cameras will be for a straight-on running of the light, they will not be looking at right turns on red light.

Motion by Council Member Powell to accept the recommendations after red light running count is performed, with Second by Council Member Dowless; the Motion was approved unanimously (3/0).

2. Review/Consider Replacement of incandescent traffic signal light bulbs

Chief Marcus reported that the City has a contract with a company for the lights, and that lighting has changed. He said that with the consideration of red light cameras, the LED lights work better with the red light camera. Chief Marcus said he contacted Control Specialists and they gave a quote of \$12,000, however, he got them to come down to \$1800 to convert current incandescent lighting to LED lighting. Chief Marcus confirmed for Council President Beardslee that he has money in his gas budget left from when Belle Isle stopped using the City pump. He requested up to \$1800.00 to make the conversion.

Motion by Council Member Powell to approve Chief Marcus' request, with Second by Council Member Dowless.

Council Member Powell said LED lighting has a longer life, even though they cost more. Chief Marcus said the labor cost to change the lighting is the major expense.

Council President Beardslee ask to amend Council Member Powell's motion to approve monies from reserve. After brief discussion, Council President Beardslee withdrew her amendment, and in response to

Council President Beardslee, Mayor Bagshaw said the funds should come from the Traffic Maintenance account.

Council Member Powell accepted the amendment for funds to come from the Traffic Maintenance account. *The Motion, with amendment, to approve Chief Marcus request was unanimously approved (3/0).*

Council President Beardslee called for a brief recess

3. Newsletter

Reconvene

Council President Beardslee asked for a rewrite on Code Enforcement and Planning & Zoning. She noted that the budget message per Charter was on the City's website. She said the final draft of the Newsletter will be prepared by the Mayor, with her assistance. Council Member Powell wanted the history of Edgewood in the newsletter and referred to one that City Clerk Meeks gave him. Council President Beardslee said she has the article that she wrote a couple of years ago; Council Member Powell said "go with that". Mayor Bagshaw said that some of the articles will go individually on the City's website.

4. Review/Consider Final Revisions to Personnel Policies

Council President Beardslee noted that Council can have the first reading of approval, or wait until the August Council meeting with notice.

Motion by Council President Beardslee to table review and consideration of Personnel Policy, with Second by Council Member Powell.

City Attorney Smith said if there are questions to talk to him.

NEW BUSINESS

1. Set tentative millage rate for Fiscal Year 2011/2012 for operating purposes and set date for public hearing on proposed budget for Fiscal Year 2011/2012. (Recommended date: September 6, 2011)

Council President Beardslee deferred to Mayor Bagshaw, who stated his position is that the proposed millage rate be 4.512. He said that he and Council President Beardslee have talked about this and feel the millage will be lower. Council President Beardslee said historically Council has proposed the highest rate, and she feels that the proposed rate is not much lower but the dollar disparity will be different depending on the value of residents' home. In response to Council Member Dowless, Mayor Bagshaw said the number is based on not having all the numbers in. Additionally, the current millage barely covers the police department. Mayor Bagshaw confirmed for Council Member Dowless that the City already has the County's Fire & Rescue agreement; it just needs to be returned to the County. City Attorney Smith confirmed that the Mayor did not have to read the budget message into the record.

Motion by Council President Beardslee to set the tentative millage rate at 4.512. Dies for lack of a second.

Motion by Council President Beardslee to set the tentative millage rate at 4.700, with Second by Council Member Powell. Passed unanimously 3/0.

Motion by Council Member Dowless to approve September 6, 2011 as the first public hearing for proposed budget, with Second by Council President Beardslee. Unanimously approved 3/0.

Resident Regina Dunay ask what the millage was set at last year. She said she didn't think the rate proposed will get a reaction. Ms. Dunay ask what is the shortfall, and Council President Beardslee said when she and Mayor Bagshaw reviewed millage rates, it appeared the City was at 4.200 without all the numbers needed. Ms. Dunay noted the amount of millage that goes towards the City's fire assessment paid to the County.

It was confirmed that City Attorney Smith does not have to attend the budget workshops.

Resident Brian Leahy asked how former Mayor Teague continued to say the City can do things and the millage set was set lower. Council President Beardslee said it is best not to answer. Council Member Powell said some of those extra funds came from Progress Energy, who had not paid the City franchise fees for years. Council Member Powell said Council President Beardslee didn't agree with the millage set last year.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

None.

STAFF REPORTS

1. Police Chief
 - Second Quarter Police Activity Report

Chief Marcus said overall things are good. He said there have been more traffic tickets and more accidents, but other areas were low. He reported one significant incident regarding a robbery with a gun. He also noted another significant incident that resulted in a red code call. He said three new reserve officers will be sworn in next week.

2. City Clerk

- Reported that Cinnamon Wild began her employment with the City July 5, 2011, as the Administrative Assistant
- Reported on invitation to participate Relay For Life meetings and upcoming event.

A. MAYOR & COUNCIL REPORTS

B.

Council Member Powell said he talked to Jerry Reynolds regarding Forestall and the need to clean out weeds in the area.

Council Member Dowless thanked City Clerk Meeks for the agenda and the numbering. City Clerk Meeks accepted compliment however noted that Cinnamon put the agenda together. He recommended checking the flooding deluged areas after rain, and Chief Marcus said his officers checked. Council Member Dowless also noted that he would like to be part of the Comp Plan committee.

Mayor Bagshaw reported on Sun Rail and noted that quiet zones are of concern. He said that Engineer Miller said he attended these meetings in the past, but Council agreed he didn't need to attend. Mayor Bagshaw said Holden and Gatlin on the list for improvements; Council Member Powell said the City has the last plan. Mayor Bagshaw noted that he has a meeting with Orange County Mayors on June 24, 2011 to discuss districting. He also noted a meeting he has scheduled with Chris Testerman, Orange County. He reported that he continues to work on the tree issues.

City Attorney Smith said Mayor Bagshaw talked to him about putting together a brief "so now that you are Mayor" information packet tailored to the City of Edgewood. He said he will be working with City Clerk Meeks some, and with Council. Mayor Bagshaw said that he would like to come up with a master list of contacts.

Council President Beardslee reminded Council that they previously approved \$2000 for Roxanna Sigler to temporarily assist in City Hall, and requested Council approve allocating additional monies.

Council President Beardslee made the Motion to authorize up to \$1500.00 for the part-time position in City Hall, with Second by Council Member Dowless. The Motion was unanimously approved 3/0.

Council President Beardslee said that a budget amendment will be considered at the next Council meeting. The amendment will be based on the financial statements through June.

Council President Beardslee asked City Clerk Meeks to send email to Council Members to confirm their calendars include August 4, 2011 Growth Management Workshop, along with TRIM calendar. Lastly, Council President Beardslee questioned repairs on Stratemyer, and ask if Council should budget or wait for Sun Rail. Council Member Powell said he would look at it "tomorrow". Mayor Bagshaw said he is going to budget for this because of the annexation; and said we still don't know if the City is obligated. Council President Beardslee said she and Mayor Bagshaw talked about putting together an insurance review committee with a designee from City Hall and the police department, along with her and the Mayor. City Attorney Smith noted that this is done under sunshine; Council President said it will be noticed.

ADJOURNMENT

Council President Beardslee made the Motion to adjourn the meeting, with Second by Council Member Dowless. Having unanimous approval, the meeting adjourned at 9:41 p.m.

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED

**EDGEWOOD CITY COUNCIL
GROWTH MANAGEMENT WORKSHOP–AUGUST 4, 2011**

(Follow up of July 12, 2011 Workshop)

On Thursday, August 4, 2011, the Edgewood City Council held a workshop at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the workshop to order at 1:30 p.m.

The following attendance is noted:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Dowless

Absent

Council Member Henley – Excused
Council Member Bozeman

Staff

City Clerk Meeks
Chief Marcus
Det. Beardslee
City Attorney Smith
Ellen Hardgrove, Planner
Art Miller, Engineer

Council President Beardslee provided a review of the discussion from the last growth management workshop, and highlighted the direction that Council asks Planner Hardgrove and Engineer Miller to go.

Council President deferred to Planner Hardgrove who provided a packet to Council members. The following was discussed from the maps provided in the packet.

Area 1 A

Oakwater Office Park – Best potential area for annexation

- No cost to drainage – roads – zoning is in the HOA ownership
- Taxable value is after exemption
- Council provided with the current value for 2011
- Planner Hardgrove explained the taxable value

- Explained property owner savings to annex and the difference in commercial garbage costs (only .1 difference in millage)

Area 1 B

- Completely surrounded by Orlando parcels
- Total City Revenue is \$5400

Det. Beardslee said behind the apartments is a subdivision, and they want police protection. Planner Hardgrove said Oakwater would have to come in before the area Det. Beardslee noted. City Attorney Smith reminded everyone the properties come in under Orange County zoning.

Planner Hardgrove asked if there was an issue with annexing a cemetery (referring to Powell Cemetery). Chief Marcus said the County maintains the cemetery, and Planner Hardgrove said cemetery would have to be annexed to be able to annex Oakwater.

City Attorney Smith suggested City check with the County to make sure they are not going to challenge any annexation.

Area 2 A – B – C –D

- Planner Hardgrove said this is a large area and 2 D is the contiguous property that runs East on Gatlin
- Area 2 C is the right hand that turns into Waterwitch Cove Point and going further South is Ferncreek
- Area 2B is as far east as Council wanted to consider for annexation and have talked about before (by boat dock that is privately owned)
- Planner Hardgrove noted that Area 2B consists of homes that have two to six bedrooms, and said there are a lot of old roads and trees. She said it makes sense that this area come into Edgewood. Council President Beardslee said that roads had recently had improvements
- Planner Hardgrove said Area 2A seems to be the break-even point, she estimated the assessed value per home to be \$440,000. She said the area is not contiguous now. Planner Hardgrove noted that council needs to look at their long range planning, as to priorities and what they want to annex. Chief Marcus said he would like to stay where the City doesn't have to increase police power, and that area is 2C and 2D.

PRIORITY ON OUTLINE.

- 2E-north of Gatlin all the way to City limits. Council President Beardslee said she loves this area, along with 2A&B. She likes these areas because of the work CSX has done. She said this area would not require a lot of code enforcement. City Attorney Smith confirmed for Planner Hardgrove that you cannot create a finger that isn't already in place.
- City Attorney Smith said it will be 2012/2013 before this is on a ballot. Council President Beardslee said you have to fund before receiving funds, and ask if the City wanted residential homes or rental homes.
- Annexation Area 3 is along Holden and extends to Holden Cove

Priorities

1. 2 C&D CATEGORY 1
2. 2 A&B Level 2

Council held discussion about having a "mouthpiece" for the City, and that they need a plan so that everyone is on the same page.

Council President Beardslee said she wants a report that shows the benefits of annexation

Discussion held regarding solid waste service; City Clerk Meeks provided information as to the non-ad valorem assessment.

Mayor Bagshaw questioned the ability to establish right-of-way and easements, and related his concern regarding tree issues particularly, older trees that are rotting and falling down. He also noted his concerns regarding sidewalks. Planner Hardgrove said this information could be contained in the annexation agreement however City Attorney Smith said if the City is negligent, they will still be sued.

Council President Beardslee noted it would be good to exclude Area 4. She noted that area 8 is an area that the City would like to go down, which is further South. Chief Marcus said Belle Isle is aggressively pursuing too. Planner Hardgrove said the furthest South the City can go South is to Wilkes.

Discussion regarding properties on East side of Orange Avenue. Planner Hardgrove asked if City is taking in the railroad.

Mayor Bagshaw said in his meetings with the County, they said their preference is to work things out with Belle Isle.

Council Member Powell asks "how much is our vested interested", should we just concentrate on those properties that are contiguous.

City Attorney Smith suggested that Council take their packets that Ellen provided, rank and give back to City Clerk Meeks, who can provide a bullet list of the responses.

Chief Marcus said he will provide a report for cost of any enhancements. Mayor Bagshaw asked him to prioritize.

City Clerk Meeks reminded everyone of when agenda packets go out and that she and Mayor Bagshaw will be out part of the week. Council President Beardslee said information needs to be given to City Clerk Meeks by August 10th. Council President suggested that once areas have been determined, staff should send out a post card for a "town hall" meeting.

Planner Hardgrove said she thinks it is important if Council could determine the long term range planning area.

With no further discussion, the workshop adjourned at 3:43 p.m.

Judy Beardslee, Council President

Bea L. Meeks, MMC, CPM
City Clerk

CITY COUNCIL APPROVED

**CITY OF EDGEWOOD, FLORIDA
MAYORAL PROCLAMATION**

Whereas, Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of *Edgewood*; and

Whereas, rape, sexual assault, and sexual harassment impact our community as seen by statistics indicating that one in six women in Florida have been raped in their lifetime, 42% of women in Florida have experienced other forms of sexual violence, and 20% in Florida have experienced a form of sexual violence other than rape in their lifetime (National Intimate Partner and Sexual Violence Survey, 1010); and

Whereas, we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

Whereas, staff and volunteers of the Victim Service Center of Central Florida, Inc., encourage every person to speak out when witnessing acts of violence however small; and

Whereas, with leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence in *Edgewood* through prevention education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

Whereas, the Victim Service Center of Central Florida strongly supports the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services, and how every segment of our society can work together to better address sexual violence.

NOW, THEREFORE, WE, Ray Bagshaw, Mayor, Council President Beardslee, and Council Members Powell, Dowless, Chotas, and Henley, join the Victim Service Center of Central Florida and other anti-sexual violence advocates and support services programs in the belief that all community members must be part of the solution to end sexual violence, along with the united states government and state of Florida, we do hereby proclaim April 2012, as

"SEXUAL ASSAULT AWARENESS MONTH"

In the City of Edgewood we urge all citizens to participate fully in activities and events to observe Sexual Assault Awareness Month

Dated this 20th day of March, 2012.

Ray Bagshaw, Mayor

Judy Beardslee, Council President

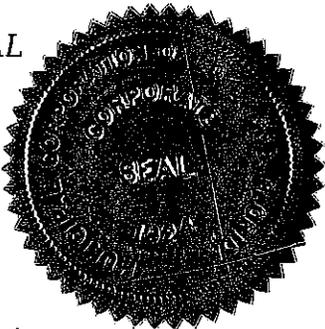
*Pamela Henley
Council Member*

*Lee Chotas
Council Member*

*Neil G. Powell
Council Member*

*John Dowless
Council Member*

SEAL



Attest:

*Bea L. Meeks, MMC, CPM
City Clerk*



Get Involved!

**Relay For Life of Oak Ridge
May 11-12, 2012
Oak Ridge High School
RelayForLife.org/OakridgeFL**

Form your own Relay For Life Team! Gather together 8-15 of your favorite people who love to have fun while making a difference.

Sponsor the event! Sponsorship opportunities are available for your organization or company starting at just \$150. Ask for our Sponsorship packet.

Join the Committee! Being part of the relay committee is fun and rewarding, please ask your staff partner or another committee member how to get involved. The committee includes, Team Development and Recruitment, Mission Education, Sponsorship, Logistics, Activities and Entertainment, Registration/Accounting, Survivorship, Luminaria, Marketing, and Advocacy.

Volunteer at the event! We need volunteers for the day of the relay who will assist in running the event!

Relay For Life is the signature activity of the American Cancer Society. More than 5,000 events take place nationwide, and now, even around the world in countries like Singapore and Australia. With the help of people like you, Relay For Life has become the largest activity of its kind, raising over \$400 million in 2009!

But more than a fundraiser, Relay For Life is:

Cancer Survivor event-within-an-event: At every Relay For Life, cancer survivors are honored for their courage and strength by starting the event with an honorary lap. The individuals are celebrated in various ways, from a celebratory dinner, t-shirts and medals to dances and games!

A Community event: Few other events bring together entire communities like Relay For Life. Games, food, fun, music, and activities fill the air at every Relay. Everyone joins together for a common cause and has fun doing it!

A Luminaria Ceremony: Survivors and those who lost their battle to cancer are honored at this one-of-a-kind ceremony. Paper bags bearing the names of loved ones line the track and often the entire stadium. A candle is placed inside and is lit at dusk. A moment of silence followed by heart felt music let you remember and honor those that are fighting. This memorable portion of the event is the most powerful time of the Relay. Make sure to ask about how you can purchase a luminaria to display at the event.

There is much more as Relay For Life takes on the personality of the committee planning it, and reflects the community hosting it.

Please contact Carly.Sullivan@cancer.org or 407-581-2513 at our local American Cancer Society office to get involved

What does it mean to be a team?

So, you want to get involved with Relay For Life? Forming your own team is a fun and rewarding way to be a part of the fight against cancer. But, what does being a team captain really mean?

Form a Team

- Learn about Relay For Life and the American Cancer Society.
- Host your own Team Kick-Off—Invite friends, family, coworkers, whoever you want!
- Get your workplace involved.—Inquire about corporate sponsorship or gift matching opportunities.
- Sign your team up online. Then, your team members can join your team.
- Contribute your \$100 Commitment Fee—This will secure your spot in Relay For Life.

Coordinate Your Team

- Set a goal—We suggest a minimum of \$100 per person to ensure all participants receive a participant shirt.
- Delegate Tasks—Splitting the responsibilities among team members is a great way to get everyone involved.
Make a Walking Schedule—Set a schedule for your team to ensure someone is on the track at all times.
- Turn in fundraising dollars as they are collected—money can be turned in online or at team parties.
- Turn in all donations in a Team Member Envelope—properly fill out all information to ensure your team receives credit for all donations

Motivate Your Team

- Attend all Team Parties and Bank Nights—these events are not just for Team Captains, but all your participants! You'll receive great information to keep you on track!
- Share information and updates from Team Parties with your team members.
- Hold regular team meetings to build spirit and keep everyone excited and informed.
- Plan Team Fundraising Events.
- Fundraise year round—you will have more success and avoid burnout.
- Dedicate your team to someone—a cancer survivor or someone who has passed away from cancer.

Sign your team up today at -
www.relayforlife.org/kissimmeefl

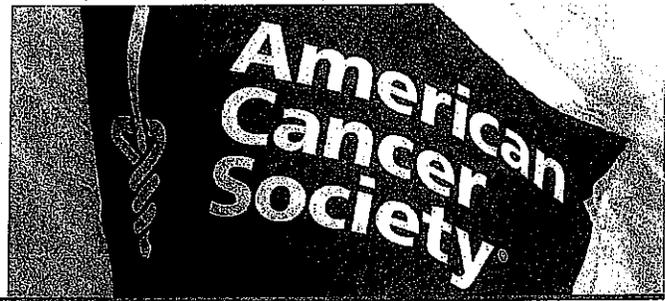
www.cancer.org

1-800-ACS-2345



Report to the Central Florida Area

Serving residents of Lake, Orange, Osceola, Seminole and Sumter counties



WE ARE THE AMERICAN CANCER SOCIETY

Each year, an estimated 10,354 people in our area and more than 107,000 people across Florida will be diagnosed with cancer. The American Cancer Society is the one place they can turn 24 hours a day, seven days a week.

We are dedicated to saving lives and creating more birthdays by helping people stay well and get well, and by finding cures and fighting back.

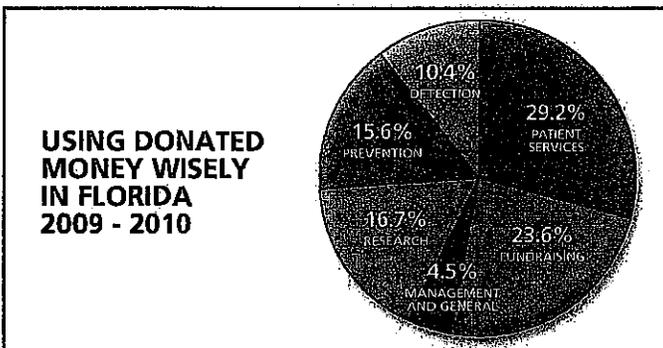
Our volunteers make the difference. About 295,000 Floridians – including about 36,237 people in our area – serve on boards and committees; educate our neighbors about cancer risk-reduction, detection and treatment; provide hope and support for patients and their families; and advocate to make cancer a government priority through Advocacy Day in Tallahassee. They also organize our signature fundraising events: Relay For Life, Making Strides Against Breast Cancer and balls and galas.

WE'RE MAKING A DIFFERENCE IN OUR COMMUNITY

Our volunteers and donors make a major impact around the globe, across the nation, and throughout Florida, including right here in Central Florida Area.

Helping people stay well

- We provide life-saving cancer information through partnerships with most major hospital systems and healthcare organizations in our area, as well as other major businesses and organizations through our systems approach.
- We are addressing cancer disparities in our community through partnerships with diverse organizations, community education grants and other awareness campaigns.
- More than 1 million Floridians accessed valuable cancer information through www.cancer.org.



Recipient of the coveted Better Business Bureau Wise Giving Alliance National Charity Seal

Helping people get well

- Local cancer patients and their families received 11,378 services through our 24/7 toll-free phone line and Patient Services Center.
- Local residents benefit from our support programs, from the nationwide Cancer Survivors Network to our community-based programs. In our area, 129 patients found support through Reach to Recovery for breast cancer and Man to Man for prostate cancer.
- 296 patients from our community received 4,904 transportation services to and from treatment.
- 96 patients from our area received free lodging at one of Florida's Hope Lodges while undergoing treatment.
- 51 local children and families received support through our Reaching Out to Cancer Kids program. 29 kids from our area enjoyed a camp experience through R.O.C.K. Camp in partnership with Camp Boggy Creek, 21 young cancer survivors attended college on a R.O.C.K. College Scholarship, and 1 family took part in our educational and inspirational Families R.O.C.K. Weekend.

Finding cures

- Prevention and treatment is better for nearly every cancer patient in our community because of American Cancer Society-funded research. Our research has led to a wide range of new detection methods, cutting-edge therapies and cancer drugs and improved treatment options. We have funded 44 scientists who went on to win the Nobel Prize.
- 1 multi-year grant worth \$680,000 is currently in effect at M.D. Anderson Cancer Center / Cancer Research Institute.

Fighting back

- Residents of Florida are protected from the dangers of secondhand smoke in virtually all workplaces because of our efforts to pass a constitutional amendment.
- Florida's youth learn about tobacco prevention and adults receive significant smoking cessation assistance because of our success in securing permanent funding for the state's youth tobacco prevention program.
- Tens of thousands of Floridians will quit smoking thanks to our success in leading the legislative campaign to increase the state's tobacco tax by \$1 per pack.
- Since 1995, we have secured more than \$825 million in legislative appropriations in support of the fight against cancer.

For more information, please contact:
Kathleen Jansen, Area Executive Director
407-843-8680 • kathleen.jansen@cancer.org



We save lives and create more birthdays by helping you stay well, helping you get well, by finding cures, and by fighting back.

cancer.org | 1.800.227.2345 | Florida Division

ORDINANCE NO. 2012-02

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood has adopted the 2009 International Property Maintenance Code published by the International Code Council; and

WHEREAS, the City of Edgewood actively participates in the enforcement of regulations relevant to safe, sanitary, and habitable property maintenance and structures; and

WHEREAS, under its home rule powers, the City of Edgewood may regulate and govern property maintenance to ensure the well-being of its citizens; and

WHEREAS, the City of Edgewood has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses within the City, and patrons of such businesses, to adopt the 2012 International Property Maintenance Code as published by the International Code Council for the maintenance and control of buildings and structures, with amendments thereto to comply with Chapter 162, Florida Statutes, the Florida Building Code, and the City's Code of Ordinances; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Edgewood, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Section 102-71 of the City of Edgewood Code of Ordinances is hereby repealed in its entirety and replaced with the following:

Sec. 102-71. International Property Maintenance Code Adopted by Reference

(a) The City hereby adopts the 2012 edition of the International Property Maintenance Code published by the International Code Council, and incorporates the same by reference as if fully set forth herein. At least one copy of the 2012 International Property Maintenance Code is on file in the city clerk's office together with a copy of this Ordinance.

(b) The following sections and subsections of the 2012 edition of the International Property Maintenance Code are hereby amended as follows:

(1) Subsection 101.1. These regulations shall be known as the Property Maintenance Code of the City of Edgewood, hereinafter referred to as "this Code."

(2) Subsection 102.3 entitled "Application of other codes," shall read as follows: Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the provisions of the Florida Building Code and amendments thereto.

(3) Subsection 103.1 entitled "General," shall read as follows: The City of Edgewood, code enforcement division, is hereby charged with the primary responsibility of enforcing this Code.

(4) Subsection 103.2, entitled "Appointment," shall read as follows: The code inspector shall be appointed by the Mayor of the City of Edgewood.

(5) Subsection 103.5, entitled "Fees," is hereby deleted in its entirety.

(6) Subsection 106.2, entitled "Notice of Violation," is hereby deleted in its entirety.

(7) Subsection 106.3, entitled "Prosecution of Violation," is hereby deleted in its entirety.

(8) Section 107, entitled "Notices and Order," is hereby deleted in its entirety.

(9) Subsection 108.3, entitled "Notice," shall read as follows: Whenever the code inspector has condemned a structure or equipment under the provisions of this section, notice shall be protected from the weather and posted in a conspicuous place on or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Chapter 162, Florida Statutes. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

(10) Subsection 109.5, entitled "Costs of emergency repairs," shall read as follows: Costs incurred in the performance of emergency work shall be paid by the owner or agent responsible for the property, or the City may thereafter file a lien on the property for such costs.

(11) Subsection 109.6, entitled "Hearing," shall read as follows: Any person ordered to take emergency measures shall comply with such order forthwith. Any adversely affected person shall thereafter, upon application directed to the city council, be afforded an appeal from the code inspector's decision upon payment of appeal fees as set by resolution of council,

(12) Section 111, entitled "Means of Appeal," of this Code is hereby deleted in its entirety.

(13) Subsection 302.4, entitled "Weeds," is hereby deleted in its entirety.

(14) Subsection 304.14, entitled "Insect Screens," shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

(15) Subsection 602.3, entitled "Heat Supply," shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to April 15th to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(16) Subsection 602.4, entitled "Occupiable Work Spaces," shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15th to April 15th during the period the spaces are occupied.

(17) References in this Code to the International Plumbing Code shall be replaced with the Plumbing Code of the Florida Building Code.

(18) References throughout this Code to the ICC Electrical Code shall be replaced with the Florida Building Code.

(19) Supplemental Code. The provisions of this Code shall be supplemental to all other codes and other ordinances of the City.

SECTION 3. Codification. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes

the higher standards for the promotion and protection of the health and safety of the people shall prevail.

PASSED AND ADOPTED this _____ day of _____, 2012, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

Judy Beardslee, Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED PERSONNEL POLICIES, PROCEDURES, AND RULES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Charter provides that the City Council shall from time to time review and, if necessary, amend the personnel policies, procedures, and rules; and

WHEREAS, the City Council has reviewed the personnel policies, procedures, and rules and finds and has determined that it is in the best interest of the City of Edgewood to amend certain provisions contained therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, AS FOLLOWS:

SECTION ONE. The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Edgewood.

SECTION TWO. The personnel policies, procedures, and rules adopted by the City Council in Ordinance 2007-03 are hereby amended as provided in Exhibit "A" attached hereto and incorporated herein as though stated in its entirety (deletions are identified by strikethrough and additions are identified by underline).

SECTION THREE. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION FOUR. EFFECTIVE DATE. The effective date of this ordinance shall be immediately upon its enactment.

PASSED AND ADOPTED this _____ day of _____, 2012, by the City Council of the City of Edgewood, Florida.

Judy Beardslee, Council President

ATTEST:

Bea Meeks, MMC, CPM
City Clerk

I. POLICY STATEMENT

The Policy of the City of Edgewood shall be:

- A.** To provide exceptional and cost-effective services achieved through innovation from responsive employees working in partnership with the community.
- B.** To attract and retain employees of the highest caliber.
- C.** To select employees based on ability, training, and experience, without regard to age, gender, race, color, religion, national origin, veteran status, family status (except as limited by Florida Statutes governing nepotism), or disability which does not preclude the performance of the essential functions of the position with reasonable accommodation(s) provided as necessary.
- D.** To provide career advancement opportunities for employees through training and educational assistance programs.
- E.** To provide training for supervisory personnel which will assure their ability to lead and motivate their employees in an effective manner.
- F.** To provide compensation and employee benefits which are fair and competitive.
- G.** To provide clean, safe, and pleasant working conditions for empowered employees to deliver services in a courteous, responsible, and effective manner.
- H.** To provide a grievance procedure for the prompt and appropriate settlement of employee grievances.
- I.** To promote from within, whenever possible and in the best interest of the City, based upon ability, documented employment record, demonstrated and documented job performance, and satisfaction of position qualifications.
- J.** To encourage the development of individual acceptance of responsibility for the attainment of outstanding public service, in accordance with the City's goals and objectives, while adhering to the standards of conduct contained in this policy manual.
- K.** To provide a safe workplace for its employees.

II. AUTHORITY AND ADMINISTRATION

Section 1. SCOPE

These policies shall apply to and govern all employees of the City of Edgewood, with the following exceptions:

- Mayor and City Council members.
- Members of Boards and Commissions (with the exception of employee Pension Board Trustees)
- Persons employed on a contractual fee for service or retainer basis
- Volunteers of the City

These policies do not apply to represented employees, whose terms and conditions of employment are outlined in their collective bargaining agreement.

The Personnel Policy Manual is not intended to supersede the City Charter, Ordinances, or any Florida Statute/provision of the Florida Administrative Code. In the event of a conflict between this Manual and any of these documents, the documents shall prevail.

The contents of this Personnel Policy Manual constitute statements of the City's current policies and may be changed and updated in accordance with the City's Charter and Code of Ordinances. Nothing in this policy manual is intended to create an employment contract, either express or implied, between the City and any employee. Nothing in this policy manual binds the City to a specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.

Section 2. AUTHORITY FOR ESTABLISHMENT OF POSITIONS

With the exception of provisions of the Charter, all positions or offices in the municipal organization, and their rates of pay, are administered by the Mayor subject to confirmation by a majority vote of the City Council. Upon recommendation by a Department Supervisor for creation, elimination or a change to the rate of pay for a position within his or her department, the Mayor shall report to the City Council with a proposed course of action, which course of action may include non-action, within a reasonable time, which amount of time shall be determined by the City Council based on the circumstances of the recommendation. If the Mayor fails to report to the City Council within a reasonable time, the City Council may take action on the recommendation of the Department Supervisor.

Section 3. ADMINISTRATION AND APPOINTIVE AUTHORITY

With the exception of appointments reserved to the City Council by the City of Edgewood Code of Ordinances and Charter and Florida Statutes, general authority and responsibility for the personnel administration of municipal affairs is vested in the Mayor. Final authority to suspend or remove any City employee (except the City Clerk and Police Chief, who are at-will employees of the City Council) and to oversee all matters and subjects covered by these policies, is reserved to the Mayor. In the event the Mayor shall fail to take action consistent with these Policies on a violation of these Policies reported by a Department Supervisor within a reasonable amount of time, which amount of time shall be determined by the City Council based on the circumstances

of the reported violation, the City Council may take action based on the report of the Department Supervisor.

Section 4. ADMINISTRATION OF PERSONNEL POLICIES

~~Administration~~ Execution of these rules and policies shall be the responsibility of the Mayor, based upon the City of Edgewood's Council-Mayor form of municipal government. Department ~~Directors~~ Supervisors shall be responsible for the effective administration of these rules and policies within their respective operations. In the event the Mayor fails to take any action required by these Policies within a reasonable amount of time, which amount of time shall be determined by the City Council on a case by case basis, the City Council may take such necessary actions.

Section 5. AUTHORITY FOR DEVELOPMENT OF DEPARTMENTAL POLICIES

A Department ~~Director~~ Supervisor shall have the responsibility and authority to develop and implement internal departmental policies and standard operating procedures ~~subject to review and approval of the Mayor.~~ In the event of any conflict between such departmental procedures and the provisions contained in this manual, the provisions of the Personnel Policy Manual shall apply.

Section 6. AUTHORITY FOR VARIANCE FROM POLICY

A Department ~~Director~~ Supervisor shall have the right to request, in writing, a variance from these policies when individual exigent circumstances so justify. This request shall be submitted to the Mayor. All variances require the written approval of the Mayor prior to implementation unless the exigent circumstances make such prior written approval unreasonable.

Section 7. CHANGES/AMENDMENTS TO PERSONNEL POLICIES

The City Council is vested with the authority to establish the policies and procedures which govern the operations, services, and maintenance of the City of Edgewood. The City Council will review the Personnel Policy Manual in its entirety on a periodic basis and revise it as deemed necessary and appropriate. In the intervening periods, this Personnel Policy Manual may be revised from time to time by the City to reflect statutory or ordinance changes; City Council action(s); or as deemed necessary by the City Council.

III. DEFINITIONS

AGE LIMITS FOR EMPLOYMENT

Applicants must be at least eighteen (18) years of age in order to qualify for full-time employment with the City. However, applicants who have reached sixteen (16) or seventeen (17) years of age may be considered for certain types of employment, as outlined in Florida Statutes.

AT-WILL EMPLOYMENT

At-will employees serve at the will of, and may be removed with or without cause and with or without notice by the Mayor, or as otherwise designated by the City Charter or other Code provisions. Accordingly, at-will employees do not have the right to a pre-determination hearing prior to termination or the right to an appeal hearing subsequent to termination of employment. All City employees are at-will employees.

CONTINUOUS SERVICE (Seniority)

Continuous Service is service credit which determines eligibility for employee benefits (vacation accrual rate, retirement, etc.). Continuous service is deemed uninterrupted for the following paid or unpaid leaves of absence while an employee: annual military training, military service, Family and Medical Leave, Workers' Compensation Leave. An employee's continuous service date is adjusted to reflect unpaid time for other leaves of absence.

DEMOTION

The movement of an employee, voluntarily or involuntarily, from one job classification to another job classification with a lower pay rate.

DEPARTMENT DIRECTORS SUPERVISORS

Department ~~Directors~~ Supervisors, currently the Police Chief and City Clerk, are at-will employees who are recommended by the Mayor, unless responsibility for such recommendation has been redesignated by the City Council pursuant to the Charter, and appointed by the City Council. The incumbents in these positions serve at the pleasure of the City Council, and are responsible for management of the offices or departments established by the City Charter, Ordinances, and/or Mayor. ~~Directors~~ Department Supervisors may be dismissed with or without notice; with or without cause; and do not have access to a pre-determination hearing or post-termination appeal. The terms and conditions of employment for Department ~~Directors~~ Supervisors may be outlined in Employment Agreements, as recommended by the Mayor, unless responsibility for such recommendation has been redesignated by the City Council pursuant to the Charter.

For purposes of disciplinary actions, grievances, and name-clearing hearings, the Mayor shall be considered the Department ~~Director~~ Supervisor of the City Clerk and Police Chief unless responsibility for oversight of the City Clerk or Police Chief has been redesignated by the City Council pursuant to the Charter.

DESIGNATED WORK WEEK

The designated work week begins at midnight on Sunday and ends at midnight on the following Saturday day of each week, as specified on the City of Edgewood's bi-weekly time sheet.

EXEMPT EMPLOYEE

Exempt employees are considered "salaried" employees in positions that are exempt from overtime payments as determined based upon the provisions of the Fair Labor Standards Act (FLSA); therefore, exempt employees are not entitled to overtime pay for hours worked in excess of forty (40) hours in a designated work week. Exempt employees are not eligible for cash payment of any administrative leave at any time during their employment nor upon termination of employment.

FULL-TIME EMPLOYEE

A full-time employee is an employee whose authorized, budgeted work schedule is forty (40) hours or more per week.

HOURS OF WORK

Hours of work refers to the shift an employee is scheduled to work in any 24-hour period.

IMMEDIATE FAMILY

Immediate family refers to spouse, and the following biological, adoptive, or "step" relatives: child (ren), spouse of child (ren), parents, brothers, sisters, grandparents, and grandchild (ren) of both the employee and the employee's spouse.

MAY

The word "may" shall be interpreted as permissive.

NON-EXEMPT EMPLOYEE

In accordance with the provisions of the Fair Labor Standards Act, "hourly" employees are deemed "non-exempt" and are entitled to overtime pay at the rate of one-and-one-half (1 ½) times their regular hourly rate for hours worked in excess of forty (40) hours of **worked** time in any designated work week.

NON-PROBATIONARY EMPLOYEE

A non-probationary employee is an employee who is assigned to an authorized, budgeted position and has satisfactorily completed the designated probationary period for new hires, as indicated on an evaluation completed by the supervisor.

NON-REPRESENTED EMPLOYEE

A non-represented employee is an employee whose position is not governed by a collective bargaining agreement. The terms and conditions of employment for non-represented employees are subject to the provisions of this Personnel Policy Manual, as amended from time to time.

OVERTIME PAY

Overtime pay refers to the premium compensation paid at a time-and-one-half rate for work performed in excess of the established work week or tour of duty, as defined in the Fair Labor Standards Act, and as provided herein and in applicable collective bargaining agreements. For the purpose of computing overtime, non-worked hours, such as vacation, sick, holiday, bereavement leave, and all other paid and unpaid leave, do not count as time worked.

PART-TIME EMPLOYEE

A regular status part-time employee (not temporary or seasonal) is an employee whose authorized, budgeted work schedule is less than forty hours per week. A part-time employee is

eligible for holiday pay, bereavement leave, vacation and sick leave, with the accrual rate prorated based upon the part-time employee's authorized work schedule. ~~Part-time employees are not eligible for holiday pay or bereavement leave.~~

Part-time employees are not eligible to participate in the group health, dental, vision, life, and short-term/long-term disability insurance programs. The respective insurance policies specify the authorized work schedule hours required for participation eligibility.

Part-time employees are eligible for overtime pay **only** when they have worked more than forty hours in a scheduled work week.

PROMOTION

Appointment of an employee to a position with a higher pay rate.

PROBATIONARY EMPLOYEE/PROBATIONARY PERIOD

A probationary employee is one who has not yet successfully completed the probationary period. ~~The initial (new hire) probationary period for employees covered by this Personnel Policy Manual is six months.~~

RECLASSIFICATION

A change in the classification of an existing position based on significant changes in assigned duties, responsibilities, level of difficulty, etc.

REGULAR STATUS EMPLOYEE

A regular status employee is a full-time or part-time employee who is not in his/her initial new hire probationary period and is in a budgeted, authorized position. Temporary, seasonal, and probationary (new hire) employees are not considered regular status employees.

REPRESENTED EMPLOYEE

A represented employee is an employee whose position and terms and conditions of employment are governed by a collective bargaining agreement.

SHALL

The word "shall" shall be interpreted as mandatory.

TEMPORARY or SEASONAL EMPLOYEE

A temporary or seasonal employee is an employee who is either employed through the City payroll or leased from a temporary agency for a specific period of time, normally not to exceed nine months. Temporary/seasonal employees may work on either a part-time or full-time basis. Temporary/seasonal employees include office or professional staff and casual laborers who work as required intermittently when there are specific tasks to be performed; and student/intern employees (bona fide students in an accredited educational or vocational program) who perform services for the City in a temporary position reserved solely for students.

Temporary/seasonal employees are not eligible to participate in any of the following fringe benefits: health, dental, vision, or life insurance; short-term/long-term disability insurance; vacation; sick/personal/holiday/bereavement leave; or retirement plan.

The terms and conditions for temporary workers provided by an employment agency, with which the City has a contract, are governed solely by the provisions of the agency's service agreement. All requests for temporary employees must be submitted to the Mayor, who must authorize all temporary assignments and who handles subsequent coordination/processing.

TERMINATION OR LEAVE OF ABSENCE DATES

The effective date of termination (voluntary, involuntary, or failure to return from an approved leave of absence) shall be the last day worked or the last day for which pay was received. The start date of an unpaid leave of absence shall be the date following the last day worked or the last day for which pay was received.

USE OF PRONOUNS "HE," "HIM," AND "HIS"

The use of the pronouns "he," "him," and "his" in this Personnel Policy Manual shall also refer to similar pronouns of the feminine gender unless otherwise qualified by the context.

WORK DAYS

The term "work days" generally refers to the 5-day period, Monday through Friday, except where 7-day/week and/or 24 hours/day operations, or other schedules, apply.

WORK DAY/SHIFT

Work day/shift refers to the number of hours regularly scheduled to be worked in one 24-hour period.

WORK PERIOD/TOUR OF DUTY

The specific, recurring interval of time declared by the employer in which hours worked are counted for the purpose of computing overtime, in accordance with the Fair Labor Standards Act.

WORK WEEK

Work week refers to the number of hours regularly scheduled to be worked during the designated work week. The City has established the designated work week to be Sunday through Saturday. This established work week is set forth on the City of Edgewood Time Sheet for the purpose of determining overtime in accordance with the Fair Labor Standards Act.

IV. COMPENSATION

Section 1. ADMINISTRATION OF EMPLOYEE COMPENSATION

Employee compensation is based upon the differences among positions and is intended to provide employees incentive, and to reward employees for performance. Employees will be paid in accordance with the compensation rates appropriate and competitive for the position classification to which assigned.

The Mayor shall have responsibility for the uniform and consistent administration of the employee compensation, including approval for all hiring rates, salary adjustments, and other payroll changes in accordance with the provisions of this policy manual and/or pursuant to the Charter and any existing code.

Section 2. PAY RATE UPON INITIAL HIRE

The pay rate at time of appointment to any position will be competitive with wage and salary levels for similar positions in other public agencies in the City of Edgewood's relevant work area. All salary offers, in conjunction with offers of employment, including in-house promotions, demotions, and transfers, are made by the Mayor with approval by the City Council ~~or City Council~~.

The ~~Mayor or~~ City Council will have the authority to establish the pay rate of a Department ~~Director~~ Supervisor upon appointment or promotion commensurate with the responsibilities of the position and competitive with other public agencies.

Section 3. PAY RATE AFTER LEAVE OF ABSENCE AND RECALL

If an employee is reinstated to the same or comparable position after an approved Military or Family and Medical Leave of Absence or by recall (within one year following the date of layoff), the pay rate upon reinstatement ~~will~~ shall be the same rate as was in effect at the time of departure, ~~or a higher rate if an authorized general salary increase occurred during the leave period or, to the extent allowed by law, a rate commensurate with global adjustments to City employee salaries that occurred during the absence.~~

Section 4. PAY RATE UPON REHIRE

If a former employee who left the City in good standing is rehired within six months in the same or comparable position, the employee's pay rate may but is not required to be the same rate of pay as was in effect at the time of the employee's departure, with the approval of the Mayor or City Council. The date of rehire shall become the employee's new anniversary date.

Section 5. PAY RATE UPON TRANSFER OR RECLASSIFICATION

If an employee is laterally transferred or reclassified (no change in the level of difficulty/responsibility of position), his/her pay rate ~~will~~ may remain the same.

Section 6. PAY RATE UPON PROMOTION

When an employee is promoted to a position vacancy with a higher level of difficulty/responsibility, his/her pay rate ~~will~~ may be increased as determined by the Mayor or City Council.

The pay rate of an employee promoted to a position as Department ~~Director~~ Supervisor shall be determined by the Mayor ~~or~~ with approval of the City Council commensurate with the responsibilities of the position and competitive with other public agencies.

Section 7. PAY RATE UPON DEMOTION

When an employee is demoted voluntarily, the pay rate will be decreased so that his/her salary is not higher than other incumbents in the same classification with the same or greater tenure with the City. In the case of the demotion for cause, organizational/administrative reasons, or for purposes of an accommodation, the pay rate will not necessarily be decreased in the manner described above for a voluntary demotion. The salary reduction for an involuntary demotion will be determined by the Mayor ~~or City Council~~ based upon the circumstances.

Section 8. ADVANCEMENT IN COMPENSATION

Advancement in compensation is in accordance with the guidelines issued by the Mayor ~~or City Council~~ in conjunction with the direction of City Council through the annual budget process.

Section 9. PAY UPON SEPARATION

An employee who separates from the City will receive his/her final paycheck on the next regularly scheduled payday following the date of separation. Final paychecks shall include payment for any unused leave which may be due the employee as provided in these policies. Any monies owed to the City will be deducted from the final paycheck.

Section 10. WAGES DUE TO A DECEASED EMPLOYEE

In the event of the death of an employee, his/her named beneficiary shall receive all wages, including leave benefits, which may be due the employee. Any monies owed to the City will be deducted from this paycheck. This payment will be processed through the payroll system.

~~Section 11. OTHER SALARY INCREASES~~

~~The Mayor or City Council may grant salary adjustments, as deemed necessary, for purposes of equity or as determined to be in the best interest of the City.~~

~~Section 12~~ **11. OTHER COMPENSATION/BENEFIT PROGRAMS**

Depending upon employee status (i.e., full-time, part-time, represented, non-represented, etc.), the following types of compensation and/or benefit programs may be authorized:

- Employee and Dependent Health, Dental, Vision and Life Insurance.
- Short-term/Long-term Disability Insurance.
- Internal Revenue Code Section 125 (Cafeteria) Plan.
- Retirement Plan.
- Educational Assistance.
- Uniforms or Clothing Allowance.
- Certification/Incentive Pay Programs

~~Section 13.12. CERTIFICATION/INCENTIVE PAY PROGRAMS~~

Certified Police Department employees that are subject to these Policies are eligible for educational incentive monies, in accordance with the provisions of Florida Statutes, Section 943.22. Incentive payments are in accordance with the eligibility criteria and limits outlined in the statute; these payments are included in each paycheck.

~~Section 14~~ **13. EMPLOYEE PAYCHECKS**

City employees receive their paychecks on a bi-weekly basis. It is each employee's responsibility to review his/her paycheck for accuracy and to report promptly any discrepancies to the Department Head Supervisor or Mayor. Employees are discouraged from comparing their paychecks with the paychecks of other employees, as misunderstandings may arise because of the many differences that exist based upon hours worked, overtime, leave taken, tax deductions, benefit program deductions, etc.

A. MANDATORY AND VOLUNTARY DEDUCTIONS

1. The City is **required** by law to make the following **mandatory deductions** from each employee's paycheck:

FICA (Federal Insurance Contribution Act) and **OASDI** (Old-Age, Survivors, and Disability Insurance): commonly called Social Security, are legally established percentages of salary up to a certain dollar amount of salary earned in a calendar year.

Federal Income Tax (Withholding tax): the amount deducted is based on annual earnings and the number of exemptions claimed.

Internal Revenue Service (IRS) levy, child support/alimony payments pursuant to an Income Deduction Order, or other statutorily required deductions (e.g., reimbursement of a student loan to the State of Florida).

2. The City of Edgewood will make any of the following **voluntary deductions** for specific programs from employee paychecks provided the employee submits written authorization for each deduction:

- Additional withholding tax.
- ~~Labor union dues for certified bargaining units.~~
- Health, dental, vision, and life insurance.
- Other voluntary insurances offered by the City.
- Deferred compensation program contributions.

Voluntary deductions such as lien assessments or alimony/child support deduction submitted by the employee rather than via the Clerk of the Court, etc., for the convenience of employee's personal debts/obligations, are prohibited.

B. ISSUANCE OF PAYCHECKS

Employee paychecks are released by their Department and will be released only to the employee. If an employee is not available to receive his/her paycheck, he/she must submit a written statement authorizing its release to a person designated in the statement or contact the City to request that the City mail his/her paycheck.

Paychecks are may be issued by direct deposit/payroll deduction deposits to approved institutions.

SECTION 15.14. LONGEVITY PAYMENT

An annual longevity payment based on years of continuous service will be paid to current employees. Payment of the longevity sum shall be made annually on the first pay period in December. The following schedule of payment will be used to calculate the longevity payment for full time employees for their years of service provided as full time employees:

Longevity Payment Schedule:

<u>Years of Service</u>	<u>Amount</u>
1 to less than 3 years	\$200
3 years to less than 5 years	\$400
5 years to less than 7 years	\$800
7 years to less than 9 years	\$1,000
9 years to less than 10 years	\$1,200
10 years to less than 12 years	\$1,400
12 years to less than 14 years	\$1,600
14 years or more	\$1,800

The longevity payment for part time employees shall be calculated by taking the amount such employee would be due for the years of service as shown above and multiplying that number by the number of regular hours per week scheduled for such employee divided by 40.

An employee who changes status from part time to full time or full time to part time shall be paid a longevity payment calculated based solely on the employees current status; however years of service in the prior classification shall be included when calculating the longevity payment.

V. RECRUITMENT, APPLICATIONS, AND EMPLOYMENT

Section 1. RECRUITMENT

- A. When a vacancy occurs in a budgeted position or there is need for a seasonal/temporary employee, the Mayor will initiate the recruitment process. In the event the Mayor fails to initiate the recruitment process within a reasonable time, as determined by the City Council, the City Council may initiate the recruitment process.
- B. The Department will prepare recruiting notices to publicize vacancies/solicit candidate applications. Job notices may be announced using a variety of media sources, including, but not limited to, the City's website, departmental bulletin boards; and/or newspaper/professional journals/internet job listings. Job notices shall include all statements required by law, including Equal Employment Opportunity statements. The decision regarding the means by which a position is advertised is based on the availability of funding for advertising, the criticality of need to fill the position, input and approval of the Department ~~Director~~ Supervisor and Mayor.

If it is deemed necessary to secure the services of an employment agency or professional recruiter to fill a key management/professional position, the ~~Mayor~~ City Council must approve the such services, and the Mayor shall ensure that the employment agency or professional recruiter is retained in accordance with City policy, and the Mayor shall will serve as liaison in this regard.

- C. Job vacancy announcements shall include the following information: position title, salary information, application procedure/closing date, minimum qualifications' requirements, special/qualifying test requirements, federal/state requirements (e.g., equal employment opportunity statement, Veterans' Preference exemption, if applicable, drug-testing, etc.).
- D. In the event a position vacancy announcement is canceled or postponed after publication, each candidate who submitted an application shall receive written notification from the City advising of the postponement or cancellation.
- E. ~~The Mayor may appoint Department Directors and waive advertising for such positions.~~

Section 2. EMPLOYMENT APPLICATIONS

A. FILING OF APPLICATIONS

1. Applications are accepted by the City ~~Monday through Friday from 9:00 a.m. to 4:00 p.m.~~ during the City's regular business hours.
2. No individual will be denied the right to file an application for employment in any job classification in the City.

B. REJECTION OF APPLICATIONS

The City may reject or remove from consideration any application, or applicant, when it has been determined that any of the following apply:

1. The application was not received on or before the closing date established for receiving applications.
2. The applicant lacks any of the required qualifications set forth in the position vacancy announcement.
3. The applicant falsified or failed to complete the Employment Application.
4. The applicant has been convicted of a felony which was related to or has bearing on the employment sought.
5. The applicant was previously employed by the City and was dismissed for cause, did not resign in good standing, or is otherwise ineligible for re-employment.
6. The applicant previously applied for a position and failed a drug test within the past six months.
7. Other reasons which the City deems appropriate for a particular position.

Section 3. INTERVIEWS AND BASIS OF EMPLOYMENT

The City will interview only qualified applicants for position vacancies. The ~~manager/supervisor~~ Department Supervisor to whom the position reports is responsible for scheduling interviews, interviewing qualified candidates, and selecting the candidate who best matches the position requirements. In making this determination, the ~~manager/supervisor~~ Department Supervisor shall consider the candidates' merit and ability, as evidenced by training, education, experience, certification, skills, etc., based on valid minimum standards/requirements required by the position. Additionally, Veterans' Preference requirements shall apply in this process. The City Council shall be responsible for conducting interviews of qualified applicants for Department Supervisor vacancies based on recommendations made by the Mayor.

Section 4. CANDIDATE NOTICE

Each candidate who is interviewed will be provided with an appropriate notice from the City at the conclusion of the process. The candidate who is selected will receive notice of his/her selection for the position; those candidates not selected will receive written notice of non-selection.

Section 5. EMPLOYMENT PROCESS

Upon reaching a decision regarding the recommended candidate for an open position, the Department Director Supervisor shall initiate the following steps:

- A. Issues a written conditional offer of employment to the selected candidate specifying the position to which hired, salary, etc., and notice that final employment is contingent upon successful completion of post-offer of employment examination(s) and background checks as described below:
1. Post-offer of employment examinations, which may include physical, psychological, and/or polygraph examination, and drug and alcohol screening, based on position requirements.
 2. Comprehensive/background investigations, including verification of previous employment, driving record checks, police records checks, and other investigations as deemed necessary, based on position requirements.
- B. After the candidate signs the conditional offer of employment, the Department Director Supervisor shall initiate the following actions:
1. Conducts a comprehensive background check of the candidate. A candidate who has falsified information on the Employment Application or whose background, references, work history, driving record, etc., are not verified will not be hired.
 2. Makes arrangements for post-offer of employment examinations. The purpose of the examination is to certify the fitness and ability of the applicant selected to perform the essential functions of the position. Examinations will be performed by an officially designated medical authority/facility.
 3. Schedules the candidate (full-time, part-time, seasonal, temporary) for testing for the presence of controlled substances, narcotic drugs, and alcohol as part of the post-offer of employment physical examination. A candidate with a "positive" drug screen result will not be hired.
- C. The Mayor/Department Director Supervisor shall issues a written offer of employment to the selected candidate, conditioned upon City Council

approval, provided all examination and background investigation results are satisfactory, establishes the date of hire and schedules the employee's orientation.

Section 6. EMPLOYEE ORIENTATION/NEW HIRE PROCESSING

- A. The City conducts new hire processing and orientation for new employees prior to the first day of employment. These programs include:
- completion of all required employment forms and submittal of verification of age, education, military service, citizen status, as applicable.
 - information regarding position status: exempt, non-exempt; represented by a bargaining unit or non-represented, etc.
 - explanation of the salary and fringe benefit programs for the employee's position.
 - review of rules and regulations, policies and procedures, and standards of conduct; completion of all forms/documents required by statute, City policy, and benefit programs for employment purposes.
 - certain safety information as required by City policy and/ or statutory regulations.
 - receipt of City identification badge or other related security information.
 - general overview of the municipal organization.
- B. Each new employee receives various manuals/brochures for use as a general guide to the City's policies, procedures, employee benefits, and standards of conduct. Each new employee shall sign an acknowledgement that they have read this Personnel Policy Manual and said acknowledgement shall be maintained in the employee's personnel file.
- C. It is the responsibility of each department/division to inform a new employee of City and departmental policies and procedures as well as to train the employee regarding duties and responsibilities.
- D. The City will periodically conduct meetings regarding City benefit programs and will issue policy updates as necessary.

Section 7. EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

- A. The City of Edgewood is morally and ethically committed to a policy of fairness and equity for all employees, in order to afford every employee the opportunity to achieve maximum potential as an employee.

The City recognizes the value of diversity and is committed to continue to recruit, hire, and promote persons in all position classifications without regard to race, color, religious creed, national origin, ancestry, age, gender, family status (except as limited by Florida Statutes governing nepotism), or a disability which does not preclude the performance of the essential functions of the position, with reasonable accommodation(s) provided as necessary. Position standards will impose only valid educational, experience, and physical requirements which are necessary in order to perform the essential functions of the position.

All employee actions, such as compensation, benefits, transfers, layoffs, return from layoffs, City-sponsored training, education, social, and recreational programs will be administered without regard to race, color, religious creed, national origin, ancestry, age, gender, family status, or disability.

- B. Disabled persons shall be given equal and fair consideration for employment or promotion, in accordance with the provisions of the Americans with Disabilities Act (ADA), in positions where the disability does not interfere with the performance of essential requirements of the position, as defined in the position description. Disability is defined as a condition which "substantially limits one or more major life activities; e.g., caring for oneself, performing manual tasks, talking, seeing, hearing, speaking, learning, and working."

Section 8. VETERANS' PREFERENCE

- A. In accordance with the provisions of Florida Statutes, Section 295, veterans and spouses of veterans who meet certain criteria are eligible for preference in employment or promotion provided the veteran or spouse possesses the minimum qualifications of the position as outlined in the position description. Such preference does not preclude the hiring of a non-veteran who is more qualified than a veteran.
- B. Veterans' employment preference expires following employment/promotion in a position with any public employer in the State of Florida for which Veterans' Preference was utilized (i.e., Veterans' Preference can only be used one time).
- C. The following positions in public agencies are exempt from Veterans' Preference:
- Elected officials and personal secretary of such officials.
 - Members of Boards and Commissions.
 - Temporary employees without benefits.
 - Department ~~Directors~~ Supervisors.

The position vacancy announcements for such City of Edgewood positions will state that the position is exempt from Veterans' Preference.

VI. CODE OF CONDUCT

Section 1. STANDARDS OF CONDUCT AND CODE OF ETHICS

The City of Edgewood is committed to serve the public with the highest standards and ideals of public service. Therefore, City employees and officials recognize their responsibility to serve the public with respect, concern, courtesy, and responsiveness, and to provide a safe, pleasant environment for employees and the public.

Each employee is a "good-will ambassador" whose duty it is to provide service in a manner to ensure the public will maintain confidence in the City and a favorable impression of its programs and policies.

Employees shall maintain a high standard of ethical conduct in which their behavior, including the appearance of their behavior, is beyond reproach. Accordingly, employees must avoid placing themselves in situations that create, or have the appearance of creating, a conflict of interest with their positions as public employees. City employees are expected to conform to the code of ethics outlined in Florida Statutes, Chapter 112, for public employees and as outlined in this Personnel Policy Manual.

Employees shall not provide to anyone any information (other than public information) that was obtained as a result of employment with the City in order to gain personal advantage for themselves or another. This rule shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit using or providing information that would place the employee or the recipient in a position of advantage over the general public, and thereby constitute a violation of public trust.

An employee who conducts himself/herself in a manner which reflects unfavorably on the City is subject to disciplinary action up to and including termination.

POLICY

This Code of Conduct establishes standards that must be adhered to by each employee of the City of Edgewood.

1. Commit to and practice the ethical obligations inherent in public service. This obligation requires each employee to be aware of the potential ramifications of his/her conduct.
2. Use the authority and resources of the City, which are entrusted to employees, to support and implement the policies and programs adopted by the City Council.
3. Safeguard the ability to make objective, fair, and impartial decisions, avoiding any conduct that might undermine the public trust.
4. Ensure that any anticipated personal action, business endeavor, or contractual relationship complies with applicable statutes or the provisions of this Personnel Policy Manual. If uncertain about the propriety of such action, the employee should submit a written request to the Mayor for review, analysis, and an advisory opinion prior to engaging in the action.
5. All employees shall conduct themselves according to the following:

- a) Employees shall not act in any manner that may discredit the City, public officials, fellow employees, or themselves; however, employees shall have the right to report fraud, waste or abuse. The rights of employees outlined in "whistleblower legislation" shall be honored and respected.
- b) Employees shall avoid any conduct or speech that is subversive to good order and discipline. Employees shall treat each other and the public with courtesy and respect, and refrain from making any derogatory or demeaning remarks concerning one another.
- c) Sexual, gender, racial, or religious harassment or discrimination shall not be tolerated.
- d) Employees shall avoid conduct and speech which unjustly or maliciously criticizes City departments, divisions, offices, officers, employees, or the policies, programs, or actions of the City, or ridicules or interferes with the reasonable supervision or proper discipline of personnel.
- e) Employees shall not discuss with citizens or interested parties, with the intent of influencing opinion, the merits of issues, candidates or matters to be taken up by and resolved by the City Council, referenda, or elections; discuss confidential information; engage in solicitation from citizens or others in action relation to the administration of the City; e.g., annexation, petition, etc., except as may be authorized in writing by the Mayor or Council President. Violations may result in dismissal from employment.

Section 2. CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

The City of Edgewood is considered the primary employer for City employees. No employee of the City of Edgewood shall participate in any employment or business relationship that will create a conflict of interest with the performance of his/her responsibilities as a City employee, as outlined in Florida Statutes, Section 112.313. Employees may accept, have, or hold any employment or contractual relationship that does not constitute a conflict of interest; violate any applicable statutes; violate the provisions of this Manual; and is otherwise consistent with these policies. Employees may not conduct or receive any business documents relating to outside employment or business ventures at City offices during their normal work hours.

Employees who participate in approving, recommending or preparing any part of a purchase or procurement request; influence the content of any specification or procurement standard; or render advice, investigate, audit or act in any other advisory capacity in the procurement process may not work for a person or entity seeking to provide or providing contractual services to the City.

Employees acting in their official capacities shall not, directly or indirectly, procure contractual services for the City or substantially participate in the procurement of contractual services for the City from any business entity in which a relative, as defined by Florida Statutes Chapter 112.312, is an officer, partner, director, or owner or in which such member or his/her spouse, child, or any combination thereof has a material interest.

Employees are responsible for disclosing to their immediate supervisor whenever a family member is employed in any capacity in an organization or business entity which is being considered or has been approved to provide goods or services to the City of Edgewood, in cases in which the employee will participate through decision, approval, disapproval, recommendation, or preparation of any part of a purchase request by influencing the content of any specification or procurement standard; by the rendering of advice; by investigation; by auditing or by participating in any other advisory capacity in the procurement of contractual services or commodities.

Employees shall not use or attempt to use their positions or any City property or resource entrusted to them in an effort to obtain a special privilege, gain or benefit for themselves or others.

An employee may engage in paid employment with an employer other than the City. Upon accepting any outside employment an employee shall promptly advise his or her supervisor of such outside employment and the employee's expected work schedule with the outside employer.

No employee shall be permitted to perform outside employment which would violate any provision of State law or this Manual, or would present a conflict of interest, real or perceived, when viewed in the context of the employee's position with the City. The non-existence, existence, or perception of a conflict of interest shall be determined by the Department Supervisor ~~Director~~ with the concurrence of the Mayor, and, if necessary, by review of the City Attorney.

An employee's outside employment shall not interfere with the employee's effectiveness in his/her City position or impede, be inconsistent with, or adversely affect the performance of his/her City employment.

Employees governed by these Policies shall not use any equipment, supplies, facilities, vehicles, uniforms, or other property of the City to pursue or engage in outside employment. This prohibition shall include, but not be limited to, the City telephone service, photocopy machines, facsimile machines, etc.

Section 3. CONFLICT OF INTEREST REGARDING CONTRACTED CITY WORK AND/OR PURCHASE OF PROPERTY, MATERIALS OR SUPPLIES

1. Employees are prohibited from seeking business with, or submitting bids to, the City or having a material interest in any entity which seeks business with or submits bids to the City.
2. The term "material interest" is defined in Section 112.312, Florida Statutes as no direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity, but indirect ownership does not include ownership by a spouse or a minor child of the employee.
3. Employees and entities in which they own a material interest may bid on surplus City property.

Section 4. DISCLOSURE OF INFORMATION

1. Employees shall not, in order to gain any personal advantage for themselves or for another, use or furnish any information to anyone which is not available to the public generally, and which was obtained as a result of City employment. This policy does not limit, hinder, or prevent the release or use of information in performing official duties.
2. Confidential or legally sensitive information obtained in the course of official duties shall not be released except by those employees specifically charged with this responsibility; provided, however, that it is the policy of the City to comply with the laws of the State of Florida relating to public records.

Section 5. SOLICITATION/ACCEPTANCE OF GIFTS, GRATUITIES, BENEFITS, OR THINGS OF VALUE AND PROMOTING PRIVATE BUSINESSES

1. Employees shall not solicit or accept any gift, either directly or indirectly, from any person or entity doing business with, regulated by, or seeking to do business with the City, or from the agent or lobbyist of any such person or entity. Employees who have questions in this regard should request an advisory opinion from their Department Supervisor ~~Director~~ or the Mayor, who may, in turn, seek a legal opinion.
2. The term "gift" means any gratuity, benefit, or any other thing which is accepted by, or given to an employee or another person on the employee's behalf, either directly or indirectly, and includes by way of illustration and not limitation, the following:
 - a) Real property and/or the use thereof;
 - b) Tangible or intangible personal property (as defined in Section 192.001, Florida Statutes) and/or the use thereof;
 - c) A preferential rate or terms on a debt, loan, goods, or services that is neither a government rate available to all other similarly situated government members or officials, or a rate which is available to similarly situated members of the public.
 - d) Forgiveness of an indebtedness;
 - e) Transportation, lodging, or parking unless on City business and the provision of same is disclosed on a travel voucher;
 - f) Food or beverage for employee;
 - g) Membership dues;
 - h) Entrance fees, admission fees, or tickets to events, performances, or facilities;
 - i) Services provided by persons pursuant to a professional license or certificate;

- j) Other personal services for which a fee is normally charged by the person providing the services; and
 - k) Any and all other similar goods or services having value not already provided for in this definition.
3. The term "gift" does not include:
- a) Salaries, benefits, services, fees, commissions, or expenses associated with the employee's employment;
 - b) Contributions or expenditures reported pursuant to Chapter 106, Florida Statutes; campaign-related personal services provided without compensation by volunteers or any other contribution or expenditure by a political party; however, each employee must first receive approval to run for office in accordance with the provisions of this Manual;
 - c) An honorarium or an expense related to an honorarium event paid to individuals and/or family members; however, disclosure of same shall be made, in writing, to the Mayor.
 - d) An award, plaque, certificate, or similar personalized item given in recognition of the employee's public, civic, charitable, or professional service;
 - e) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;
 - f) The lawfully permitted use of a public facility or public property for an authorized and approved public purpose;
 - g) Candy, food products, or plants which are generally distributed during holidays as an act of courtesy or benevolence; however, such items shall be placed in an area which allows and encourages all employees and the public to partake of such items;
 - h) Office supplies such as calendars, pens, pencils, or address books of nominal value, which are distributed generally to employees; and
 - i) Discounts offered to all employees (e.g., theme park discount cards).
4. Exceptions Regarding Gifts
- a) When an employee's duties and responsibilities include attendance (such as a speaker or program participant) at business, industry or public luncheons or dinner meetings with public, industry, or business committees, organizations, or associations and these meetings are related to City business, employees may participate. When a meal is provided at the function, the employee is authorized to accept the meal.

- b) Employees authorized to attend meetings, seminars, conventions, etc., sponsored by professional organizations are free to participate in the social functions that are part of the meetings or sanctioned by the host.
 - c) It may be appropriate for employees to attend social functions sponsored by members of an industry, business, or profession for a broad spectrum of community groups (such as legislators, businesspersons, and local officials). However, in deciding to attend such functions, employees should be careful to avoid any appearance of impropriety.
5. Employees are prohibited from promoting private businesses while on City time and from engaging in political activity, on behalf of themselves or others while on City time.

In the event that a gift, other than for general consumption, is received by mail or "dropped off" for an individual employee, the employee shall notify the Department Supervisor ~~Director~~ or Mayor immediately upon becoming aware of the gift. The Department Supervisor ~~Director~~ or Mayor will advise the employee as to the disposition of the gift.

Section 6. BRIBERY

- 1. An attempt to bribe an employee is a flagrant attack on the integrity of the City and all of its employees. A bribery attempt occurs when an offer is made to give anything of value to an employee with the intention that the employee will do something or fail to do something relating to the performance of the employee's duties. Whether the action or inaction would have taken place anyway is not pertinent to whether a bribery attempt has occurred.
- 2. Bribery offers are often made subtly rather than in direct fashion. Employees must be perceptive and alert to solicitations to accept gifts of money or anything else of value in return for acts or omissions involving their official functions and shall promptly report suspicious offers in order that the facts can be evaluated and investigations initiated when required. Any employee who has reasonable grounds for believing that a bribery attempt has occurred or will occur shall:
 - a) Immediately report the matter to his/her Department Supervisor ~~Director~~; and
 - b) Cooperate fully in any investigations.

Section 7. ADDITIONAL ETHICAL CONDUCT REQUIREMENTS FOR EMPLOYEES WITH REGULATORY RESPONSIBILITIES

- 1. The following definitions shall apply for the purposes of this Section:
 - a) The term "regulatory responsibilities" means duties or responsibilities assigned to an employee which involve:

- i) The direct responsibility for determination of whether or not an entity or the property of an entity is in compliance with Federal, State or local statutes, ordinances, laws, rules, or regulations, or for determinations or recommendations as to whether any license, authority to conduct business, or other certificate of authority issued by the City should be issued to an entity, be revoked, be canceled, or be suspended; or
 - ii) Direct responsibility for the approval of purchases by the City from an entity.
 - b) The term "entity" for the purposes of this Section means any individual, partnership, association, corporation (profit or non-profit), utility, or other organization, whether public or private, doing business with or subject to regulation by the City.
2. Each employee exercising regulatory responsibility shall, within five working days of making application for employment with a person or entities doing business with or subject to the regulation by the City, report to his/her Department Supervisor ~~Director~~, in writing, that such application has been made. The term "application" means a verbal or written communication whereby an employee seeks employment or for a contractual relationship for remuneration.
 3. Each employee exercising regulatory responsibility who receives an offer of employment or an offer for a contractual relationship for remuneration from any person or entity doing business with or subject to the regulation by the City shall report such offer, in writing, to his/her Department Supervisor ~~Director~~ within five working days of receipt of such offer. The term "offer" means a verbal or written communication in which a person or entity states an interest in retaining or employing the employee.
 4. Any employee exercising regulatory responsibility who has or who obtains a financial interest in an entity doing business with or subject to the regulation by the City shall report such fact to the appropriate Department Supervisor ~~Director~~ within five working days of the acquisition of such financial interest. The term "financial interest", for the purpose of this Section, means any arrangement whereby an employee acquires an ownership or material interest, or the right to acquire an ownership or material interest, in an entity.

Section 8. ADDITIONAL ETHICAL CONDUCT REQUIREMENTS FOR REPORTING INDIVIDUALS AND PROCUREMENT EMPLOYEES

1. As used in this Section:

The term "reporting individual" means any employee who is required by law, pursuant to Section 112.3145, Florida Statutes, to file full or limited public disclosure of his/her financial interests (financial disclosure).

2. A reporting individual shall report the receipt of expenses relating to any honorarium event from a political committee or committee of continuous existence, as defined in

Section 106.011, Florida Statutes, from a lobbyist who lobbies the City directly or indirectly, or from the partner, firm, employer, or principal of such lobbyist.

Section 9. POLITICAL ACTIVITY/PARTICIPATION

The City of Edgewood recognizes the citizen rights of its employees; however, no employee is permitted to engage in political activity which would conflict with his/her employment with the City. Outlined below are the rules applying to political participation.

1. Employees may participate in political activities so long as such participation is **not** on City time, premises, property, vehicles, or in a City uniform.
2. If employees seek to qualify, run, and/or hold a political office, whether elected or appointed, they must first submit notification, in writing, to the Department ~~Supervisor~~ Director. The Department ~~Supervisor~~ Director and the Mayor shall jointly evaluate the request, identifying any potential conflict of interest or potential impairment of work efficiency. The Mayor shall make the final decision. If the Mayor determines that the office sought does not constitute a conflict of interest or impair the employee's work efficiency, the following shall apply:
 - a) The employee may request paid time off, administrative leave, or leave without pay for campaign purposes.
 - b) If elected, the employee may retain his/her position if the Mayor has determined that the position to which elected does not conflict with City employment.
3. If the employee's request is not approved, the employee may either resign his/her City position or choose not to qualify and run for office.

The Mayor may designate an escort to accompany candidates through City facilities for the purpose of introduction, with minimal disruption to City operations. Each employee is required to use his/her best judgment in determining when other political participation may conflict with the performance of his/her duties. It is the intent of this section to permit meaningful, constructive political participation, but not in those areas where the effectiveness of the employee or the City organization as a whole would be harmed.

Section 10. EMPLOYMENT OF RELATIVES (NEPOTISM POLICY)

A. PURPOSE

The purpose of this regulation is to restrict the employment of relatives within City departments and to prohibit preferential treatment or favoritism which such relationships may cause.

B. POLICY

In accordance with Florida Statutes, Section 112.31, the City policy regarding employment of relatives is as follows:

A City employee may not appoint, employ, promote, or advance, nor advocate for appointment, employment, promotion, or advancement in or to a position in the department/division in which he/she is serving or over which he/she exercises jurisdiction or control, any individual who is a relative of the City employee. An individual may not be appointed, employed, promoted, or advanced in or to a position in a department/division if such appointment, employment, promotion, or advancement has been advocated by a City employee, serving in or exercising jurisdiction or control over the department/division, who is a relative of the individual.

All persons currently employed by the City who have existing relationships, which would otherwise prevent their employment by the City, are not affected by the above prohibition.

All employees who are protected by the exception above are subject to the following restrictions and conditions on their continued employment:

1. If any of the relatives are not presently in the same department or division, no such transfer to the same department or division shall take place in the future.
2. If any of the relatives are subject to promotion or advancement, or a raise in pay or status other than cost-of-living/general increases, the Mayor reserves the right to evaluate the proposed changes to ensure that there was no influence on the part of a relative before the promotion, advancement, or raise becomes effective.

If two City employees change their relationship by marriage, adoption, or other means, so as to come in conflict with the employment prohibitions of this article, the restrictions and conditions outlined above apply.

Any variance to this policy requires the approval/authorization of the Mayor.

C. DEFINITIONS

For the purposes of this section, the following definitions apply:

1. **Public Official** means an officer, or employee of a department who is vested with the authority by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals for appointment, employment, promotion, or advancement in connection with employment in the department.
2. **Employee** means every person engaged in any employment of the City under any appointment or contract of hire, expressed or implied, oral or written, for remuneration, including, without limitation, all full-time, part-time, seasonal, regular status, and temporary employees.

3. **Relative** with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, or grandchild.

Section 11. USE OF CITY PROPERTY

1. **General:** The equipment and facilities that are provided for use by City employees are to be used to conduct official City business only. Employees shall not request or permit the use of City-owned vehicles, equipment, material, or property for personal convenience except when such services are expressly authorized in writing by the Department Supervisor or are available to the public generally. Conducting personal business with City equipment/facilities or removing any property/equipment off-site for personal use is prohibited. Employees have no personal privacy rights when using City equipment, facilities, lockers, etc. Employees are not authorized to use personal passwords on City computers or other methods designed to create an expectation of personal privacy when using City equipment or facilities.
2. **Communications Equipment:** The City encourages the full use of the telecommunications systems to provide the best possible service to employees and the citizens of Edgewood, in accordance with the correct and permissible use of the system, as outlined below.

Office equipment used as a basis for telecommunications is described as, but not limited to, telephones, voice mail, facsimile machines, computers (email), and beepers/pagers.

The use of all City telecommunications equipment is limited to legitimate City business purposes. Personal use of telecommunication equipment should be kept to a minimum. Under no circumstances shall City telecommunications equipment be used for any commercial promotional purpose, or to communicate any material of a political, religious, obscene, or derogatory nature.

Both voice and electronic mail are provided for City business communications only. However, incidental and occasional personal use may be permitted. Abuse of this privilege will be subject to disciplinary action.

Management and/or systems administrators may, from time to time, have a requirement to review employee messages for any of the following purposes:

- To retrieve lost messages.

- To recover from system failures or monitor system performance.
- To comply with investigations into suspected criminal acts.
- To ensure that City systems are being used for business purposes only, and in conjunction with City policy.

3. Cellular Telephones

Access to cellular telephones is provided to assigned employees, as authorized by the Department ~~Supervisor Director~~, for the benefit of the City. This access is made available to provide an expanded, more rapid and flexible communications capability. The primary use of assigned cellular telephones is to conduct City business, and allow direct access to employees who are on call twenty-four hours a day, seven days a week. Each employee who is issued a cellular telephone for City business shall adhere to the rules of usage specified by the Department ~~Supervisor Director~~. The following rules regarding cellular telephones apply:

- City employees are discouraged from using a cellular telephone while operating a motor vehicle, except in 911 emergency situations.
- Use of telephone for placing and receiving personal local calls is permitted on an occasional basis. Such calls should be brief to ensure that City telephone lines are available for City business and placed during break periods whenever possible, unless for an emergency.
- Employees are prohibited from charging personal long-distance or toll calls to the City.

4. Examples of Inappropriate Use of City Property

- Use of the City mail system to receive personal mail or use of the City's postage meter for personal mail.
- Use of official letterhead stationery for personal correspondence.
- Use of obscene or profane language on City cellular telephones, computer emails, mobile, or desk unit radios. All communications must be in accordance with the Federal Communications Commission (FCC) guidelines/ regulations.
- "Borrowing" or taking City equipment from City premises for personal use.
- Use of City computers, electronic mail, or on-line services for personal business and use of software that is not owned or licensed by the City. Employees are prohibited from installing software onto City computers, unless directed to do so by the appropriate City official.
- Purchase of computer software/hardware other than through standard City procedures/approval.

The City reserves the right to monitor the use of any City property, equipment, facilities, etc., to ensure compliance with this policy. An employee who uses City property, equipment, or facilities for personal

reasons or personal gain shall be subject to disciplinary action up to and including termination.

5. Use of Official Badge of Authority

No official or employee whose duties involve the use of a City identification card, badge, or clothing insignia as evidence of authority, or for identification purposes, shall permit such card, badge, or insignia to be used or worn by anyone who is not authorized to use or wear same, nor to permit same to be out of his possession without approval of his/her Department ~~Supervisor~~ Director or the Mayor. Such badge, card, or insignia shall be used only in the performance of official duties of the positions to which they relate. Misuse of City badge of authority shall be cause for disciplinary action.

If an employee's City identification card, badge, or clothing insignia is lost or stolen, the employee shall report the loss/theft to his or her supervisor immediately.

6. Use of City Vehicles

Employees must possess and carry a valid Florida Driver's License when operating a City vehicle.

Drivers and/or passengers of City vehicles must wear seat belts while the vehicle is in motion, in accordance with State law.

If an employee is involved in an accident while operating a City vehicle, he/she must notify his/her Supervisor and contact a law enforcement agency immediately. The Supervisor will conduct an accident investigation and may request assistance from the Police Department to conduct the investigation, depending on the circumstances of the accident, or as deemed necessary by the Supervisor. If an employee receives a traffic citation as a result of the accident, payment of the ticket/fine shall be the employee's responsibility.

If an employee whose position requires a driver's license has his/her driver's license suspended or revoked for any reason, it is the employee's responsibility to notify his/her Supervisor as soon as he/she is aware of the suspension/revocation. The Supervisor will review the circumstances involved. The employee may be placed on suspension, with or without pay, pending a review of the circumstances, or arrangements may be made to place the employee in a non-driving capacity depending upon the circumstances of the license suspension/revocation, employee's overall record, and operational requirements. A memorandum outlining the circumstances will be forwarded to the Mayor for concurrence prior to any decision being reached/communicated to the employee.

The City may monitor monthly, quarterly, or annual updates from the State of Florida Department of Highway Safety and Motor Vehicles regarding status of the driver's license of each employee whose job requires possession of a valid Florida Driver's License. If such reports indicate that an employee's license has been suspended/revoked and the employee has failed to notify his/her Supervisor as outlined above, and has operated a City vehicle without a valid driver's license, in violation of this policy and in violation of law, the employee will be subject to disciplinary action, including dismissal.

Individuals who are not employees, vendors, contractors, etc. of the City are allowed as passengers in City vehicles **only** upon prior approval of a Supervisor.

City vehicles are to be used to conduct official City business or as otherwise authorized by an employee's supervisor. Personal errands and/or business are not to be conducted while on City time or while using a City vehicle. However, employees who are authorized a take-home vehicle or a vehicle during work hours are permitted the use of the vehicle for transportation during designated meal periods or work breaks while on duty.

Authorization for an employee to be assigned a take-home vehicle is in accordance with departmental policies and procedures, based on operational considerations, subject to approval of the Department Supervisor ~~Director~~ or Mayor.

Internal Revenue Code regulations govern the taxable or non-taxable status of take-home vehicles.

Failure to comply with this policy will result in disciplinary action, up to and including termination.

7. Employee Responsibility

Each employee who is provided City equipment, tools, supplies, or a vehicle shall exercise reasonable care in the safekeeping, use, and preservation of such City property and shall return the property in the same condition as the property was in when issued, except for normal wear and tear, upon separation from employment or upon request.

Employees shall promptly report, in writing, to their supervisor the loss, damage, or unserviceable condition of City property assigned to him/her or under his/her control. The immediate supervisor shall forward the report to the Department Supervisor ~~Director~~ for appropriate action.

Section 12. COMPLAINTS RECEIVED FROM THE PUBLIC AND INVESTIGATIONS OF COMPLAINTS

Any complaints regarding City services or employees by any citizen which are brought to the attention of any employee of the City shall immediately be relayed, ~~through the Supervisor,~~ to the Department ~~Director~~ Supervisor who shall be responsible to promptly report the Complaint to the ~~or~~ Mayor. The Department ~~Director~~ Supervisor is responsible for advising the Mayor of the complaint so that an investigation can be conducted, as deemed necessary, and appropriate action taken. Investigations resulting from complaints regarding sworn law enforcement personnel shall be conducted in accordance with the provisions of the Police Officers' Bill of Rights, respectively, as outlined in Florida Statutes, and elsewhere in this manual. Any written complaints shall be included in the City Council's agenda packet as an informational item.

Employees shall cooperate in any official investigation, as directed by the Department ~~Director~~ Supervisor/designee. Employees shall be required to appear for interviews, hearings, and/or inquires as directed and shall be required to answer truthfully and fully any questions related to the subject of the investigation.

Section 13. STATEMENTS OF CITY EMPLOYEES TO ATTORNEYS CONCERNING CITY EMPLOYEES/BUSINESS

If a City employee is requested or subpoenaed to make a statement to an attorney or law firm regarding litigation related to the City, the employee shall advise his/her Department ~~Supervisor~~ Director immediately upon receipt of the request/subpoena. The Department ~~Supervisor~~ Director will, in turn, advise the Mayor, who will consult with the City's attorney or insurance company's legal counsel to determine the proper course of actions. Failure to comply with this rule may subject the employee to disciplinary action.

Section 14. COMMUNICATION WITH CITY COUNCIL MEMBERS

Communication between elected City officials and City employees is encouraged. An employee to whom a City Council member directs an inquiry shall include the Mayor as a recipient of any written response to such inquiry and shall file any written response in the City's records.

The Mayor shall be immediately informed of any serious accidents, emergency situations, etc., by Department ~~Supervisors~~ Directors/designees so that the Mayor can, in turn, advise City Council members.

Section 15. DRESS, GROOMING, AND PERSONAL APPEARANCE

Employees of the City shall maintain their dress, grooming, and personal hygiene in accordance with generally accepted contemporary professional standards. The City provides each employee with shirts with the City logo and department to which assigned; employees shall wear these shirts each workday. Employees are expected at all times to present an image appropriate to the work being performed. Reporting to work in soiled or torn clothing is not acceptable. Appropriate personal appearance, like proper maintenance of work area, is an ongoing requirement of employment with the City. ~~Generally, professional business attire will be worn in City Hall and other administrative~~

~~offices Mondays through Thursdays.~~ Department Supervisors shall adopt guidelines for their departments establishing appropriate daily attire. The attire of employees who do not regularly meet the public is to be governed by the requirements of safety and comfort, but should remain as neat and business-like as working conditions permit. Department Supervisors are authorized to require an employee to modify dress or grooming when such dress or grooming would create a safety hazard to the employee or others, disruption in the workplace, or does not comply with the above standards.

~~Fridays (or other days if the last day worked in the week, due to a holiday) are considered casual dress days for employees in business attire Mondays through Thursdays, as outlined above. Casual attire/clothing is expected to meet standards for neatness and cleanliness. Casual attire does not include shorts or tee-shirts.~~

Any employee who does not meet the standards of this policy, or who fails to wear City-issued uniforms when required to do so, will be directed by a Department Supervisor to take corrective action, which may include leaving the workplace. Any work time missed because of failure to comply will not be compensated, and repeated violations of this policy will be cause for disciplinary action.

Section 16. POLICY STATEMENT CONCERNING DISCRIMINATION AND ALL FORMS OF HARASSMENT

- A. All employees have the right to work in an environment free of discrimination and any form of harassment or hostility based on race, religion, color, gender, age, marital/family status, national origin, or disability.
- B. To ensure that no employee is subjected to discrimination, harassment, or hostility, the City also prohibits any offensive physical, written, or spoken conduct regarding any of these subjects, including conduct of a sexual nature. Such conduct may constitute harassment when engaged in by one employee toward another or by someone in the City in a position to influence employment decisions when:
- submission to such conduct is made either expressly or implicitly a condition of the recipient's continued employment; or
 - submission to or rejection of such conduct by the recipient is used as the basis for repeated and unwelcome physical, written, or spoken conduct by either a Supervisor or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive, or offensive working environment.

Employees who engage in such behavior, which is both illegal and in violation of the City's policy, shall be subject to disciplinary action, up to dismissal, and may be personally liable for damages in the event of successful litigation against them.

- C. If an employee believes that he/she is being subjected to any of these forms of harassment or believes he/she is being discriminated against because other employees are receiving favored treatment in exchange, for example, for sexual favors, the employee is encouraged to report such occurrences to a Department ~~Supervisor~~ ~~Director~~ or the Mayor, who has responsibility for administration of this policy. Any complaint will be investigated promptly, under the direction of the Mayor, Department ~~Supervisor~~ ~~Director~~, and/or legal counsel, depending upon the nature of the complaint. Upon the conclusion of the investigation, appropriate action will be taken if it is determined that violations have occurred.
- D. A record of the complaint and the findings will become a part of a complaint investigation record, and the file will be maintained separately from employees' personnel files. Any resulting disciplinary action will become a part of the permanent personnel file of the employee receiving the disciplinary action.
- E. Any person who files a complaint regarding discrimination or harassment will be treated courteously, the problem handled swiftly and confidentially (to the extent practical and to the extent allowed by law), and the filing of a complaint will not be used or held against the employee, nor will it have an adverse impact on his/her employment status. This does not preclude disciplinary action against an employee who knowingly files a false complaint.

At the conclusion of the investigation of a complaint, all records become public records, in accordance with applicable Florida Statutes.

Section 17. POLICY ON DRUGS AND ALCOHOL

The City of Edgewood is committed to providing a drug-free/alcohol-free workplace and a safe work environment for employees, guests, our community, and the public. In order to maintain the highest standards of morale, productivity, and safety in our operations, the City has established the policies and requirements outlined below.

- A. To provide a safe workplace to its employees and preserve the public confidence in the City's ability to provide services and meet its obligations, the use or possession of controlled substances listed in Section 893.03, Florida Statutes, Schedule I is prohibited on and off duty. The use or possession, on or off duty, of controlled substances listed in Section 893.03, Florida Statutes, Schedules II-V is only permitted to the extent the employee possesses a valid and current prescription for such substance written by a licensed doctor. The sale of controlled substances listed in Section 893.03, Florida Statutes, Schedules I-V, is prohibited on and off duty.

For the purpose of this section, "controlled substance" shall be defined as defined in Chapter 893, Florida Statutes.

- 1. Employees are prohibited from possessing, using, distributing, or being under the influence of alcohol while on the job or on City property. City

property includes such areas as parking lots, vehicles, break rooms, and locker rooms, as well as buildings and other facilities.

2. If an employee has knowledge of the use and/or presence of alcohol or prohibited controlled substances in the workplace, he/she should immediately report this information to his or her Supervisor, the Department ~~Supervisor~~ Director, or the Mayor. Reports, complaints, and investigations will be kept confidential to the extent permitted by law.
- C. Sworn law enforcement personnel who are acting within the scope of their employment are permitted to possess prohibited controlled substances for specific job assignments. Such personnel shall be responsible for the accountability and proper disposition of such controlled substances as directed by Police Department rules and statutory regulations.
- D. Employees are required to report the use of over-the-counter medications or prescription drugs to their Supervisor if the medication may impair their ability to perform their jobs; e.g., operating vehicles/equipment, public safety, etc.
- E. The City of Edgewood is a Drug Free Workplace and conducts the following types of drug/alcohol testing:

- **Applicants for Part-Time, Temporary, or Full-Time Positions** who have been made an offer of employment conditioned upon successfully passing an employment screening examination, will be tested for the presence of alcohol and prohibited controlled substances, as part of the post-offer of employment physical examination.

Final employment offers will not be made until the drug/alcohol test has been administered and the results are known. Candidates who test positive for alcohol or prohibited controlled substances will not be hired by the City.

- **Reasonable-Suspicion Testing:** The City may require an employee to undergo testing when there is a reasonable suspicion to believe that the employee has possessed, used, distributed, or been under the influence of prohibited controlled substances or alcohol in violation of this policy. A reasonable suspicion is suspicion which is based on facts derived from the surrounding circumstances from which it is reasonable to infer that further investigation is required. A Supervisor may suspect that an employee is using or is under the influence of prohibited controlled substances or alcohol by observing certain symptoms or behavior, including, but not limited to:

1. Excessive absenteeism or chronic lateness.
2. Drowsiness or sleepiness.
3. Alcohol on breath.
4. Slurred or incoherent speech.
5. Unusually aggressive behavior.
6. Unexplained change in mood.
7. Lack of manual dexterity or coordination.
8. Arrest for drug or alcohol related crime.
9. Trustworthy information received from a third party.

- **On-the-Job Injury/On-the-Job Motor Vehicle Collision**

Testing: Employees who sustain an on-the-job injury which requires referral for professional medical treatment may be required to undergo a Urine Drug Screen at the time medical treatment is administered. Additionally, an alcohol screen may be required, as deemed necessary by the City.

Employees operating a City vehicle involved in a motor vehicle collision will be tested as follows:

Drivers of commercial motor vehicles will undergo a Department of Transportation Urine Drug Screen and a Breathalyzer Test (B.A.T.). Drivers of non-commercial vehicles may be required to undergo a Urine Drug Screen and a Blood Alcohol Test.

All testing will be administered immediately following the motor vehicle collision, or as soon as possible.

- **Testing for Drivers of Commercial Motor Vehicles Involved in Accidents:** Drivers of commercial motor vehicles who are charged with a traffic citation for an accident or who are operating a commercial motor vehicle involved in an accident in which a fatality occurs (whether charged or not) are subject to drug/alcohol testing.
- **Random Testing for Operators of Commercial Motor Vehicles:** Employees whose job duties require a Commercial Driver's License (CDL) for operation of a commercial motor vehicle will be selected in an unbiased manner, randomly throughout the year, for drug and alcohol testing, as follows: 10% of the operators of commercial motor vehicles will be tested for alcohol annually and 50% of the operators of commercial motor vehicles will be tested for drugs annually.

- **Routine Fitness-for-Duty Testing:** Employees may be drug tested as part of any routinely scheduled employee fitness-for-duty medical examination.
- **Follow-up and Return to Duty Testing:** Employees who have failed a drug/alcohol test and are permitted by the City to return to work after completing treatment for alcohol or drug abuse will be tested prior to returning to work and will be subject to unannounced follow-up testing on a quarterly, semi-annual, or annual basis for a period up to two years, or for a period of up to sixty months for drivers of commercial motor vehicles (with at least six tests conducted within the first twelve months following return to work).
- **Additional Testing:** Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations, or as deemed necessary by the City.

F. When a Department Supervisor has reasonable suspicion of the presence or use of prohibited controlled substances or alcohol in the workplace, the following steps will be taken:

The ~~Department Director~~ and the Mayor will be notified immediately to assist in the investigation.

The Police Department will be notified if illegal drugs are found/involved. The City, in coordination with law enforcement, reserves the right to search City property, vehicles, and facilities.

The employee will be ordered to submit to drug/alcohol screening and will be taken by a supervisor to the testing facility.

Following the drug/alcohol testing at a facility designated by the City, the employee will immediately be relieved of duty pending the results of the drug/alcohol test. Depending on the gravity of the circumstances that led to the order for drug/alcohol testing, the employee may be allowed to use vacation, sick leave, or may be suspended without pay until such time as the test results are received.

Depending on the outcome of the drug/alcohol screening, the employee may be subject to disciplinary action, including termination, in accordance with the City's zero tolerance for drug/alcohol abuse; or, at the discretion of the City, offered rehabilitation/treatment through an appropriate agency, depending on the circumstances, the nature of the employee's position/duties, the employee's documented employment record, willingness to undergo treatment, etc.

- G. Drug/alcohol testing is conducted by providers contracted by the City and is performed in accordance with applicable Florida Statutes, Florida Administrative Code provisions, and Federal regulations. All records of drug/alcohol test results are maintained on a confidential basis.

Section 18. WORKPLACE VIOLENCE PREVENTION POLICY

OBJECTIVE:

The City of Edgewood is committed to preventing workplace violence and to maintaining a safe work environment and has adopted the following guidelines to deal with intimidation, harassment, or other threats of violence or acts of violence that may occur during business hours or on City premises. This policy applies to all employees, including temporary employees.

PROHIBITED CONDUCT:

The City does not tolerate any type of workplace violence committed by or against employees or any other individual on City premises. Employees are prohibited from making threats or engaging in violent activities.

All employees shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Except as otherwise provided by State or Federal law, firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on City premises without proper authorization, such as the firearms of sworn law enforcement personnel.

Conduct that threatens, intimidates, or coerces another employee, a customer/vendor, or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based upon an individual's gender, race, religion, age, or any characteristic protected by federal, state, or local law.

The following list of behaviors, while not inclusive, provides examples of prohibited conduct:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Except as otherwise provided by State or Federal law, possession of a weapon while on City premises or while on City business (except for sworn law enforcement personnel);
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

REPORTING AND INVESTIGATION PROCEDURES:

Any potentially dangerous situations and all threats of violence or acts of violence, both direct and indirect, must be reported immediately to any member of supervision/management or the Mayor. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees are not to place themselves in danger by attempting to resolve a potentially violent situation without assistance. If an employee sees or hears a commotion or disturbance in his/her work area, the employee should not try to intercede or see what is happening. The employee should immediately contact a Supervisor and/or the Police Department for assistance.

Reports can be made anonymously and all reported incidents will be investigated promptly and thoroughly by the Mayor in conjunction with the department in which the incident occurred and/or the Police Department. The identity of the City employee making a report will be confidential to the extent possible and in accordance with statutory provisions. In order to maintain workplace safety and the integrity of investigations, the City may suspend employees, either with or without pay, pending the conclusion of the investigation.

Anyone determined to be responsible for threats of violence, acts of violence, or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City encourages employees to bring any disputes or differences with other employees to the attention of a Supervisor or the Mayor before the situation escalates into potential violence. The City will assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

ENFORCEMENT:

Any employee determined to have committed acts of workplace violence or other prohibited conduct outlined in this section will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on City premises will be reported to the proper authorities and may be prosecuted.

Section 19. "WHISTLE-BLOWER" ACT

Employees are expected to report any violation of law by any City employee, official, or business entity with which the City is doing business if such violation creates a serious and specific danger to the public's health, safety, or welfare.

Employees are expected to report improper use of public office, waste of funds, or any other abuse or neglect of duty on the part of the City, a City employee, or a member of the City Council or any City board. An employee with knowledge of such actions or activities shall report this information to his/her immediate ~~Supervisor~~, other members of supervision, Department ~~Director~~ Supervisor, or the Mayor for investigation and resolution. The investigation will be conducted by the Mayor, ~~and/or~~ Department ~~Director~~ Supervisor and, if necessary, / the Police Department, depending on the nature and circumstances of the allegations. Information related to an ongoing investigation will be maintained on a

confidential basis to the extent provided by Florida Statutes, Chapter 112.3188. At the conclusion of the investigation the results of the investigation shall be reported to all elected officials.

Retaliation against an employee who reports any violation, abuse, or other improper action is strictly prohibited by Florida Statutes, Section 112.3187, and by City policy. Disciplinary action may be taken against an employee who knowingly files a false and/or malicious report.

VII. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

Section 1. EMPLOYEE FITNESS AND HEALTH

- A. Any employee may be required to take an examination at City expense at any time to determine the employee's general fitness for employment based on the essential requirements of his position. Such examinations may include, but are not limited to, physical, psychological, psychiatric examinations, or any evaluation deemed appropriate. Failure to comply with an order to take an examination will result in disciplinary action, up to and including dismissal.
- B. The reason(s) for requesting an examination must be submitted in writing to the Mayor for review to determine whether or not an examination is warranted. If an examination is deemed appropriate, the Mayor will schedule the examination; prepare notification to the employee in conjunction with the employee's supervisor; and prepare the information for the examining physician, including, but not limited to, the essential job requirements/functions of employee's position which are of concern; on-the-job injury/vehicle accident history and circumstances; job performance concerns; health; etc. The report of the independent medical examination, conducted by a competent medical authority selected by the Mayor, will be submitted to the Mayor and will be maintained on a confidential basis, pursuant to statutory regulations. The Mayor, in conjunction with the employee's ~~Supervisor~~ Department Supervisor ~~Director~~, will review the medical reports and determine appropriate actions as necessary.

Section 2. EMPLOYEE PERSONNEL FILES, VERIFICATIONS, REFERENCE CHECKS

- A. The City Clerk is the custodian of employee personnel records.

It is each employee's responsibility to ensure that his/her personnel file is accurate and is updated to reflect current information, including, but not limited to, the following:

- name changes.
 - address, including actual place of residence and mailing address.
 - names, dates of birth, social security numbers for life insurance beneficiaries and for retirement beneficiaries.
 - telephone number.
 - emergency contact (name, address, and telephone number).
 - copies of education certificates, diploma(s), letters of commendation, awards, etc.
 - payroll deduction authorization(s).
 - tax withholding forms.
- B. All requests for employment verification regarding current or former employees shall be referred to the Department Supervisor ~~Directors~~ (e.g., mortgage forms,

reference checks, eligibility for rehire, confirmation of employment dates, etc.) so that any information released will be **documented information only**.

Section 3. SOLICITATION AND DISTRIBUTION

Solicitation for any purpose other than City business is not permitted on City premises/facilities without prior authorization of the Mayor, which may be granted for City benefit programs. If a sales representative contacts any employee while on duty or visits City facilities for the purpose of selling his/her product, the vendor should be informed in a courteous manner of the City policy regarding solicitation and advised to contact the Mayor.

To best serve the public, no personal or private business shall be conducted in working areas during working time. Employees, as well as sales representatives, are prohibited from soliciting employees during working hours, or distributing literature in areas where the work of public employees is performed, such as offices and other public facilities. This does not prohibit the distribution of materials during employees' lunch hours or in such areas not specifically devoted to the performance of employees' duties, provided the employees involved are not on duty.

Section 4. BULLETIN BOARDS

The various bulletin boards of the City are to be reserved for the posting of official notices and activities of the City. Employees are permitted to post notices of personal items for sale. Other personal messages or business advertisements are prohibited, except by permission of the Department Supervisor ~~Director~~. Information relating to represented employees may be posted on bulletin boards pursuant to the provisions of the respective collective bargaining agreements.

Section 5. INVENTIONS/PATENTS/ROYALTIES

The City encourages and supports employment-related inventions and ideas; however, the City shall not pay any further compensation for inventions since the employees will be receiving adequate compensation for their employment.

Employees shall promptly disclose to a Department Supervisor ~~Director~~ or the Mayor all inventions, discoveries, and improvements which the employee may make, either solely or jointly with others, while in the employ of the City. For a period of twelve (12) months following separation of the employee from the City, the employee shall identify which inventions, discoveries, and improvements relate to products, systems, programs, or other developments manufactured, developed, or sold by the City during the period of employment with the City, or the manufacture, development, or sale of which was in contemplation by the City. The employee agrees to transfer, assign, and convey to the City the employee's whole right, title, and interest in, including the employee's whole right, title, and interest in and to any domestic and foreign patent rights therein and any renewals.

In accordance with the City's financial contribution and the associated risk undertaken to demonstrate the practical utility of the invention, discovery, or improvement, each employee further agrees that during his/her period of employment with the City and any time thereafter, to execute any instruments, including without limitation, applications for letters, patents, and assignments thereof, or to comply with any directives which may be deemed desirable by the City to effectuate the provisions of this section. All expenses of filing or prosecuting any patent applications shall be borne solely by the City,

but the employee shall cooperate in filing and/or prosecuting any such other application.

Section 6. RULES REGARDING SMOKING IN CITY FACILITIES AND VEHICLES

The City strives to improve working conditions and protect the health of employees and the general public. In accordance with the Florida Constitution and the "Florida Clean Indoor Air Act" (Florida Statutes, Chapter 386), it is the policy of the City to provide a healthy, comfortable, and safe environment in all respects by prohibiting smoking in all City buildings and in City vehicles. ~~Additionally, the City does not allow employees to smoke or use any tobacco products during work hours, including meal and break periods.~~

Any supervisor who observes an employee in violation of this rule should remind the employee of this policy. Continued violation(s) will subject employees to disciplinary action.

Any employee who notices a member of the general public not observing the "no-smoking" regulations governing City buildings/facilities should courteously inform the citizen of the City's policy.

Section 7. SAFETY PROGRAM

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 possible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by Department Supervisors or by federal, state, or local law.

Section 8. WORKPLACE SECURITY

The City of Edgewood is committed to providing as much protection as possible for the security of our employees and the public, including security of City property/premises. Accordingly, certain items such as credit cards, keys/entry codes to City buildings and facilities, etc., will be issued only to employees whose responsibilities require them. Employees may be required to sign a form indicating receipt of a particular item and their understanding that it is the property of the City and is to be used for official business only.

Duplication of any restricted access item is prohibited.

Loss of any restricted access item must be reported to the issuing party as soon as the loss is discovered. An employee may be charged an appropriate fee for the replacement of any lost item.

Section 9. RESIDENCY REQUIREMENTS

The City has no residency requirements for employment.

VIII. PROBATIONARY PERIOD

Section 1. PURPOSE

- A. The probationary period shall be used for evaluation of an employee's performance and suitability to the position; to secure the most efficient adjustment of a new or promoted employee to the position; and for determining whether or not an employee meets the desired standards of performance.
- B. Every person who is employed in an established position in the City, except the City Clerk and Police Chief, shall serve a probationary period as provided herein before such appointment is considered "regular status."

Section 2. DURATION

- A. The duration of new hire probation shall be for a period of six months for all employees. Each employee will receive a ninety (90)-day written evaluation by his/her immediate supervisor; if performance is and remains satisfactory, the employee will continue to serve the remainder of the six-month probation. At the conclusion of the six-month probationary period, the employee will receive a written evaluation by his/her immediate supervisor; will be made a non-probationary employee; and ~~will~~ may be eligible for a merit increase.
- B. Unless otherwise provided in these policies and procedures, an employee in a part-time, temporary, or position who is selected for a full-time position shall serve a probationary period in the same manner as any other new hire appointment.

Section 3. REINSTATEMENT

An employee who has been reinstated (i.e., to the same or similar position upon return from recall from lay-off) may not be required to serve a probationary period ~~depending on the length of time between separation and rehire by the City, the requirement of the hiring department, or other factors~~ if reinstated within six months.

Section 4. RE-EMPLOYMENT

Employees re-employed within six months to the same position from which they resigned in good standing, may not be required to serve a new probationary period unless so requested by the hiring authority; however, persons rehired to the same or different position after six months of the date of separation will be required to serve a new probationary period.

Section 5. PROMOTIONAL APPOINTMENTS

- A. A **non-probationary employee** who is promoted shall serve a probationary period of three months in the new position.
- B. A **probationary employee** who is promoted to a higher level position will be required to complete his/her original new hire probationary period, or a minimum of three months' probation, whichever is greater.
- C. The length of the probationary period will be outlined, along with other conditions, in the notice of the promotion to the employee.

Section 6. DEMOTIONS

- A. Upon receiving a non-disciplinary demotion, including voluntary demotions requested by an employee, or demotions at the direction of the City, a **probationary employee** shall serve, at a minimum, the balance of the original probationary period. A non-probationary will not be required to serve another probationary period upon a non-disciplinary demotion or a demotion initiated as an accommodation unless requested by the hiring Supervisor and approved by the Mayor.
- B. A non-probationary employee demoted for disciplinary reasons shall be required to serve a probationary period of three months upon demotion.
- C. The length of the probationary period will be outlined, along with other conditions, in the notice of the demotion to the employee.

Section 7. EXTENSION OF PROBATIONARY PERIOD

An employee's Department Supervisor ~~Director~~ may authorize an extension (up to an additional ninety [90] days) of the established probation period prior the scheduled completion of the six-month probationary period. The extension may be based upon absence of the employee for an extended period of time during the probationary period or other extenuating circumstances. The Department ~~Head~~ Supervisor shall notify in writing the Mayor of any probation period extensions.

Section 8. DISMISSAL DURING PROBATIONARY PERIOD

At any time during the original or extended new hire probationary period, an employee may be terminated with or without cause by a letter of termination. An employee removed during his/her new hire probationary period has no right to a pre-determination notice/hearing or to a post-

termination appeal. An employee who separates from service with the City (for any reason) during the first ninety (90) days of employment shall be required to reimburse the City for any insurance premiums paid by the City on behalf of the employee and/or his/her dependents.

Section 9. RELEASE FROM PROBATION

Release from probation and appointment to regular status employment is not automatic upon expiration of the designated probationary period. A written evaluation must be completed, indicating that the employee has successfully completed his/her probationary period and is recommended for regular status. The completed written evaluation, including all required signatures/approvals, shall be timely submitted to the City Clerk for processing and inclusion in the employee's personnel file.

IX. PERFORMANCE EVALUATIONS

Section 1. PURPOSE

The employee performance evaluation process is designed to permit the evaluation of an employee's job performance and effectiveness as objectively and fairly as possible.

The primary purposes of the performance evaluation are, as follows:

- to inform the employee of his/her strengths and areas for improvement on the job; serve as a basis for discussion as to how the employee can improve performance; establish goals and expectations for future evaluation; etc.
- evaluation of an employee's potential for promotion.
- identification of areas of training needed.
- basis for disciplinary actions.
- determination of order of layoff.
- determination of suitability for regular status at the conclusion of the new hire probationary period or at conclusion of a probationary period following promotion/demotion.

The appropriate City official administers the performance evaluation system, including distribution of evaluation forms to departments in a timely manner for probationary and annual performance evaluations.

Section 2. EVALUATION PERIODS

A. PROBATIONARY EVALUATIONS

New hire probationary employees' performance is to be monitored during their probationary period to determine whether or not employment should be continued. Release from probation and appointment to regular status employment is not automatic upon expiration of the designated probationary period. Department Supervisors must conduct a performance evaluation for probationary employees who are retained throughout the probationary period. The evaluation for a probationary employee who is recommended for regular status must be completed by the end of the probationary period, but no earlier than one week prior to expiration of the probationary period; discussed with the employee; signed and dated by the Department Supervisor and employee; forwarded to the Mayor ~~approved by the Department Supervisor~~ Director, and forwarded to the City Clerk for inclusion in the employee's personnel file.

B. ANNUAL PERFORMANCE EVALUATIONS

After successful completion of his/her new hire probationary period, an employee shall receive an annual evaluation on his/her anniversary date.

C. SPECIAL EVALUATIONS

A special evaluation may be conducted at any time when, in the opinion of Supervisors, the employee's performance has deviated from expected standards.

Section 3. EMPLOYEE COMMENTS ON PERFORMANCE EVALUATIONS

Employees are encouraged to comment on their evaluations. If an employee disagrees with the evaluation, he/she may submit a written statement which will be placed in his/her personnel file along with the performance evaluation.

X. PROMOTIONS, TRANSFERS, DEMOTIONS, REINSTATEMENTS

Section 1. PROMOTIONS

A. POLICY

In filling vacancies in all City positions, first consideration will be given to current employees who apply for and who meet the minimum requirements of the position. Promotions are not guaranteed nor seniority based; in addition to length of City service, the employee's documented performance record will be considered by the hiring department. All employees who are in positions with the City (including temporary agency employees) are eligible to apply. Temporary employees will be considered only if there are no qualified City employees competing for the position vacancy or if, after interview, City employees are not selected by the hiring department.

B. APPLICATION

Each employee who wishes to compete for promotion must submit a written notice and submit it to the appropriate City official on or before the closing date specified in the position vacancy posting. Any temporary employee who wishes to apply for internally posted positions must complete a City Employment Application and submit it to the appropriate City official on or before the specified closing date.

D. PROBATIONARY PERIOD UPON PROMOTION

A **non-probationary** employee who is promoted to a higher level position will be required to serve a three month probation in the new position. A **probationary employee** who is promoted during his/her original (new hire) probationary period will be required to serve the balance of the new hire probation or three months, whichever is greater.

The probationary period requirement will be outlined in the written notice of promotion provided to the employee at the time of the promotion.

An employee (excluding temporary employees) who is not successful in the position to which he/she is promoted after the conclusion of the probationary period may return to his/her previously held position, if the position is available. If the former position is not open and no other comparable position is available, the employee may be terminated.

A temporary/seasonal employee hired for a promotional vacancy is considered a "new hire;" accordingly, the employee must serve the new hire probationary period required by the position.

E. PAY RATE UPON PROMOTION

The pay rate at time of promotion to any position will be competitive with wage and salary levels for similar positions in other public agencies in the City of Edgewood's relevant work area.

A temporary agency employee who is selected for a promotional vacancy shall receive a pay rate in the same manner as any new hire (Chapter IV., Compensation, "Pay Rate Upon Initial Hire").

F. INTERVIEW PROCESS FOR PROMOTIONAL CANDIDATES

In order to be recommended for promotion, an employee must be interviewed by supervisors/management or a review board in the ~~hiring~~ department for which an employee is being hired.

G. REVIEW OF PROMOTIONAL CANDIDATES' PERSONNEL FILES

The hiring department is encouraged to review the personnel files of internal candidates to evaluate their documented performance record, including performance evaluations, any disciplinary actions, commendations, achievements, attendance record, etc. The personnel files are available for review in the City Clerk's office.

Section 2. TRANSFERS

- A. An employee may request a lateral transfer to a position vacancy by completion of written request, and the process outlined in Section 1, Promotions. If the employee is transferred, his/her pay rate will remain the same. Depending on the circumstances of the transfer (e.g., lateral transfer to a different position in a different department), the employee may be required to serve a three-month probationary period. If a probationary period is required, the employee will be informed at the time of written notification of his/her selection for transfer.

- B. The City, in the interest of the City and/or the employee, may transfer an employee, from one position to another position of the same classification or another classification in the same pay grade, if the employee meets the minimum qualifications of the other position. Such transfer will not

change the employee's pay rate, or status. If the employee is unable to perform the duties of the new position, with the approval of the Mayor, he/she may be transferred to another position for which he/she is qualified, or he/she may be terminated. Involuntary transfers are at the discretion of the City and are not subject to the grievance procedure. The movement of an employee to a higher or lower classification does not constitute a transfer and any such action must be accomplished in accordance with the procedure established for promotions or demotions.

Section 3. DEMOTIONS

An employee may be demoted to an available position of lower rank for which the employee is qualified, for any of the following reasons:

- as a disciplinary measure for violation of City or departmental rules.
- inability to satisfactorily perform the required duties and responsibilities of his/her present position to which he/she was hired or promoted.
- in lieu of layoff during a reduction in force or reorganization.
- when the employee voluntarily requests such demotion.
- as an accommodation for disability reasons.
- in the interest of the City.

An employee who is demoted, whether voluntarily or involuntarily, shall have his/her pay rate decreased as outlined in Chapter IV., Compensation, "Rate of Pay Upon Demotion."

A requirement to serve a probationary period and the length of the probationary period, upon the demotion, is dependent upon the circumstances of the demotion (voluntary/involuntary), employee status (i.e., probationary, non-probationary), or other factors, as determined by the City.

Section 4. REINSTATEMENTS FROM MILITARY SERVICE

- A.** The purpose of this policy is to implement the rights, under applicable laws, afforded veterans, reservists, National Guard members, individuals being examined for admission to the military, and individuals rejected from military service to return to their former positions. Accordingly, any changes in applicable statutes shall also apply.
- B.** This policy applies to all regular full-time employees of the City who resigned from City employment to enter the military and who provide

advance verbal or written notice to the City of such service unless such notice is not required under circumstances outlined in the Uniformed Services Employment and Reemployment Rights Act of 1994.

C. All individuals returning from active duty, entitled to reinstatement, will be reinstated to their former jobs or provided jobs of similar seniority, status, and pay, and as provided in the Uniformed Services Employment and Reemployment Rights Act of 1994. Such individuals are subject to the following conditions:

1. To be eligible for reinstatement, the individual must have satisfactorily completed his service. Generally, this means that persons with a discharge of other than honorable, undesirable, or as a result of a court martial, or any other occurrence or condition specified under the Uniformed Services Employment and Reemployment Rights Act of 1994, are not eligible for reinstatement.
2. The individual must return to work within a period of time outlined in the Uniformed Services Employment and Re-employment Rights Act of 1994 and have had no intervening employment.
3. To be entitled to reinstatement to the same job, the individual must still be qualified to perform it, pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994.
4. Individuals who did not hold regular full-time positions and/or had not completed their initial probationary period are not eligible for reinstatement under this policy.
5. Individuals eligible for reinstatement will be treated as if they had never separated from employment with the City; i.e., they will be entitled to continuous service credit from the date of hire prior to the military service, and all benefits will be calculated based on that date.
6. Employees who are reinstated will be required to undergo a medical examination for certain positions, such as sworn police officers, and will be required to undergo a drug/alcohol screen.
7. The City may not be required to reemploy an individual if certain circumstances exist, as set forth in the Uniformed Services Employment and Reemployment Rights Act of 1994.

- D. Other information regarding leaves for military service is outlined in Chapter XIV.

Section 5. REINSTATEMENT (RECALL) FROM LAYOFF

- A. Full-time employees who are on layoff are eligible for recall for a period of one year from the date of layoff. Eligibility for recall is to the same position or a similar position for which the former employee qualifies. However, recall does not apply to positions which are a higher classification than the position from which the employee was laid off.

If more than one employee in the same classification has been laid off, the former employee with the most seniority will be recalled first.

- B. At the time of layoff, it is the employee's responsibility to provide his/her current address and telephone number and to advise the Mayor of his/her desire to be recalled to his/her former position or similar position (not a promotional position) for which he/she is qualified.
- C. Notice to a laid off employee regarding the City's intention to recall the employee shall be by certified mail to the last address provided. If an employee so notified does not give written notice to the Mayor of his/her intention to resume employment within ten work days of receipt of the City's notice, it shall be assumed that the individual does not want to be recalled and the employee's name shall be removed from recall consideration. The only exception will be if the Post Office returns the Certified Mail Voucher to the City after fifteen days from time received with no signed acknowledgment that the employee received the notice. If a laid-off employee refuses in writing to accept the job offered because it is a lower paying position than previously held, he/she shall not lose rights for recall within the one-year period.
- D. Upon recall to work following layoff, the employee must pass an employment physical examination, if required by the position, and a drug/alcohol screen. The employee is credited with seniority through the date of layoff, but does not receive service credit for the period of time not employed. The continuous service date will be adjusted to reflect the period of time on layoff. Provisions for reinstatement of seniority for pension vesting purposes are subject to the provisions of the pension plan of which the employee is a member.

Rules governing probationary period and rate of pay upon recall to work from layoff are outlined in Chapter IV., Compensation and Chapter VIII., Probationary Period.

XI. HOURS OF WORK and OVERTIME/STAND-BY/CALL-BACK COMPENSATION and ADMINISTRATIVE LEAVE

Section 1. SCHEDULED HOURS OF WORK

Generally, the work week for full-time employees is forty (40) hours per week in the designated work week included on the City's bi-weekly time sheets. Supervisors will specify an employee's hours/days of work to ensure that departmental operational needs and public service requirements are met.

The work week for part-time employees varies depending upon position duties, operational requirements, and department to which assigned.

Section 2. WORK SHIFT ASSIGNMENTS

Each employee is assigned a work shift in accordance with the particular operational requirements of his/her department/division. Any changes to those shifts, except where specifically noted otherwise, shall be at the sole discretion of management. A 24-hour notice or more, whenever practical (i.e., non-emergency situations), may be provided in order to allow the employee time to make necessary personal arrangements.

Section 3. OVERTIME WORK AND PAY FOR NON-EXEMPT EMPLOYEES

- A. Position classifications are evaluated by the City to determine eligibility for payment of overtime in accordance with the Fair Labor Standards Act (FLSA). Employees whose positions are classified as non-exempt shall receive overtime pay at a time-and-one-half rate for hours worked in excess of forty (40) hours in the designated work week. Part-time employees who are scheduled to work less than forty (40) hours per week shall not be paid at the overtime rate until they have worked more than forty (40) hours in the designated work week.
- B. An employee whose position is classified as non-exempt shall not commence his/her principal work assignments before the start of the assigned shift unless authorized by a Supervisor. A non-exempt employee shall cease his/her principal work assignment at the end of his/her assigned shift unless authorized by a Supervisor.
- C. Overtime work must have prior authorization of the employee's Supervisor and/or Department ~~Supervisor Director~~. Overtime work will be authorized/approved when necessary to meet essential operating requirements or emergency situations. Authorized overtime work will be offered to employees or required in accordance with the procedures established in each department, based upon operational needs. Authorized

overtime hours shall be reported to the City Council each month in the Regular Council meeting Agenda Packet.

- D. Department ~~Directors~~/Supervisors shall maintain accurate records of overtime; monitor overtime assignments to ensure that operational and service requirements are met; and monitor overtime costs in relation to budgeted funds.
- E. Hours worked in excess of the forty (40) hour work week by a non-exempt employee will be recorded on the bi-weekly time sheet with the appropriate pay code for payment at a time-and-one-half rate.
- F. For purposes of computing overtime of less than one hour, increments of .25, .50, and .75 will be used by rounding off time worked to the nearest quarter hour increment.
- G. Paid leave for vacation, sick/personal leave, bereavement, short-term military leave, jury duty, holidays and any other compensated, non-worked time is **not** counted in determining the forty (40) hour work week for the purpose of computing overtime. Only actual hours worked count in determining the forty (40) hour work week or tour of duty for the purpose of computing overtime.

Section 5. ADMINISTRATIVE LEAVE FOR EXEMPT EMPLOYEES

The City determines which positions are exempt from overtime compensation, in accordance with the Fair Labor Standards Act (FLSA).

Exempt employees, (executive, managerial, or professional positions), as defined by the FLSA, are compensated on the basis that extended workdays and/or work weeks may be required to accomplish the expected assignments of the positions. Employees filling such positions are expected to work the hours necessary to complete their assignments. Additional hours worked in excess of the regularly scheduled work week are not compensable under the Fair Labor Standards Act. The City, however, may provide exempt employees (including probationary status exempt employees) administrative leave. Requests for administrative leave must be submitted to a Supervisors and approved by Supervisors in advance of the leave being taken. Administrative leave is not carried over from fiscal year to fiscal year. Exempt employees are not eligible for cash payment of any administrative leave upon separation or transfer to a non-exempt position.

Section 6. COMPENSATION DURING EMERGENCY SITUATIONS -- RECOMMEND INCLUSION

In the event that the City closes administrative and other offices/facilities due to inclement weather (e.g., hurricanes); civil disaster; or other emergency situations; compensation for non-exempt employees required to work shall be in the same manner as any other time worked. Both

non-exempt and exempt employees who are told not to report to work during such situations shall receive straight time pay for regularly scheduled work hours. Exempt employees who are required to work may be granted additional administrative leave, at the discretion of the Mayor. During such emergency, if the City establishes temporary offices/facilities or directs employees to report to work at a work site other than their usual work site, the employees will be required to report to work.

Section 7. BREAKS AND LUNCH

- A. The City allows employees to take brief breaks from their daily work schedule. It is the responsibility of Supervisors to inform employees of break periods and to ensure that employees are provided time for the designated breaks. Such breaks are to be arranged in a manner that does not interfere with City business.
- B. Employees are encouraged to take their daily lunch break.

Section 8. EMPLOYEE ABSENCE FROM WORK AND TARDINESS

- A. No employee shall be absent from his/her regularly scheduled duties without prior authorization from his/her ~~Supervisor or Department Supervisor~~Director or without notifying his/her Department Supervisor in cases of illness or emergency. Absence with failure to obtain prior authorization or failure to notify the Department Supervisor of an absence due to an excused reason ~~Failure to obtain prior authorization to be absent from the work area, or to notify Supervisors of employee absence,~~ may result in disciplinary action up to and including dismissal.
- B. An employee requesting time off for vacation, personal leave, administrative leave, leave of absence, or similar planned absence, must obtain **prior** approval as far in advance as possible from his/her Supervisor to ensure that departmental operations will not be impacted and that a sufficient leave balance exists to cover the absence.

It is the responsibility of Supervisors to verify requests for use of sick leave Paid Time Off. The Supervisor's responsibility in this process includes verifying that the employee has sufficient ~~sick leave hours~~ Paid Time Off to cover the absence. ~~If the supervisor determines that the employee has an insufficient sick leave balance, vacation should not be routinely authorized to supplement short term sick leave of one or two days. As a result, if an employee does not have sufficient sick leave~~ Paid Time Off to cover an absence, the employee may be placed in a "no-pay" status. ~~If this no-pay status results from misuse or abuse of sick leave, it is the Supervisor's responsibility to take appropriate disciplinary action.~~

- C. When an employee must be absent due to illness or circumstances beyond his/her control, it is his/her responsibility to notify the Supervisor prior to the start of his shift, if possible, but not later than one hour after the start of his/her shift. If an absence continues for more than one day, daily reports may be required. In the event of an extended, verified illness, the employee's Supervisor may modify the requirement for daily employee reporting. Extended absence (over one work week) due to the employee's illness or that of a family member must be reported to the Mayor by the employee's Supervisor to determine if Family and Medical Leave (FML) applies.
- D. If an employee is going to be late for work, he/she must notify the Supervisor prior to the start of his shift, or no later than one hour after the work shift commences.

Section 9. CALL BACK COMPENSATION

An employee called in to work when he or she has not been previously scheduled will be given a minimum of 2 hours' work or a minimum of 2 hours' pay at a pay rate of time and a half.

An employee called in to work before his or her normal shift and who continues working into his or her regular shift will not be considered to be called-back and will be paid only for all hours worked. If there is less than one hour between the time of completing the work for which he or she is called in early and his or her normal starting time, this time also will be considered as time worked.

Each employee is expected to work when called, unless excused for good and sufficient reason. The supervisor shall exercise reasonableness and fairness in administering the call-back policy. The hours paid for call-back will be credited toward hours worked in the week for overtime purposes.

Section 10. COMPLETION OF TIME SHEETS

- A. A pre-printed bi-weekly time sheet is used to report all time worked/paid. Entries must be made in ink.
- B. All corrections to an employee's time sheet must be initialed by the employee. The employee should "strike through" the error, make the correction, and initial it. No "white out" or erasures will be used on time sheets.
- C. All worked and compensated time (e.g., vacations, holidays, overtime, sick, personal, workers' compensation leave, etc.) must be entered on the time sheet and recorded under the appropriate pay code.

- D. Time sheets shall be signed by the employee and approved by the immediate ~~Supervisor and/or Department Supervisor~~ Director.
- E. Department Supervisors are responsible for monitoring employee time worked/ recorded, and verifying the authenticity and accuracy of employees' time sheets, and ensuring there are sufficient leave balances for benefits charged.
- F. Employees should address all questions regarding pay and time sheets to their Department Supervisors.

XII. EMPLOYEE BENEFIT PROGRAMS

Section 1. EDUCATIONAL ASSISTANCE PROGRAM

A. PURPOSE AND SCOPE

In order to maximize career potential of employees, the City encourages continued education through reimbursement for career-related courses. The intent of the educational reimbursement program is to provide encouragement for employees to improve their ability to perform their current jobs, to prepare them for positions of greater responsibility, and to enhance their commitment to their job and to the City. Full-time regular status employees are eligible to apply for educational assistance for college courses, training, or continuing education course(s), such as a certification program, correspondence course, or seminar, which will enhance an employee's present or future position with the City, in any career available in the City of Edgewood.

The Educational Funding Agreement Form is available in the City Clerk's office.

B. FUNDING

The Mayor or other person designated by the City Charter or other Code provision is responsible for the Educational Assistance reimbursement program and budget. All approvals/ reimbursements are contingent upon compliance with all requirements and availability of funds.

C. REIMBURSEMENT AMOUNTS/LIMITATIONS

1. Reimbursement will be paid for courses in which the grade is "C" or better; or "Pass" on a course which is "Pass/Fail," depending upon availability of budgeted funds. The reimbursement schedule is as follows:

Grade "C" -	50%
Grade "B" -	75%
Grade "A" -	100%
"Pass" -	75%

2. This program provides reimbursement for tuition fees and textbooks only. The cost of registration fees, laboratory fees, late fees, health fees, travel/mileage expenses, etc., is not covered.

3. Reimbursement will be paid in accordance with Internal Revenue Code regulations.

D. REPAYMENT REQUIREMENTS

An employee who resigns his/her position with the City less than one year following the date of reimbursement for course(s), must repay the City a prorated portion of educational expenses reimbursed by the City in the preceding twelve months. Proration will be based on the number of months worked beyond the date of reimbursement. If necessary, a deduction will be made from the employee's final paycheck.

Section 2. CONTINUING EDUCATION

In addition to the Educational Assistance Program outlined above, the City encourages employee training and development by budgeting funds for job-related courses for certification, licensure, etc. Regular status full-time employees may be released from duty with pay as authorized by their Supervisors to attend professional/technical training courses, seminars, professional association meetings, conferences, or similar training as may be determined to be in the best interest of the City. Authorization for part-time or probationary employees to attend training courses, conferences, or seminars is subject to prior approval by the Mayor. Authorization for employee travel and training is subject to prior approval of the Department ~~Supervisor Director~~ or Mayor, as set forth in the City's travel policy resolution as amended from time to time. Out-of-State travel for City business by any City employee requires prior approval of the Mayor.

Reimbursement for **approved** travel and training shall be in accordance with the City's travel policy resolution as amended from time to time, which is based in part upon regulations set forth in Florida Statutes, Section 112.061. Employees are required to complete the appropriate forms for prior authorization for travel related to City business and for travel advances and/or reimbursement of incurred expenses.

Section 3. EMPLOYEE RECOGNITION AND AWARDS PROGRAMS

PURPOSE AND SCOPE

The City recognizes that its employees are its most valuable resource and may establish programs to demonstrate its commitment to employees, such as:

- Recognition of special achievements by employees may be scheduled at City Council meetings.

- Annual service awards for regular status part-time and full-time employees.
- Other programs as authorized by the Mayor and/or City Council.

Section 4. GROUP INSURANCE/BENEFITS PROGRAMS

A. PURPOSE AND SCOPE

The City provides a program of benefits to provide employees and their dependents various group insurance products. Each employee selects the benefits which best meet his/her needs and the needs of dependents. An employee may waive "Employee" health insurance only if he/she submits documentation of **other qualified group (not individual or private) health insurance** (e.g., military insurance, retiree insurance from another employer, etc.) annually during the open enrollment period.

Additionally, the City allows full-time and part-time regular status employees to voluntarily participate in a Section 457 deferred compensation plan.

B. FUNDING

The City provides regular status full-time employees group health and life, insurance at no premium cost to the employee. The premium for dependent health insurance is partially funded by the City, with the remainder of the premium paid by payroll deduction from the employee's paycheck on a pre-tax or after-tax basis, as outlined below.

An employee who separates from service with the City (for any reason) during the first ninety (90) days of employment shall be required to reimburse the City for all insurance premiums paid by the City on behalf of the employee and/or his/her dependents.

C. BENEFITS/PRODUCTS

1. PRE-TAX (Withholding Tax and Social Security) BENEFITS

- Employee/Dependent Health Insurance.
- Employee/Dependent Dental Insurance.
- Employee Mandatory and Supplemental Life Insurance (premium on up to \$50,000 coverage is pre-tax).
- Other Pre-Tax Benefits allowed by Internal Revenue Code, Section 125.

2. PRE-TAX (Withholding Tax Only) BENEFITS

- Internal Revenue Code Section 457 Deferred Compensation Program.

3. AFTER-TAX BENEFITS

- Dependent Life Insurance.
- Employee Supplemental Life Insurance (for premiums for coverage limits allowed by the Internal Revenue Code).
- Short-term Disability Insurance.
- Long-term Disability Insurance.

D. COMMENCEMENT AND TERMINATION OF COVERAGE

Insurance coverage for all insurance programs shall begin as agreed to by the City and the insurer and shall be effective upon the date as provided in the policy issued by the insurer. ~~is effective on the first day of employment. The City shall have full authority to determine the commencement date for any insurance coverages provided by the City.~~ Late requests to add dependents (other than for qualifying events such as birth, adoption, or marriage) are subject to review and approval by the insurer. The addition of a dependent as a result of birth, adoption, or marriage must be within sixty days of the event and requires submittal of appropriate documentation; i.e., birth certificate or marriage certificate.

Insurance coverage terminates the last day of the month in which the employee separates from employment.

E. CONTINUATION OF GROUP INSURANCE/LIFE INSURANCE

The continuation provisions for group health, life, and other insurance programs for employees upon separation from service with the City are in accordance with any applicable statutes and/or the respective insurance policies, which are available in the City Clerk's office.

F. GROUP HEALTH AND LIFE INSURANCE FOR RETIREES

1. CONTINUATION PROVISIONS

Continued group health, dental, and life insurance for retirees is offered in accordance with the provisions of Florida Statutes, Section 112.0801, provided the service and normal retirement age requirements of the respective City pension/retirement programs are met. The retiree is responsible for payment of the premium for

his/her coverage and that of any dependents.

2. CONDITIONS AND LIMITATIONS

- a. An employee who retires based on disability prior to age/service eligibility for normal retirement may qualify for group health insurance continuation outlined in this policy.
- b. Group insurance continuation for retirees is provided **only** to retirees whose termination of employment is simultaneous with the commencement of City retirement benefits. A vested employee who terminates employment prior to eligibility for early or normal retirement is **not** eligible for the City's group insurance program at the time of his/her commencement of retirement benefits.
- c. Health insurance continuation for retirees is available until the retiree/dependent spouse becomes Medicare eligible, at which time participation in the City's plan will terminate.

3. LIFE INSURANCE CONTINUATION FOR RETIREES

An employee who retires from City service is eligible to apply for a life insurance private policy (guaranteed issue) with the City's insurance provider. The premium is solely the retiree's responsibility.

Note: The information outlined above regarding insurance programs is informational and not a guarantee of coverage/benefits, which are subject to the provisions of the various insurance policies and which may change from time to time.

Section 5. RETIREMENT PROGRAM

A. SCOPE

The City has elected to participate in the Florida Retirement System and eligibility, benefits, and rules for participation are as provided in Chapter 121, Florida Statutes.

B. FUNDING

The City contributes funding to the Florida Retirement System as provided in Chapter 121, Florida Statutes.

Section 6. TRAVEL AND OTHER OFFICIAL EXPENDITURES

PURPOSE AND SCOPE

Employees may be required, from time to time, to incur expenditures during the course of conducting City business and/or to use their personal vehicles for official reasons. The City reimburses expenses and mileage costs as outlined in the City's travel policy resolution, which is in accordance with Florida Statutes/Internal Revenue Code regulations (for mileage).

Section 7. UNIFORMS/CLOTHING ALLOWANCE

A. PURPOSE AND SCOPE

In order to ensure that the dress of employees in certain departments of the City is appropriate to their duties, meets safety standards, and addresses interaction with the public, City-provided uniforms may be required attire. City-issued uniforms and equipment are provided for employees to wear while performing their job duties and conducting City business. Failure to comply with this requirement may result in disciplinary action.

B. CARE OF UNIFORMS

Employees are responsible for laundering their City-provided uniforms.

C. CLOTHING ALLOWANCE

1. Certain Police Department personnel receive a clothing allowance in an amount determined by the City. The clothing allowance is paid monthly in the first paycheck of each month.

D. RETURN OF UNIFORMS AT SEPARATION

1. Upon separation from City service, employees are required to return uniforms, other than City-issued shirts with the City's logo. However, when a sworn law enforcement officer retires (simultaneous with separation) from the City, the officer may be authorized retention of his/her badge and service weapon. The retiring officer may purchase his/her service weapon at the fair market value at the time of retirement.

2. Certification of return of uniforms is noted by the department in which the employee works on the appropriate check-out form, in conjunction with other separation paperwork. The cost of uniforms that are not returned at the time of separation, as outlined above, will be deducted from the employee's final paycheck.

Section 8. LIGHT DUTY ASSIGNMENTS

A. PURPOSE AND SCOPE

It is recognized that there may be occasions when an employee is unable to perform his/her full-time and/or unrestricted duties due to a non-occupational (not workers' compensation) illness or injury. The City, solely at its discretion, may authorize the employee to work in a "light duty" status and/or a reduced work schedule, pending the employee's release to return to full-time, unrestricted duty.

B. CONDITIONS AND LIMITATIONS

1. An employee's request to work on a light-duty or reduced schedule basis must be approved by his/her Department Supervisor.
- 3.2. Evaluation of requests for light duty assignments will be based on factors including, but not limited to, the following:
 - the circumstances for the request (e.g., zero sick leave balance ~~as a result of documented sick leave abuse~~);
 - medical verification of likelihood of return to full-time, unrestricted duty within a reasonable time frame;
 - operational impact of the continued absence and unavailability for work;
 - availability of light duty or reduced schedule (i.e., the department does not have to "create" a position);
 - the interest of the City; and
 - other factors as may pertain to the specific request.
3. Generally, light duty or reduced schedule assignments will not exceed three months.

XIII. HOLIDAYS

Section 1. OFFICIAL HOLIDAYS

The following days shall be official ~~paid~~-holidays:

New Year's Day
Martin Luther King's Birthday
Presidents' Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Day Before or the Day after Christmas Day
Floating Holiday

The City Clerk's office publishes a holiday observance schedule each year, specifying the dates of holiday observances for the upcoming year.

Section 2. ELIGIBILITY FOR HOLIDAY PAY

- A.** All regular full-time employees are eligible to receive holiday pay if the observed holiday falls on a regularly scheduled work day. Part-time employees are **not** eligible for holiday pay. Temporary or seasonal employees (full-time or part-time) are **not** eligible for holiday pay.
- B.** To be eligible to receive pay for an observed holiday, an employee must not have been absent without approval on the work day before the holiday nor absent without approval on the work day after the holiday. Vacation taken the day before a holiday and the day after a holiday must be scheduled in advance. In the event an employee is absent due to illness the day before and/or the day after a holiday, the employee may be requested to furnish a statement from a physician to verify illness in order to receive holiday pay.
- C.** Employees on approved leave of any type **with pay**, including the paid portion of a Family and Medical Leave, but excluding paid Workers' Compensation leave, will receive straight time holiday pay for a holiday that occurs within any **paid** portion of the leave.

- D. Employees on any **unpaid** leave of absence, or who have received workers' compensation pay for the day of a holiday, are not eligible for holiday pay for any holidays occurring while in such status.
- E. Employees separating from employment for any reason must work a regularly scheduled work day immediately following the holiday to be eligible for holiday pay; i.e., the date of separation cannot be extended to the date of the holiday for payment of the holiday.

Section 3. HOLIDAY PAY

- A. Non-exempt employees who work on a holiday (day observed) will receive overtime (premium) pay for all hours worked, in addition to straight time holiday pay based on their regularly scheduled work day (i.e., an employee whose regular work schedule is five days/week, eight hours/day will receive eight hours straight time holiday pay).
- B. Exempt employees who work on a holiday (day observed) will receive straight-time pay for all hours worked, in addition to holiday pay received.

Section 4. HOLIDAYS FALLING ON WEEKENDS

Holidays falling on Saturday will normally be observed on the preceding Friday. Holidays falling on Sunday will normally be observed on the following Monday, as approved by the Mayor.

Section 5. HOLIDAYS OCCURRING ON SCHEDULED DAYS OFF

- A. If the holiday falls on a scheduled/regular day off, the employee will receive one day's pay based on his/her regularly scheduled work day at a straight-time rate or one day's leave with pay with the approval of the Department ~~Supervisor~~Director. If, in the opinion of the Department ~~Supervisor~~Director, it becomes necessary for an employee to work on a scheduled holiday which falls on his/her regular day off, the employee will be authorized overtime pay for non-exempt employees or straight-time pay for exempt employees for all hours worked on the holiday in addition to straight time holiday pay.
- B. If an observed holiday occurs during a scheduled vacation, the employee shall receive holiday pay and the holiday will not be charged to vacation leave.

Section 6. OTHER RULES GOVERNING HOLIDAYS

A. Floating Holidays

1. Full-time employees must have completed their initial (new hire) six months' probationary period in order to take a floating holiday. Temporary, seasonal, and/or part-time employees are not eligible for floating holidays.
2. The floating holiday must be taken within the time frames specified on the holiday schedule published each calendar year by the City Clerk's office. No employee shall be paid in lieu of time off for a floating holiday, nor can floating holidays be "carried over" past the annual deadline for usage. An employee who terminates employment prior to usage of the floating holiday shall not receive any payment for the floating holiday.
3. Requests for floating holidays must be submitted in writing and approved in advance by the employee's supervisor. Generally, the request must be submitted at least ten days in advance. Approval/disapproval of the date requested for the floating holiday shall be dependent upon operational requirements.
4. A floating holiday must be taken in its entirety; i.e., it cannot be taken as partial days/shifts.
5. Each department is responsible for monitoring usage of floating holidays, in the same manner as other absences from work.

B. General

1. Holidays, including floating holidays, shall be entered under the appropriate code on the bi-weekly time sheet.
2. Holiday schedules and holiday pay for represented employees are outlined in the respective collective bargaining agreements.

XIV. VACATION, SICK/PERSONAL LEAVE, AND OTHER LEAVES OF ABSENCE

Section 1. VACATION LEAVE

A. PURPOSE AND SCOPE

Vacation leave is an earned benefit to be used for rest and relaxation. All Department ~~Directors and Supervisors~~ shall make every effort to provide their respective employees the opportunity to utilize their vacation leave at least once a year to remove themselves from the work atmosphere for rest and relaxation in order to return to their jobs refreshed and ready to perform at their maximum efficiency.

B. ACCRUAL RATES FOR VACATION LEAVE

1. All-full-time employees accrue vacation leave at the rates outlined in the schedule below. Part-time employees (not temporary or seasonal) accrue prorated vacation leave based upon their authorized work schedule.

YEARS OF SERVICE	ACCRUAL/PAY PERIOD	ACCRUAL/YEAR
Date of hire through 5 years	3.08 hours	96 hours
6 years through 10 years	4.61 hours	120 hours
11+ years through 15 years	6.15 hours	160 hours

2. Accrual rates for represented employees are outlined in their respective collective bargaining agreements.
3. Vacation leave accrues during any pay period in which an employee works or is compensated (e.g., while on vacation, sick leave, etc.).
4. Vacation leave does not accrue in any pay period that an employee is on a leave of absence, suspension, or other absence without pay for the entire pay period.
5. Vacation leave shall not be carried-forward from one year to the next nor shall the City pay an employee for any portion of accrued vacation leave that remains unused at the end of the year.
~~Maximum vacation leave limit is four hundred eighty (480) hours. When an employee's vacation balance reaches four hundred eighty (480) hours, no further accrual occurs until the employee uses some vacation leave.~~

C. ELIGIBILITY

Regular status full-time and part-time employees are eligible to take vacation leave after completing the new hire probationary period. Seasonal and temporary employees are not eligible for this benefit.

D. CONDITIONS AND LIMITATIONS

1. Vacation leave is a planned absence for rest and relaxation. Therefore, an employee ~~must~~ shall submit a written request and have **prior** approval from his or her Department Supervisor to utilize vacation leave. Approval of vacation requests will be based on factors including, but not limited to, operational needs and workload; employee seniority; timeliness of request; etc.
2. Vacation leave will not be routinely approved by call-in in lieu of sick leave for the date of absence; i.e., to supplement all or part of a single day/shift for which the employee has an insufficient sick leave balance.
3. Vacation leave is generally authorized for an entire shift or more. Accrued vacation may be authorized for extended absence for serious health conditions, if the accrued sick leave balance has already been exhausted, and other eligible reasons in accordance with the Family and Medical Leave.
4. Part-time employees may only request leave for normally scheduled hours of work.
5. It is the responsibility of Department Supervisors to verify that the employee has sufficient vacation leave for the requested period of vacation. Vacation leave will not be approved in advance of accrual earned. Additional unpaid time off work for vacation purposes impacts the operation of the City and shall be approved only in unusual and extenuating circumstances. Such approval is solely at the discretion of the Department Director and will be limited to one work week.
6. If no other accrued leave is available (i.e., sick leave, administrative leave), vacation leave may be used to supplement workers' compensation wage benefits provided the total income from the wage benefits and vacation used does not exceed 100% of an employee's regular gross pay.
7. No vacation leave which exceeds ten consecutive work days/work shifts (except when such vacation is taken in conjunction with an approved Family and Medical Leave) is allowed unless approved in advance by the Department ~~Director~~ Supervisor or Mayor.
8. In no event shall an employee be allowed to take vacation leave in conjunction with separation; i.e., to extend the separation date.

9. If an employee becomes ill or disabled prior to commencement of a scheduled vacation, the employee may reschedule his/her vacation subject to the approval of his or her Supervisor, but without priority over the already scheduled vacations of employees with less seniority.
10. Vacation leave pay shall be based on the employee's regular hourly rate of pay as of the time the vacation leave is taken.
11. The City does not allow vacation leave pay advances or advance payment of regular earnings for employees preparing to take vacation leave.

E. HOLIDAYS WHILE ON VACATION LEAVE

Holidays which occur during the period selected by the employee for vacation leave will not be charged against vacation leave accrual balances. The holiday will be charged against holiday leave regularly due the employee; i.e., the employee will not receive both holiday and vacation leave pay for the holiday.

F. DEATH IN FAMILY DURING VACATION LEAVE

When bereavement leave occurs within a vacation period, the vacation period can be extended to cover the additional days off with the appropriate amount of time charged to bereavement leave as authorized, or the vacation leave will be reduced accordingly, as requested by the employee.

G. PAYMENT OF VACATION LEAVE BALANCE UPON SEPARATION OR DEATH

Upon successful completion of the six month new hire probationary period, employees in authorized, budgeted part-time or full-time positions will be eligible for payment of accumulated vacation leave in cases of separation from City employment in good standing (layoff, resignation with proper notice, retirement). An employee who separates with less than six months' service, or who is terminated during or at the conclusion of the probationary period, fails to provide proper notice of resignation, or is discharged for cause, is **not** eligible for payment of accumulated vacation leave, unless specifically authorized by the Mayor.

In the event of a non-probationary employee's death, his/her beneficiary shall be paid for accumulated vacation leave.

Payment of accumulated vacation leave upon separation is considered earned income and is processed via the payroll system on the next regularly scheduled pay period subsequent to the employee's separation

Section 2. SICK/PERSONAL LEAVE

A. PURPOSE

Sick leave is a benefit provided by the City to be accumulated to protect employees in times of their own illness or the serious illness of certain family members.

B. ELIGIBILITY

All part-time and full-time employees in authorized, budgeted positions are eligible to accrue sick leave from the first month of employment. Seasonal and temporary employees are not eligible for this benefit.

C. SICK LEAVE ACCRUAL RATES

1. All full-time employees accrue sick leave at the rate outlined in the schedule below. Part-time employees accrue **prorated** sick leave based upon their authorized work schedule.

WORK SCHEDULE	ACCRUAL/ PAY PERIOD	ACCRUAL/ YEAR	MAXIMUM ACCRUAL
40 hour/week	4.00 hours	104 hours	720 280 hours

2. Accrual rates for represented employees are outlined in their respective collective bargaining agreements.
3. Sick leave accrues during any pay period in which an employee works or is compensated (e.g., while on vacation, sick leave, etc.).
4. Sick leave does not accrue in any pay period that an employee is on a leave of absence, suspension, or other absence without pay for the entire pay period.

D. AUTHORIZED USES OF SICK/ PERSONAL LEAVE

1. ~~Regular status full-time and part-time employees are eligible to use sick/personal leave after completing the new hire probationary period.~~ However, an employee who leaves employment before completing his or her probationary period shall have withheld from his or her final paycheck an amount equal to all sick leave used by the employee during the probationary period. Seasonal and temporary employees are not eligible for this benefit.
2. Sick leave may be used for the following reasons:

- Legitimate illness of employee; serious illness of employee's spouse, child(ren), foster child(ren), parent/parents in-law, brother, sister, or other relative as approved by the Department Director, depending upon the relationship and circumstances.
- Non-job related accident/injury preventing performance of employee's duties; or to supplement Workers' Compensation wage benefits in the event of a compensable on-the-job injury/accident, provided the combined income from Workers' Compensation wage benefits and sick leave does not exceed 100% of regular gross pay.
- Medical, dental, psychological, optical, chiropractic appointment, treatment, or examination of employee or employee's spouse, child (ren), or parent, or other relative as approved by the Department Director, depending upon the relationship and circumstances.
- Additional bereavement leave.
- Family and Medical Leave.

3. COMPUTING SICK/PERSONAL LEAVE

The minimum charge for sick/personal leave is .25 hour; additional charged time will be to the nearest .25 hour increment.

E. PROOF OF ILLNESS AND NOTIFICATION REQUIREMENTS

1. It is the employee's responsibility to take reasonable measures to personally notify his or her Supervisor ~~(unless incapacitated)~~ prior to or no later than one hour after the beginning of the work shift if the employee will be absent due to illness. Unless the employee receives prior authorization, as in the case of an extended, verified illness or an approved Family and Medical Leave due to illness, it is the employee's responsibility, absent reasonable circumstances that prevent notification, to report in this manner for each day of absence due to illness, unless daily notification is waived by his or her Supervisor.
2. An employee who is absent from work for more than three work days/shifts due to illness, who has any type of surgery/medical procedure, shall be required to provide a physician's release verifying fitness for duty prior to return to work. Employees may be required to provide medical verification of the need for sick leave absence as determined by Supervisors in order to

receive sick leave benefits. The physician's statement shall also include verification that the employee is able to return to work or is able to return to work with restrictions. If requested verification is not received by the due date for time sheets, the absence will be unpaid. A physician's statement may also be required for employees who:

- a. take excessive sick leave, either on separate days or on continuous days in any given time period;
- b. demonstrate a pattern of absenteeism;
- c. call in sick on a day or days when vacation leave was denied;
- d. take sick leave as soon as it is accrued (i.e., one day at a time as soon as it is earned); or
- e. are frequently absent the day before and/or the day after a scheduled day off or a holiday.

Department ~~Directors~~ Supervisors may require medical verification of the need for sick leave at any time.

Sick leave charged following an employee's notice of resignation and occurring prior to the date of separation must be verified by a physician's statement certifying the illness in order to be compensated.

3. Frequent and/or excessive absences charged to sick leave without medical verification, or with medical verification but which hinders operations, impedes work flow, or creates other adverse operational impact; evidence of malingering; a pattern of sick leave usage (e.g., Mondays, Fridays); use of sick leave for false claims of illness or injury; falsification of proof to receive payment of sick leave; and/or failure to comply with rules and regulations governing sick leave; may result in denial of sick leave pay and/or disciplinary action, including dismissal.
4. Department Supervisors are responsible for determining that sick leave is properly authorized and used in accordance with these policies. Therefore, Department Supervisors are authorized to make any investigation of employee usage of sick leave benefits deemed necessary and payment will not be made for claims not properly substantiated.

F. HOLIDAYS WHILE ON SICK LEAVE

Holidays which occur during a period in which the employee is absent on approved sick leave shall not be charged against sick leave. The holiday will be charged against holiday leave regularly due the employee; i.e., employees will not receive both holiday and sick leave pay for the holiday.

G. DEATH IN FAMILY WHILE ON SICK LEAVE

When bereavement leave occurs while an employee is on approved sick leave, the time off work for bereavement purposes will be charged to bereavement leave as authorized.

H. PAYMENT OF SICK LEAVE UPON SEPARATION OR DEATH

1. The following provisions apply to payment of accumulated sick leave upon termination, retirement, or death.

Employees who terminate employment with the City in good standing (resignation with proper notice, layoff) will be paid 25% of accrued sick leave ~~sick leave~~ balance.

Upon retirement from employment with the City or death of the employee, 50% of accrued sick leave ~~sick leave~~ balance will be paid.

Employees who are discharged for cause/misconduct are not eligible for payment of sick leave.

2. The use of sick leave to extend the employee's separation date is prohibited. Payment of accumulated sick leave upon separation is considered earned income and is processed via the payroll system on the next regularly scheduled pay day subsequent to the employee's separation.

Section 3. ADMINISTRATIVE LEAVE

A. PURPOSE

Administrative leave is a benefit provided by the City to exempt employees to recognize that, by the nature of the executive, managerial, or professional position, time worked in addition to the regular work week/schedule may be required. There is no statutory provision that requires any type of compensation for such additional worked time by exempt employees. The City, however, provides administrative time off for exempt employees, approved in advance, for the purpose of an "occasional day off."

B. ELIGIBILITY

All full-time exempt employees, including probationary exempt employees, in authorized, budgeted positions are eligible to receive administrative leave. Seasonal, temporary, and part-time employees are not eligible for this benefit.

C. CONDITIONS AND LIMITATIONS

1. Exempt employees are authorized administrative leave for the purpose of an occasional day(s) off work. Administrative leave must be taken in full workday increments only.
2. Administrative leave is not payable upon separation from employment and cannot be carried over from one fiscal year to the next fiscal year.
3. Requests for administrative leave must be approved in advance by the Mayor, Supervisors.

Section 4. BEREAVEMENT LEAVE

- A. ~~Regular status~~ Full-time employees are eligible for bereavement leave with pay in the event of the death of an immediate family member. However, an employee who leaves employment before completing his or her probationary period shall have withheld from his or her final paycheck an amount equal to all bereavement leave used by the employee during the probationary period. Immediate family includes spouse, legal guardian, and the following biological, adoptive, or "step" relatives: child(ren), spouse of child (ren), parents, brothers, sisters, grandparents, grandchild (ren) of both the employee and the employee's spouse, or other dependents living in the employee's household.

Part-time, temporary, and seasonal employees are not eligible for bereavement leave with pay.

- B. Up to **five scheduled work days** will be granted to regular status full-time employees upon request; documentation of the death/relationship may be required. If more than the authorized days is needed, in the case of a death out of state, the additional days may be charged to accrued sick or vacation leave balances. Bereavement leave for persons other than immediate family members may be granted subject to approval by the Department Supervisor ~~Director~~ and may be charged to accrued leave as specified above.
- C. Authorized bereavement leave is entered on the time sheet with the appropriate pay code.
- D. Supporting documentation of the death (e.g., newspaper obituary, death certificate, etc.) and documentation of immediate family relationship may be required by Department Supervisors in order for the employee to receive this benefit.
- E. In the event of the death of a current or retired City employee or elected official, the City encourages employees to attend local funeral or memorial services. An employee may be released by Department Supervisors to attend services if his/her absence will not impact routine work operations. The number of hours authorized

to attend the service will be specified by Department Supervisors (generally not to exceed four hours, ~~unless specifically extended by the Department Director~~) and is recorded as regular work hours on the employee time sheet. No overtime will be paid to attend these services.

- F. Provisions governing bereavement leave for represented employees are outlined in their respective collective bargaining agreements.

Section 5. JURY DUTY/WITNESS LEAVE

A. EMPLOYEES SERVING ON A JURY

1. Regular full-time and part-time employees who are summoned for jury duty on a regularly scheduled work day will be granted time off for jury service. It is the employee's responsibility to notify his or her Department Supervisor as soon as the jury service summons is received and to submit a copy of the jury summons to his or her Department Supervisor and to keep his or her Department Supervisor apprised of continuing jury service on a daily basis.
2. Provided that the employee assigns to the City all monies received from the court for jury service, Employees he/she will be paid their his/her regular earnings (for the regularly scheduled workdays/paid holidays during this period) up to a maximum of two weeks of absence jury service. If jury duty continues beyond two weeks, the employee may use his/her accrued vacation to supplement monies received from the court for jury service. The employee shall not be eligible for reimbursement by the City for any meals, lodging, travel, or other expenses incurred while serving as a juror.
3. If the employee is excused or released from jury duty, he/she is required to report to his/her regular City employment provided that at least four hours remain in his regular work day/shift. The employee must report to work within one-and-one-half hours of the time released from jury duty.
4. Upon release from jury duty service, employee must provide proof of release (showing dates/times of service) to his or her Supervisor.

B. SERVING AS A WITNESS ON BEHALF OF THE CITY

1. An employee called as a witness or representative in any legal proceeding on behalf of the City (e.g., workers' compensation hearing, civil or other court cases, grievance or arbitration hearing, etc.) will be considered "on-duty" and will be in a full-pay status including overtime, if applicable. The employee will be eligible for meal and travel expenses reimbursement in accordance with the City's policy. Since the employee is in a full-pay status, all monies received from the court and/or attorney(s) for witness fees, mileage, etc., must be remitted to the City. If the employee elects to retain the court and/or attorney fees, he/she will forfeit any remuneration by the City. Employees who appear for only a portion of a regularly scheduled work day are expected to return to their work site after being excused or released from the proceeding.

2. Time spent in court appearances as outlined in this section is recorded as regular hours worked on the time sheet and is considered time worked for the purpose of determining overtime pay.
3. Employees (e.g., sworn police officers) required to appear in court or other proceedings on behalf of the City while on scheduled vacation or other authorized paid leave shall not be charged such leave for the appearance time upon presentation of the required documentation.
4. An employee who appears in court as a witness, plaintiff, or defendant due to personal litigation, or as a witness against the City, or for criminal charges, or whose appearance is voluntary shall be required to use accumulated vacation leave for any such absence from work, or be unpaid.

Section 6. WORKERS' COMPENSATION LEAVE

A. PURPOSE AND SCOPE

The City provides workers' compensation coverage for all part-time and full-time employees, including probationary, temporary, and seasonal employees on the City's payroll, in accordance with Chapter 440, Florida Statutes. Accordingly, eligibility, coverage, and benefits are pursuant to Chapter 440, Florida Statutes. All cases of accident or injury occurring on the job shall be reported immediately to Supervisors in accordance with statutory provisions. Medical treatment shall be authorized at facilities designated by the Workers' Compensation insurer for all injuries other than injuries requiring only first aid.

There shall be no retaliation against any employee for filing a claim for a legitimate on-the-job injury.

B. ELIGIBILITY

1. An employee who sustains a compensable on-the-job injury and who is determined by competent medical authority to be temporarily, totally disabled from performing his/her duties are permitted to use accrued sick and/or vacation leave for any absence not reimbursed by workers' compensation insurance.
2. Employees who supplement the wage benefits received from workers' compensation with accumulated sick and/or vacation leave are allowed to do so to the extent that the combined income from City leave benefits and workers' compensation wage benefits does not exceed 100% of regular gross pay.

In the event that absence continues to the point that the employee receives wage reimbursement for any statutorily designated "waiting period" before the commencement of wage reimbursement, the employee shall be required to reimburse the City for the sick/vacation leave paid and the employee's sick/vacation leave balance will be credited accordingly.

3. Seniority will continue to accumulate during the period of absence due to a workers' compensation injury. Continued employment is not guaranteed to employees on extended absence from work due to their injury/accident, other than pursuant to Family and Medical Leave provisions. Depending on the circumstances, medical verification of likelihood of return to full-time, unrestricted duty within a reasonable time frame, operational impact of the continued absence and unavailability for work, the interest of the City, and other factors, a determination may be made that the City is unable to authorize continued leave, and the employee may be terminated, or continued leave may be authorized.
4. Injured employees may be required to be examined by a medical authority, provided by the City, who shall determine the employee's condition and fitness for return to full-time, part-time, and/or restricted duty.

C. MODIFIED DUTY (RETURN TO WORK PROGRAM)

An employee will be returned to modified duty following an on-the-job accident, in his/her own department or any department of the City, with no reduction in pay, based on medical verification of ability to perform the modified duty. The employee's salary while on modified duty will be paid by his/her department even if he/she is temporarily assigned to another department for the purpose of modified duty. An employee who is working on authorized modified duty will receive regular pay (i.e., no leave benefits will be charged) for absence of less than one workday for medical appointments related to the on-the-job injury provided the employee has submitted documentation of the necessity for the appointment, has arranged to be excused from work in advance by his or her Supervisor, and provided the employee is at work prior to and/or after the appointment.

In the event that an employee is absent for an entire workday for a medical appointment, the employee will not be paid regular pay, but may file for wage loss benefits, if eligible, or may request to be paid sick leave.

Employees assigned to modified duty will continue the assignment until:

- released to return to unrestricted duty in his/her regular position;
- the employee has reached maximum medical improvement; or

- has been determined to have a permanent total disability rendering him/her unable to perform the essential functions of his/her regular position and is terminated.

If an employee released for light duty refuses to accept light duty, the employee will be required to use his/her accumulated leave and/or be placed on Family and Medical Leave.

Section 7. FAMILY AND MEDICAL LEAVE (FML)

A. PURPOSE

The City offers leaves of absence to employees for their own illness or for certain family members' serious illness, and birth/adoption of a child, in accordance with the provisions of the Family and Medical Leave Act (FMLA) of 1993. Written requests for Family and Medical Leave (FML) are made to Supervisors at least thirty (30) days prior to foreseeable events, and as soon as possible for unforeseeable events. The provisions of the FMLA and related City provisions are outlined below.

B. ELIGIBILITY

1. A regular status part-time or full-time employee must have been employed by the City for at least twelve months and have worked at least 1,250 hours during the twelve months preceding the request for leave in order to be eligible for the leave benefits provided by the Family and Medical Leave Act.
2. An eligible full-time employee is eligible for a total of twelve work weeks of leave time (e.g., 480 hours for employees whose schedule is forty hours/week) during any twelve-month period commencing as of the date the leave begins. Part-time employees who have worked at least 1,250 hours in the twelve months preceding a request for leave are eligible for a total of twelve weeks with the total number of hours available based on their scheduled work week (i.e., a part-time employee whose scheduled work week is thirty hours/week is eligible for 360 hours of leave). Temporary and seasonal employees are not eligible for Family and Medical Leave.
3. Family and Medical Leave may be approved on an intermittent or non-intermittent basis, depending on the circumstances, for the following reasons:
 - caring for spouse, child(ren), or employee's own parent(s) with a serious health condition;

- the serious health condition of the employee; or
- birth, adoption, or foster care placement of child(ren) in order to care for such child(ren).

C. DEFINITIONS

1. **As soon as practicable** -- means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as thirty days notice, "as soon as practicable" ordinarily would mean employee notification to the Supervisor within one or two business days of when the need for leave becomes known to the employee.
2. **Child(ren)** -- biological, adopted or foster child(ren), step-child(ren), legal ward(s), or child(ren) of a person standing "in loco parentis," who is under 18 years of age; or 18 years of age or older but incapable of self-care because of a mental or physical disability.
3. **Continuing treatment** -- by a health care provider means one or more of the following:
 - the employee or family member is treated two or more times for the injury or illness by a health care provider or by a provider of health care services under direction of a health care provider;
 - the employee or family member is treated by a health care provider on at least one occasion and is given a regimen of continuing treatment under the supervision of the health care provider;
 - the employee or family member is under the continuing supervision of a health care provider for a long-term or chronic condition or disability which cannot be cured.
4. **Foreseeable Family and Medical Leave** -- means leaves for birth, adoption, foster care, or planned medical treatment. The City requires employees to give at least thirty (30) days notice, in writing, if possible and practical, for a foreseeable Family and Medical Leave.
5. **Health care provider** -- means any of the following licensed or certified professions: a doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, chiropractor (limited to treatment consisting of

manual manipulation of the spine to correct sublimation as demonstrated by x-rays to exist), nurse practitioner and nurse midwife, and Christian Science practitioners listed with the First Church of Christian Science in Boston, Massachusetts. If an employee relies on a Christian Science practitioner, the City may require a second opinion from a medical doctor.

6. **Incapable of self-care** -- means the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living, including: grooming, hygiene, bathing, dressing, eating, taking public transportation, maintaining a residence, etc.
7. **"In loco parentis"** -- includes those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
8. **Parent** -- the biological or adoptive parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child. Parents of a spouse are not included.
9. **Reduced leave schedule** -- a leave schedule that reduces an employee's usual number of hours per work week or hours per work day.
10. **Serious health condition** -- an illness, injury impairment, or physical or mental condition that involves inpatient care at a hospital, hospice, or residential medical care facility, or continuing care for more than a few days by a health care provider. The employee shall be required to provide certification from a health care provider documenting the existence of a serious health condition.
11. **Spouse** -- husband or wife of the employee.
12. **Unforeseeable Family and Medical Leave** -- occurs when the need for leave, or its approximate timing, is not foreseeable. The City requires employees to give notice as soon as practicable based on the facts and circumstances of the particular case, within no more than one or two work days of learning of the need for leave, except in extenuating circumstances, such as a medical emergency.

D. EMPLOYEE BENEFITS

1. An employee granted leave under the provisions of this policy and the Family and Medical Leave Act shall be returned to the position previously held or an equivalent position with equivalent benefits, pay, seniority, and

other terms and conditions of employment provided the total period of leave does not exceed twelve (12) weeks.

Employees whose salaries are in the top 10% of the City's work force who are granted leave shall have no guarantee of reinstatement to an equivalent position. Consideration for reinstatement will be based on operational requirements.

2. Health, dental, and other insurance coverage including any voluntary insurance benefits and life insurance will be continued during the period of the leave (paid and unpaid leave time) at the same level as in force at the beginning of the leave. The employee is responsible for payment of his/her share of dependent health, dental, and life insurance premiums and any voluntary insurance premiums.

Employees whose salaries are in the top 10% of the City's work force granted leave under this section shall receive all applicable group insurance benefits for up to twelve (12) weeks of approved leave, regardless of whether or not reinstated to an equivalent position.

3. Employees who terminate employment due to inability to return to work at the conclusion of a twelve (12) week leave are eligible to elect health insurance continuation in accordance with Florida Statutes.

E. PROCEDURES AND EMPLOYEE RESPONSIBILITIES

1. When the necessity for leave under this section is due to the serious health condition of the employee or eligible family member or is foreseeable based on an event such as birth/adoption of a child, it shall be the employee's responsibility to:
 - a. Submit a written request including any medical verification of the need for the leave and expected duration of the leave, to his/her Supervisor/Department Director for consideration.
 - b. Make reasonable efforts to schedule treatment/ care in order to minimize disruption to work operations.
 - c. Provide at least thirty (30) days' notice prior to commencement of the leave for foreseeable circumstances, except that if planned treatment/care is required in less than thirty (30) days, the employee shall provide such notice as is practicable.
2. Following approval of the leave by the Department Director , the employee will sign an approved Leave of Absence memorandum

indicating his/her concurrence with the conditions outlined, including arrangements for payment of insurance premiums which may be the employee's responsibility.

3. Prior to return to work, the employee shall provide written notice to the Department Director of the anticipated date of return to work, accompanied by medical verification (in the case of employee's own serious health condition) from the treating physician of ability to return to work.

F. CONDITIONS AND LIMITATIONS

1. Unpaid leave under this section will be authorized **only** after the employee has exhausted all available and eligible paid leave (sick, administrative, vacation). Employees who have sick, administrative, and vacation leave, time available shall be required to use all available paid leave which is a permitted use prior to leave without pay. Such paid leave time is included along with unpaid leave time in the calculation of the total of twelve work weeks within a twelve-month period.
2. In the case of two City employees who are married, Family and Medical Leave for the birth, adoption, or foster care placement of a child is limited to a combined total for both spouses of twelve weeks of leave. This combined twelve weeks limitation does not apply to leaves for married employees for serious health conditions of the employee, child, or parent.
3. Leave, under the provisions of this section, cannot be taken intermittently or on a reduced leave schedule unless agreed to and approved by the Department Director, based on certification as medically necessary and/or based on operational considerations. The City may temporarily transfer an employee on authorized intermittent or reduced schedule leave to a position more suitable to recurring periods of absence to better accommodate the leave schedule. The employee's wages and benefits will remain the same as prior to the temporary transfer.
4. When leave is to be taken due to the serious health condition of the employee or an eligible family member or when leave is to be taken on an intermittent or reduced leave schedule due to medical necessity, certification from the health care provider will be required. The City reserves the right to require, at the City's expense, the opinion of a second health care provider designated or approved by the City. Should the first and second opinions conflict, the City reserves the right to require the opinion of a third health care provider, at City expense, designated or approved jointly by the City and the employee. The opinion of the third

health care provider shall be final. To be sufficient, the certification must state:

- the date on which the serious health condition commenced.
 - the probable duration of the condition.
 - the appropriate medical facts within the knowledge of the health care provider regarding the condition.
5. During any unpaid portion of Family and Medical Leave, no sick/vacation will accrue, nor will the employee receive any holiday pay.
 6. Continuous service credit will continue during the period of approved Family and Medical Leave (paid and unpaid portions).
 7. Employees are prohibited from accepting new employment while on approved FML.
 8. Inability/failure to return to work at the expiration of the twelve week period may result in termination of employment.

Section 8. MILITARY LEAVE

A. ANNUAL MILITARY LEAVE FOR RESERVES AND NATIONAL GUARD TRAINING

1. Employees (full-time, part-time, and temporary employees who are on the City's payroll) who are members of the Florida National Guard or other military reserve units who are duly ordered by their commanding officer to engage in active duty, field exercises, or other annual training shall be entitled to a leave of absence with pay from their respective duties up to seventeen (17) work days in any annual period, in accordance with Florida Statutes, Chapter 115.
2. Each shift of twelve hours or less equals one working day leave for military training. All shifts over twelve hours and up to twenty-four hours shall equal two working days leave for military training.
3. Official orders shall be presented to Supervisors prior to the time the leave begins, and a copy of the official orders will be included in the employee's personnel file. The employee shall be in a full-pay status during the authorized time periods outlined above; all monies earned from the

military while on active duty will be in addition to regular earnings from the City.

4. If the employee's annual military training exceeds seventeen (17) work days per calendar year, the employee may charge the additional time to allowable personal leave, vacation, or leave without pay. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be granted to employees without loss of time or efficiency rating, pursuant to F.S. 115.07.
5. Continuous service credit will accumulate during such annual military training absence for all employee benefits, including retirement.

B. LONG-TERM MILITARY LEAVE

1. PURPOSE AND SCOPE

In accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994, and applicable Florida Statutes, the City grants unpaid military leave of absence and provides re-employment rights and benefits to employees granted such leave. Leave of absence under this section is available to full-time employees, but not to part-time, temporary, or seasonal employees.

The provisions of this policy governing unpaid long-term military leave are intended to meet or exceed the minimum requirements of the Uniformed Services Employment and Re-employment Rights Act, any applicable state law, and/or local City ordinance. To the extent that this section may not meet the minimum standards of applicable statutes, as they may be amended from time to time, the minimum statutory standards shall apply.

In the case of an employee who is called to active military services, as defined in F.S. 115.08, from reserve status (not a voluntary enlistment), the employee shall receive his/her regular salary for the first thirty (30) calendar days of leave, in accordance with Florida Statutes.

2. DEFINITIONS

Uniformed Services - means the Navy, Coast Guard, Marines, Army, Air Force, Army National Guard, International Guard, the Commissioned Corps of the Public Health Service, and any other category designated by the President in time of service or emergency.

Service in the Uniformed Services - means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty for training, inactive duty training, full-time National Guard duty, and a period for

which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

3. APPLICATION FOR LEAVE

An employee requesting leave for a long-term tour of military service shall provide advance verbal or written notice to the City of such service unless such notice is not required under circumstances outlined in the Uniformed Services Employment and Reemployment Rights Act of 1994. A copy of official orders or other military certificate will be provided to the City for inclusion in the employee's personnel file.

4. GROUP INSURANCE CONTINUATION

The employee will be provided the appropriate forms for application for continuation of the existing group health and dental insurance, in accordance with applicable provision.

5. EMPLOYMENT AND BENEFITS REINSTATEMENT PROVISIONS

- A. Upon release from military service, the employee shall be reinstated to the same or comparable position, as required by law, provided the employee:
- notifies the City, within the time frame following date of release from military duty, as outlined in the Uniformed Services Employment and Re-employment Rights Act of 1994, of desire for reinstatement and has no intervening employment, and
 - was released from military service under honorable conditions.
- B. Upon reinstatement, the employee is entitled to resume all seniority based benefits, including service credit for the period of unpaid leave, rate of pay, and vacation accrual rate. Additionally, the reinstated employee shall have all sick leave which was not paid to the employee upon separation at the time military duty commenced restored to his/her sick leave account. Reinstatement in the applicable retirement plan shall be in accordance with the provisions of federal and state statutes and the governing pension ordinance.
- C. Group health, dental, and life insurance will be reinstated as though coverage had not lapsed; i.e., no exclusions for pre-existing conditions, no waiting period, no late enrollment application, etc.

Section 9. OTHER UNPAID LEAVES OF ABSENCE

Other unpaid leaves of absence may be authorized, generally not to exceed three months (and in no case will such leaves exceed one year) depending on factors including, but not

limited to: circumstances involved, employee's tenure and overall work record, operational impact, etc. Such leaves, if granted following submittal of the employee's written request for leave, shall be solely at the discretion of the City and shall require the prior approval of the Department ~~Director~~ Supervisor and/or Mayor.

Health, dental, and other insurance coverage, including any voluntary insurance benefits and life insurance, may be continued during the period of the leave at the same level as in force at the beginning of the leave. The employee is responsible for payment of his/her share of dependent health, dental, and life insurance premiums and any voluntary insurance premiums. Continuous service credit will not accrue during an unpaid leave of absence granted under this section. Accordingly, upon return to work, the employee's service date will be adjusted to reflect the time off the payroll.

XV. DISCIPLINARY ACTIONS

Section 1. POLICY AND PURPOSE

It is the intent of the City of Edgewood to avoid most matters which necessitate disciplinary action through effective supervision and good employee-employer relations. To accomplish this objective, the City encourages, to the fullest degree, employee behavior which is positive and supportive of the goals of the City. The purpose of the rules outlined in this section and the disciplinary actions for violation of the rules is to ensure the rights of all employees and to secure cooperation and order in the workplace.

It is management's responsibility to ensure that all employees are informed of, and comply with, these policies.

The purpose of this section is to provide an effective supervisory tool which can modify inappropriate employee behavior, generating opportunities for success rather than failure, when supervision communicates consistently, and fairly applies reasonable work standards to employee behavior.

Disciplinary action should be taken when cause occurs. Generally, employee misconduct should be dealt with by use of a progression of disciplinary actions. However, in recognition of the fact that each instance differs in many respects from somewhat similar situations, each occurrence should be treated on an individual basis.

All disciplinary actions should be discussed with the employee involved in a private setting. It is the responsibility of Department Supervisors to counsel the employee and outline steps to correct the performance and/or behavior. Other than verbal counseling, all disciplinary action taken shall be provided to the employee in a written notice of disciplinary action. This notice will ensure that the employee is made aware of the seriousness of violating rules, regulations, and procedures and the need to conduct himself/herself in a manner which does not discredit the City.

Section 2. RULES, VIOLATIONS, AND DISCIPLINARY ACTIONS

A. GENERAL INFORMATION

Causes for disciplinary action are divided into three categories: minor offenses, major offenses, and dismissal offenses. Disciplinary actions, depending upon the circumstances, may include, but are not limited to:

- ~~verbal reprimand;~~
- written reprimand;
- suspension;
- termination.

The disciplinary actions which follow are guidelines. It is understood that the guidelines are not all inclusive because circumstances may vary in

individual cases. Management must give serious consideration to the nature of each offense and take appropriate disciplinary action. The examples listed below represent typical grounds for disciplinary actions leading up to and including dismissal, and are not intended to be all inclusive. Penalties for offenses not listed will be prescribed consistent with offenses of comparable gravity. Violations do not have to be identical in nature in order to proceed to the next level of progressive discipline. Penalties for disciplinary offenses should normally fall within the suggested range; however, these ranges are merely guides and are not intended to limit the right of management to determine what constitutes an appropriate penalty. Depending on the nature of the offense, the past record of the employee, and/or extenuating circumstances, a more severe penalty, a lesser penalty, or a penalty outside of the range may be imposed. In the case of a dismissal offense, the minimum penalty for a first offense will be suspension without pay.

B. MINOR OFFENSES

1. Lack of cleanliness in the work area.
2. Selling or soliciting, or distributing literature, on City property without prior authorization.
3. Failure to obtain approval prior to engaging in outside employment or business activity.
4. Failure (one time) to report absence from work in a timely manner to the immediate Supervisor/designee. (Call-in times in this rule may be adjusted in each work location to comply with operational requirements. Employees shall be informed by Supervisors of specific requirements.) Lack of a telephone in employee residence does not relieve employee of responsibility for notification.
5. Occasional and/or minor neglect, carelessness, or disregard of common/accepted safety practices.
6. Any act of carelessness/negligence which results in a failure to complete assigned tasks or responsibilities in a timely and/or satisfactory manner.
7. Careless work habits or negligence which results in **minor** damage to equipment and/or tools or which results in waste of materials and/or supplies.
8. Occasional substandard work quality.

9. Loafing, neglect of duties, or otherwise wasting work time.
10. Use or possession of another employee's working equipment without the employee's consent.
11. Occasional unexcused tardiness.
- ~~12. Smoking or using tobacco products during working hours.~~
- ~~13~~12. Unauthorized removal of notices or signs from City bulletin boards.

C. RANGE OF DISCIPLINARY ACTIONS FOR MINOR OFFENSES

1. First Offense - ~~Verbal counseling up to~~ w Written reprimand.
2. Second Offense - Written reprimand up to three days' suspension without pay.
3. Third Offense - Suspension without pay for up to five days.
4. Fourth Offense - Subject to discharge.

D. MAJOR OFFENSES

1. Leaving the job during working hours without permission from a Supervisor.
2. Absence without approved leave or failure to report to work after leave has been disapproved, revoked, or canceled.
3. Hindrance of operations because of frequent or excessive absenteeism or tardiness; ~~pattern of sick leave abuse (e.g., taking sick leave one day at a time as it accumulates; sick leave taken prior to or following other authorized days off work; etc.); inability/failure to provide requested medical verification for absence charged to sick leave. This does not include authorized Family and Medical Leave or other approved leave for medical reason.~~
4. Frequent or excessive absence from work, with or without medical verification, which impedes work flow, inhibits operations, and/or creates other operational impact.

5. Failure to report for overtime work without good reason after being scheduled to work.
6. Failure to report a personal injury, equipment damage, or vehicle accident immediately to a Supervisor.
7. Careless use of City property, equipment, tools, or vehicle resulting in personal injury to a co-worker or a citizen, or resulting in other than minor damage to property owned by the City, another employee, or a citizen.
8. Excessive number of personal injury or vehicle accidents or an accident resulting in injury, due to carelessness, neglect, or disregard of safety practices.
9. Continued or deliberate violation of safety rules resulting in personal injury, lost time, and/or equipment/vehicle damage or refusal to use required safety equipment (e.g., seat belts, protective devices, etc.).
10. Sleeping during working hours.
11. Malicious mischief, horseplay, wrestling, or other undesirable conduct in the workplace.
12. Gambling on City property.
13. Loss of or damage to City tools, supplies, equipment, or property through carelessness or negligence.
14. Conduct which is considered disrespectful, or the use of insulting, abusive or obscene language to or about fellow employees, elected officials, or the public.
15. Operation of any City owned vehicle or equipment while under the influence of any legal drug/medicine which causes drowsiness or other physical or psychological impairment.
16. Violation of departmental rules, regulations, policies, or standard operating procedures, etc.

E. RANGE OF PENALTIES FOR MAJOR OFFENSES

1. First Offense - Written reprimand up to three days' suspension without pay.

2. Second Offense - Suspension without pay for up to five days.
3. Third Offense - Subject to discharge.

F. DISMISSAL OFFENSES

Reasons for dismissal of an employee may include, but are not to be limited to, the following:

1. Fighting, threatening, intimidating, coercing or otherwise interfering with the rights of other people or other conduct detrimental to morale and discipline in the workplace.
2. Improper or unauthorized use or sale or misappropriation of City property, vehicles, and/or equipment for personal use, personal gain, or for any other reason.
3. Deliberate misuse, destruction, or damage to any City property or the property of another person.
4. Failure to return to work upon expiration of approved leave of absence.
5. Abandonment of position by being absent from duty for three consecutive work days without notification and/or proper authorization.
6. Insubordination by refusing to perform assigned work or to comply with an official and legal supervisory directive, or by demonstrating an antagonistic, disrespectful, or belligerent attitude toward management.
7. Violation of a safety rule, regulation, or policy resulting in someone's death or serious injury or which could have resulted in someone's death or serious injury.
8. Deliberate falsification of official reports, documents, records, correspondence pertaining to the City including, but not limited to, employment application and credentials, time sheet, travel expenses, accident reports, or other documents; or violation of any other public trust.

9. Indictment, Conviction or a Preponderance of Evidence Involving Criminal Activity~~Commission or guilt of any felony crime or a misdemeanor involving immoral conduct.~~
10. Engaging in an illegal strike, work stoppage, slow-down, or acts of sabotage or vandalism.
11. Refusal to sign or execute an oath of citizenship, oath of loyalty, or any other form or document required by law or City regulations.
12. Possession of firearms, explosives, or other weapons on City property or in a City vehicle, unless except as authorized by law proper authority.
13. The use, possession, or sale of narcotics or other illegal substances on or off City property.
14. Inability or unfitness to perform assigned duties due to gross or willful neglect, incompetence, or other reasons.
15. Concealment of a communicable disease which could endanger the health of other employees or the public.
16. Providing entrance or access to City facilities or property to unauthorized persons.
17. Concealment or removal of City property or the property of another employee without proper authorization or theft of City property or property of another person.
18. Demonstrated pattern of inefficiency or incompetence in the performance of assigned duties.
19. Making false claims or deliberate misrepresentations in an attempt to obtain sick leave or injury benefits, workers' compensation benefits, or any other benefits.
20. Threatening physical violence or striking another employee, supervisor, or a member of the public while on duty or on City premises.
21. Loss or suspension of a required license, certification, permit, or other credential required by an employee to perform the duties of his/her position.

22. Providing false information to any Supervisor or member of management, or lying under oath or lying in any official proceeding.
23. Deliberately falsifying racial or sexual harassment charges or "whistle-blower" claims.
24. Failure to cooperate in an official investigation related to work.
25. Conduct that raises obvious questions as to the employee's ability to maintain public trust.
26. Racial Harassment - Any unwelcome verbal comments or physical acts of a racial nature which interfere with an employee's ability to perform his/her duties or which creates an offensive working environment.
27. Sexual Harassment - Any unwelcome verbal or physical conduct of a sexual nature which interferes with an employee's ability to perform his/her duties or which creates an offensive or hostile working environment, or any act of sexual harassment toward a member of the public.
28. Use of obscene or sexually explicit language or gestures directed at any customer/citizen of the City or another employee.
29. Possession, use, consumption of, or being under the influence of intoxicating beverages while on official duty.
30. Reporting for duty under the influence of intoxicating beverages, non-prescribed drugs, or illegal controlled substances.
31. Testing positive for illegal drugs or alcohol during any test administered pursuant to City policies.
32. Solicitation or acceptance of any gift, gratuity, or other form of compensation of any value by an employee that is based on any understanding that the performance/ non-performance of any duties or responsibilities associated with employment by the City, or any official action or judgment of the employee, would be influenced by such gift, gratuity, or other form of compensation.
33. Conduct unbecoming an employee which may not be specifically set forth in these regulations.

34. Any other incidents or series of incidents which, when considered on their merit, are equal in gravity to the established dismissal offenses.

G. DISCIPLINARY ACTION FOR DISMISSAL OFFENSES

An employee who is determined to have committed a dismissal offense shall be subject to dismissal. If it is determined that a lesser penalty is appropriate, the disciplinary action shall not be less than a suspension without pay.

Section 3. LAW VIOLATION CHARGES

Any employee charged with and/or arrested for any crime shall notify his/her Department ~~Director~~ Supervisor within twenty-four hours of the arrest, or as soon as practical, regarding the charges and his/her availability for work status.

When an employee is formally charged with criminal conduct which is job-related and/or which is not job-related but affects the public's trust and confidence in the employee and/or City government, his or her Department Supervisor will render a preliminary determination to either:

1. Allow the employee to continue to perform duties pending the outcome of the departmental investigation and final administrative determination;
2. Reassign the employee to other, less sensitive duties pending the outcome of the departmental investigation and final administrative determination;
3. Suspend the employee without pay pending the outcome of the departmental investigation and final administrative determination;
4. Suspend the employee with pay pending the outcome of the departmental investigation and final administrative determination; or
5. Terminate the employee.

In making the preliminary determination, the following factors may be considered:

1. The nature, weight, basis, and character of the criminal charges against the employee;
2. Any explanation offered by the employee;
3. Employee's willingness to undergo voluntary drug testing at employee's expense at a facility designated by the City at intervals specified by the City, in the case of arrests related to the possession, use, or sale of illegal drugs;

4. Employee's willingness to enroll in an appropriate rehabilitation program, if deemed necessary by the City;
5. The extent to which the criminal charges, alleged conduct, and surrounding circumstances may affect the public's trust and confidence in the employee and in the City government;
6. The extent to which the criminal charges, alleged conduct, and surrounding circumstances may affect the employee's ability to carry out his duties and responsibilities effectively;
7. The employee's documented work record and past performance;
8. The interest of the City and/or other operational considerations determined by the City.

Following the preliminary determination, the Department Supervisor may conduct a comprehensive investigation to determine what, if any, disciplinary action is appropriate. This investigation is not intended to establish the employee's guilt or innocence of the formal criminal charges. Any disciplinary action taken may take into consideration the same factors as were used in making the preliminary determination, and will not be dependent upon the outcome of the criminal charges through the legal system.

The City may terminate an employee based on unavailability for work due to continued incarceration. If the City's decision is to allow the employee to continue to work pending the outcome of the criminal charges against him, the employee will be advised in writing that it is his/her responsibility to notify his or her Department Supervisor within forty-eight hours of any change in status, any required court appearance, or attorney appointments (which must be charged to vacation, personal leave, or administrative leave, if available, or will be unpaid); and that the City reserves the right to take additional disciplinary action, including dismissal, depending on the outcome of the criminal charges.

Once resolution of the criminal charges has occurred, the following rules shall apply: a verdict of guilty; a plea of guilty; a plea of nolo contendere (no contest); or an adjudication of guilt after trial; or any other plea or adjudication based upon any admission of guilt to any charges shall be "prima facie" evidence of grounds for discharge. It shall be at the sole discretion of the City to consider continued employment based on the overall employment record and the circumstances of the outcome of the charges.

A verdict of "not guilty" or "charges dropped/dismissed" shall not mean that an employee will not be disciplined or discharged. The Department Director may proceed with disciplinary action if a violation of City policy occurred, irrespective of the court's disposition.

A determination shall be made regarding eligibility for back pay, based on the disposition of the legal proceeding, for employees who were suspended without pay pending the outcome of the charges.

Section 4. COMPLAINTS AGAINST EMPLOYEES

If an external (non-criminal charge) complaint is made against a City employee, the Department ~~Supervisor~~ Director, will evaluate the nature of the charge/allegation and the interest of the City, and may take the following action after notification of the proposed action and acceptance by the Mayor:

- suspension with pay;
- suspension without pay;
- administrative or other duty besides the employee's regular duties;
- transfer to another assignment/work site; or
- terminate employment.

In such cases, no additional disciplinary action (i.e., suspension without pay) will be considered until the conclusion of the investigation when the circumstances/validity of the complaint is fully ascertained.

Section 5. POLICE OFFICERS' BILL OF RIGHTS

In cases in which a sworn law enforcement officer, other than the Chief of Police, is under investigation and subject to interrogation for reasons which could lead to disciplinary action, demotion, or dismissal, the provisions of the Police Officers' Bill of Rights (Florida Statutes, Section 112.532) shall apply.

Section 6. NAME-CLEARING HEARINGS

A. PURPOSE AND SCOPE

All City employees, including part-time, temporary, and probationary employees, may request a "name-clearing" hearing to present information for the purpose of "clearing his/her name."

B. NOTICE OF RIGHT TO REQUEST A HEARING

If an employee waives his/her right to a name-clearing hearing, it shall not affect his/her right to file an appeal through the grievance procedures outlined in this manual or in an applicable collective bargaining agreement.

C. CONDUCTING THE HEARING

If an employee was terminated for a reason, and such employee requests a name-clearing hearing, the name-clearing hearing will be scheduled within five work days after receipt of the employee's request and will be conducted by the Department ~~Supervisor~~ Director/designee. The hearing may be tape recorded. The following procedure will apply during the hearing:

- confirmation that the employee has a copy of the charges.
- explanation of the charges and that dismissal/suspension is recommended.
- opportunity for the employee to offer any contrary evidence or explanation. If the employee intends to bring legal representation to the name-clearing hearing, the City shall be notified at least forty-eight (48) hours prior to the hearing in order to respond accordingly. If the employee brings legal representation without notification, the City reserves the right to reschedule the hearing ~~at~~ at its convenience.
- allowing the employee to make a verbal statement, or submit a written statement, for the purpose of clearing his/her name.

Section 7. DISCIPLINE AND DISMISSAL NOTICES

A. DISCIPLINARY ACTION NOTICE FOR REPRIMAND/ SUSPENSION

When an employee is reprimanded or suspended, the written notice must provide the following information:

- specific charge of misconduct with reference to a violation of City or departmental rules, regulations, or policies, or a supervisory order and date of offense(s).
- brief narrative description of offense and imposition of disciplinary action.
- reference to previous disciplinary actions if relevant to the reason for the current disciplinary action.
- warning regarding employee's failure to take corrective action will subject him/her to further disciplinary action, including dismissal.
- reference to the employee's right to grievance/appeal.

- the signature of the Department Director and date that the disciplinary action notice is issued.
- employee's signature and date to acknowledge receipt of the document. The employee's signature does not imply agreement and refusal to sign should be noted and witnessed.

B. NOTICE OF DISMISSAL

1. All employees may be terminated at any time during the period of employment or probationary period without or without cause and without the right to a pre-determination hearing or to a post-termination appeal.
2. The employee will receive a written notice that his/her employment or probationary employment is terminated. The termination letter will include information regarding final pay, insurance continuation, etc. Additionally, the termination letter will include the employee's right to request a "name-clearing" hearing, if the employee was terminated for any reason, within five work days of receipt of the termination letter, in applicable cases. The purpose of the "name-clearing" hearing is solely to allow the terminated employee to submit an oral or written statement to "clear his/her name." This name-clearing hearing does not constitute a pre-determination or post-termination appeal.

XVI. EMPLOYEE GRIEVANCE PROCEDURE

Section 1. PURPOSE

The grievance procedure is established to provide a structured process for employees to express their grievances with personnel policies and/or actions that directly affect them, including disciplinary actions taken against them. As at-will employees, City employees do not have the right to file a post-termination grievance.

It is the intent and desire of the City to resolve grievances informally and as quickly as possible. Supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be some grievances which will be resolved only by this formalized system. The submittal of a legitimate grievance by an employee will in no way adversely affect the employee or his/her employment with the City.

Section 2. DEFINITIONS/RULES

For purposes of the grievance procedure, the following definitions and rules apply.

DEFINITIONS

- A. **Grievance** - shall be a complaint, submitted in writing, arising out of an interpretation or application of a rule/disciplinary action or some condition of employment
- B. **Disciplinary action** - is defined as written reprimands or no-pay suspensions. Employee counselings/verbal reprimands are not subject to appeal.
- C. **Grievant** - is a regular employee having a complaint.
- D. **Day** - shall mean Monday through Friday (working days). Saturday, Sunday, and holidays are excluded unless otherwise noted.

RULES

- A. Full-time regular status employees have access to the grievance procedure. Part-time, temporary, seasonal, and probationary employees and Department Directors and do not have access to the grievance procedure.
- B. Only unpaid suspensions can be appealed to the Mayor's level. The decision of the Department ~~Director~~ Supervisor on written reprimands is final and binding.

- C. A grievance filed by an employee must be submitted in writing, signed, and dated.
- D. A grievance/complaint that is not appealed within the specified time limits shall be deemed permanently withdrawn and settled on the basis of the decision most recently given.
- E. The grievance procedure steps and time limits will be strictly enforced. Exception to the order and time limits may be made only with the mutual consent of the Mayor or Department Head Supervisor, and the grievant.
- E. The City shall not be obligated for retroactive pay that is greater than the employee's regular earnings.
- G. The Grievance Procedure for represented employees is outlined in their collective bargaining agreement.

Section 3. BASIS FOR GRIEVANCE

The grievance procedure is for an individual employee's use to solve a personal problem relating to the personnel rules, regulations, and policies of the City or to appeal a disciplinary action. Grievances will not be accepted if filed by one employee on behalf of another, or group actions.

Section 4. MANAGEMENT PREROGATIVES

The following areas of administration are considered prerogatives of management and shall not be a subject of the grievance procedure:

- scheduling and assignment of work, work hours, and work stations.
- establishing work standards and quality.
- size of work force and reorganizations.
- reductions in the work force.
- appropriations and budget.
- scope of work within job classifications.
- performance evaluations.
- promotions and involuntary demotions or transfers deemed to be in the interest of the City.
- the right to discipline.
- terminations.
- the goals and objectives of the City.

Section 5. GRIEVANCE PROCEDURE STEPS

In order to assure employees that grievances are considered rapidly, fairly, and without reprisal, the following steps are provided for non-substance disciplinary actions (written reprimands) and substance disciplinary actions (suspensions without pay).

A. NON-SUBSTANCE DISCIPLINARY ACTION PROCEDURES -- Written Reprimands

1. The employee shall submit his/her written complaint to the Department ~~Supervisor~~ Director **within five working days** of receipt of the written reprimands or his/her knowledge of the issue which is the subject of the grievance. The written grievance shall contain information relevant to the issues and shall identify the resolution/action requested by the employee.
2. Upon receipt of the written grievance, the Department ~~Director~~ Supervisor will note the date and time of receipt of the grievance. The Department ~~Director~~ Supervisor will review the written grievance; meet with the employee, if deemed necessary; and prepare a written response to the grievance **within five working days** of receipt of the grievance. If the Department ~~Director~~ Supervisor determines, upon his/her initial review of the grievance, that the nature of the grievance is such that it cannot be addressed within five working days (i.e., it is necessary to hold a hearing or to obtain information/statements from other employees/citizens not immediately available, etc.), the employee will be notified in writing of the need for additional time needed to properly evaluate and respond to the grievance. The written notice regarding the need for additional time shall include a specific date by which the complete response will be provided. No response shall take more than ten working days from the date the grievance was received by the Department Supervisor ~~Director~~. It is the Department Supervisor's ~~Director's~~ responsibility to conduct any research/meetings required in order to respond to the grievance and to issue his/her written response within the five working days or extended time frame outlined in this section.
3. The decision of the Department Supervisor ~~Director~~ will be final and binding for written reprimands. These reprimands shall not be submitted to the Mayor.

B. SUBSTANCE DISCIPLINARY ACTION PROCEDURES –Unpaid Suspensions

STEP ONE

1. The employee shall submit his/her written complaint to the Department ~~Supervisor~~ Director **within five working days** of receipt of the no-pay suspension. The written grievance shall contain information relevant to the issues and shall identify the resolution/action requested by the employee.
2. Upon receipt of the written grievance, the Department ~~Supervisor~~ Director will note the date and time of receipt of the grievance. The Department Director will review the written grievance; meet with the employee and witnesses/other employees, if deemed necessary; and prepare a written response to the grievance **within five working days** of receipt of the grievance. If the Department ~~Director~~ Supervisor determines, upon his/her initial review of the grievance, that the nature of the grievance is such that it cannot be addressed within five working days (i.e., it is necessary to hold a hearing or to obtain information/statements from other employees/citizens not immediately available, etc.), the Department ~~Supervisor~~ Director will notify the employee in writing of the need for additional time in order to properly evaluate and respond to the grievance. The Department ~~Supervisor's~~ Director's written notice regarding the need for additional time shall include a specific date by which the complete response will be provided. No response shall take more than ten working days from the date the grievance was received by the Department ~~Supervisor~~ Director. It is the Department ~~Director~~ Supervisor's responsibility to conduct any research/meetings required in order to respond to the grievance and to issue his/her written response within the five working days or extended time frame outlined in this section.

STEP TWO

1. If the grievance response issued by the Department ~~Supervisor~~ Director in Step One does not resolve the matter to the employee's satisfaction, or if no response is given to the employee within the five working day time frame or the agreed upon extended time frame (up to ten working days), the employee shall have the right to advance his/her grievance to the Mayor. The employee shall document the reason for advancing the appeal; he/she shall state his/her disagreement with the proposed resolution, or state that no reply was received within the proper time frame.
2. Upon receipt of the grievance from the employee, the Mayor will review the proposed resolution(s) from the Department ~~Supervisor's~~ Director's response and shall, within ten working days, review the written grievance,

meet with the employee and/or conduct a hearing, as the Mayor deems appropriate; and issue a final and binding written response to the employee within ten working days or at a time specified by the Mayor.

If the grievance was appealed to the Mayor due to lack of action/response within prescribed time frames by the Department Supervisor ~~Director~~, the Mayor will process the grievance and will administratively deal with the Department Supervisor's ~~Director's~~ failure to respond in accordance with the time frame requirements outlined herein.

Section 6. RECORDS OF GRIEVANCES

The City Clerk will maintain files of employee grievances. The Department Supervisor ~~Director~~ is responsible for ensuring that the City Clerk is furnished copies of all related documents during the grievance process.

XVII. SEPARATION FROM CITY EMPLOYMENT

Section 1. RESIGNATION

- A. A resignation is defined as any action whereby an employee voluntarily leaves the employment of the City, with or without giving notice. A written resignation is required. A resignation in good standing is defined as a written resignation with at least two weeks' notice. In order to be eligible for payment of accumulated sick and vacation leave as outlined elsewhere in this manual, an employee must resign in good standing. A resignation with less than two weeks' notice may be deemed to be in good standing by the Department ~~Director~~ Supervisor and/or Mayor in extenuating circumstances (e.g., employee must report to new job within three days due to a training program, etc.). If it is deemed to be in the best interest of the City, the Mayor may authorize payment in lieu of the employee working through his/her notice of resignation period.
- B. It is the responsibility of the employee to file a written resignation with his/her Department ~~Director~~ Supervisor at least two weeks prior to separation, stating the date of resignation and reason for leaving. Failure to provide this advance notice may be cause for denial of re-employment eligibility, based on resignation without proper notice. However, the submittal of a written resignation with proper notice is not a guarantee of eligibility for re-employment. Other factors, including overall work record, are considered. Upon receipt of a written resignation, the Department ~~Director~~ Supervisor will note "resignation accepted," sign, and date the resignation. The original written resignation will be sent to the City Clerk's office for inclusion in the employee's personnel file.

Section 2. RESIGNATION FOR MILITARY DUTY

Regular full-time employees who have completed their probationary period and who resign to enter active military duty will be eligible for reinstatement as provided by law for those who are qualified, as outlined elsewhere in this policy manual.

Section 3. LAYOFF/RECALL

- A. Layoff is defined as separation of an employee from a City position because of a reduction in work load, abolishment of a position after study, internal reorganization, or for other related causes.
- B. Generally, any employee who is laid off shall be paid two weeks salary in lieu of or receive two weeks' notice from the City. However, when funds are lacking or other circumstances warrant, a

notice of less than two weeks may be given. Prior approval of the Department ~~Director~~-Supervisor and the Mayor is required prior to an employee being given a layoff notice.

- C. Reasonable time off with pay may be granted the employee to assist in securing employment elsewhere. Arrangements may be made for clerical assistance, photocopying, resume preparation, etc.
- D. Every attempt will be made to place the employee in a comparable position for which he/she qualifies, if such a position becomes available.
- E. When for any reason the City deems it necessary to reduce the work force of any department, the Department ~~Director~~-Supervisor shall determine the number and classes of employees to be laid off, subject to approval of the Mayor. Employees shall be laid off without prejudice as layoff is not considered a disciplinary action.
- F. For the purpose of this section, length of continuous service (seniority) means the period of time an employee has been employed in a classification in a department or, when appropriate, the City's service.
- G. The layoff decision is a management right and is not subject to the grievance or appeal process.

H. DETERMINING ORDER OF LAYOFF

When it becomes necessary to reduce the number of employees within a given classification, factors including, but not limited to, seniority, documented performance, operational impact, etc., will be considered in making the determination. The City retains the right to lay off employees in a manner deemed appropriate in the interest of the City.

I. CONSIDERATION AFFORDED EMPLOYEES PRIOR TO LAYOFF

Employees to be laid off shall be given at least two weeks' written notification of such layoff whenever practical. Employees may be granted payment in lieu of notice, as approved by the Mayor.

An employee who is scheduled to be laid off shall be offered a demotion to a lower level position if a vacancy exists within the office or department and the employee is qualified to fill the position.

J. RECALL RIGHTS

Employees are eligible for recall for a period of one year from the date of layoff. Provisions regarding recall of employees on layoff are outlined elsewhere in this manual.

- K.** Provisions governing layoff/recall of represented employees are outlined in collective bargaining agreements.

Section 4. RETIREMENT

Retirement is defined as separation from service in order to initiate the commencement of retirement benefits in accordance with the provisions of the ordinance governing the retirement plan of which the employee is a member.

Section 5. MEDICAL TERMINATION

- A.** In the event it is determined, based on competent medical evidence, that an employee is unable to perform the essential functions and requirements of his/her position, the employee's separation from service will be deemed a medical termination.
- B.** A medical termination will be without prejudice and the employee will receive payment of leave benefits in the same manner as an employee who resigns in good standing, as provided elsewhere in this policy manual.
- C.** An employee will be eligible for re-employment as his/her medical condition permits, or, depending on length of service and prognosis of condition, he/she may be eligible for disability retirement, as determined by the provisions of the pension plan of which the employee is a member.

Section 6. DISMISSAL OR DISCHARGE

- A.** All City employees are at-will employees and may be terminated ~~by the Mayor or other person as designated by Charter or other Code provision with or without notice; with or without cause; and without access to a pre-determination hearing or post-termination appeal.~~ A Department ~~Director~~ Supervisor who is terminated will receive termination pay in accordance with the provisions of any Employment Agreement.

- B. Probationary employees may be terminated at any time during the established new hire probationary period without a pre-determination notice or post-termination appeal.
- C. If an employee is terminated for a reason, he/she will be afforded the opportunity to request a "name-clearing" hearing.

Section 7. DEATH

- A. Separation shall be effective as of the date of death. All compensation due the employee as of the effective date of separation shall be paid to the beneficiaries, surviving spouse, or to the estate of the employee as determined by law or executed forms in the personnel file.
- B. Unused vacation and sick leave benefits are payable as outlined in Chapter XIV.
- C. Depending upon the employee's age and years of service as of the date of death, and the governing pension plan provisions, survivor retirement benefits may apply.

Section 8. RETURN OF CITY PROPERTY/REIMBURSEMENT OF INSURANCE PREMIUMS

At the time of separation and prior to receiving final monies due, all records, City identification card, books, uniforms (except shirts with the City's logo), keys, tools, and other items of City equipment and property in the employee's custody shall be returned to his/her department. Any monies due the City because of failure to return such items may be deducted from the employee's final paycheck.

An employee who separates from service with the City (for any reason) during the first ninety (90) days of employment shall be required to reimburse the City for any insurance premiums paid by the City on behalf of the employee and/or his/her dependents.

ORDINANCE NO. 2012-03

1
2
3 AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE
4 COUNTY, FLORIDA, RELATING TO MAINTENANCE OF
5 PRIVATE INFRASTRUCTURE WITHIN GATED
6 COMMUNITIES; AMENDING SECTION 126-559 TO REPLACE
7 THE REQUIREMENT FOR ANNUAL ENGINEERING REPORTS
8 WITH A REQUIREMENT THAT ENGINEERING REPORTS BE
9 GIVEN TO THE CITY UPON REQUEST; CLARIFYING
10 PROVISIONS WITHIN SECTION 126-559; PROVIDING FOR
11 CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING
12 FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE
13 DATE
14

15 WHEREAS, Section 126-559 of the City of Edgewood Code of Ordinances
16 currently requires gated communities to provide the City with annual reports prepared by
17 a professional engineer related to the maintenance of the roads, streetlights, sidewalks
18 and retention ponds within the gated community; and
19

20 WHEREAS, the City Council of the City of Edgewood is conscious of the costs
21 HOAs may incur in order to obtain such annual reports; and
22

23 WHEREAS, the City Council of the City of Edgewood finds that it is more cost
24 efficient to require gated communities to provide engineering reports related to
25 maintenance of infrastructure on an "as requested" basis.
26

27 NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE
28 CITY OF EDGEWOOD, FLORIDA:
29

30 Section 1, Chapter 126, Article V, Section 126-559 is hereby amended to read as
31 follows:
32

33 **Sec. 126-559. City standards and maintenance inspections.**
34

35 All roads, streetlights, sidewalks, and retention ponds must be built to city
36 standards but will be the maintenance responsibility of the homeowners' association. All
37 water and wastewater utilities shall be the maintenance responsibility of the service
38 provider. Every five years, or upon reasonable request made for good cause by the city
39 engineer with the approval of the city council, the HOA must shall provide the city and
40 city engineer with a yearly-written report from another professional engineer on the
41 condition and upkeep of the roads, sidewalks, streetlights, and stormwater retention areas.
42 This report shall indicate which, if any, of the facilities have become substandard due to
43 lack of maintenance and the maintenance necessary to return the facilities to the required
44 standards. If said report identifies any facilities have become substandard due to lack of
45 maintenance, the HOA shall commence the necessary maintenance within 90 days of the
46 date of the engineer's report. Once the maintenance items have been identified by the

47 ~~city engineer, the HOA must provide said maintenance within 90 days. The requirement~~
48 ~~for a yearly engineering inspection shall start three years after the construction or~~
49 ~~reconstruction of the improvements.~~

50
51 **Section 2.** Conflicts. All ordinances or parts of ordinances in conflict with any
52 of the provisions of this Ordinance are hereby repealed.

53
54 **Section 3.** Severability. If any section, sentence, phrase, word or portion of this
55 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination
56 shall not be held to invalidate or impair the validity, force or effect of any other section,
57 sentence, phrase, word or portion of this Ordinance not otherwise determined to be
58 invalid, unlawful or unconstitutional.

59
60 **Section 4.** Codification. The provisions of this Ordinance shall be codified as
61 and become and be made a part of the Code of Ordinances of the City of Edgewood. The
62 Sections of this Ordinance may be renumbered or relettered to accomplish such intention
63 and the word "Ordinance", or similar words, may be changed to "Section," "Article", or
64 other appropriate word. The Code codifier is granted liberal authority to codify the
65 provisions of this Ordinance.

66
67 **Section 5.** Effective Date. This ordinance shall become effective immediately
68 upon its adoption.

69
70 FIRST READING: _____

71
72 SECOND READING: _____

73
74 PASSED AND ADOPTED this _____ day of _____, 2012.

75
76 _____
77 Judy Beardslee, Council President

78
79 ATTEST:

80
81 _____
82 Bea L. Meeks, MMC, CPM
83 City Clerk

MEMO

March 14, 2012

To: Bea Meeks, City Clerk

From: Cinnamon Wild, Administrative Assistant

Please note that I served as Official Records Keeper on March 12, 2012 for the Planning & Zoning Meeting. See below the following variances reviewed at the P&Z Meeting and the recommendations by the P&Z Board. You will find highlighted below each variance, with the Board's recommendations to Council. My notes from the meeting will be forwarded to you for your file.

Project Name: Ballentine Electric

Application # 2012-01:

- 1) Variance in minimum lot width in C3 zoning district and Variance from requirement to unite two parcels in same ownership to create a standard size parcel. Section 134-482

Motion by Board Member Leahy to approve, with second by Board Member Aguilar. Motion passed unanimously. Motion approved, all in favor.

- 2) Variance in minimum building setback from side (south) property line. Section 134-406(4)

Motion by Board Member Leahy to approve, with no second the motion died. Motion by Board Member Aguilar to deny, with second by Chairwoman Dunay, 3/1 opposed by Board Member Leahy.

- 3) Variance in requirement to erect an 8 feet high masonry wall on C3 property where adjacent to residential zoning. Section 134-406(9)

Motion by Board Member Younglove to approve, with second by Board Member Aguilar. Motion passed unanimously all in favor.

- 4) Variance in requirement to have opaque landscape buffer at least 8 feet high and 25 feet wide where C3 uses abut residential. Section 114-5(2)

Motion by Board Member Leahy to approve, with second by Board Member Younglove. Motion passed unanimously all in favor.

- 5) Variance in requirement to provide trees 1 per 50 lf where adjacent to nonresidential property (minimum 7 feet standard width of buffer)

Motion by Board Member Aguilar for applicant to have four (4) shade trees on north side of property and two (2) understory trees, with second by Board Member Younglove. Motion passed unanimously all in favor.

- 6) Variance in requirement to provide an 8' wide landscape area between building and right-of-way. Section 114-4(4)

Motion by Board Member Aguilar to deny with second by Chairwoman Dunay. Motion passed unanimously all in favor.

- 7) Variance in requirement to provide cross access between parcels. Section 134-142

Motion by Board Member Aguilar to deny, with second by Board Member Younglove. Motion passed 3/1 Board Member Leahy opposed.

- 8) Variance in the number of parking spaces provided. Section 134-605(a)17

Motion by Board Member Leahy for applicant to reduce parking to five parking spaces with one of the five being a handicap parking space. Also, subject to the variance applying only to the subject use and cannot transfer with a change of use, with second by Board Member Aguilar. Motion passed unanimously all in favor.



MEMO

TO: Planning & Zoning Board
CC: Ellen Hardgrove, Planner and Art Miller, Engineer
FROM: Bea L. Meeks, City Clerk
DATE: March 9, 2012
RE: Ballentine Electric's Variance Application

Relevant to the above-referenced Variance Application, for your review and consideration, you will find in your agenda packet the following:

1. "Amended" Application For Variance

The application was amended following discussion with Planner Hardgrove when it realized that other variances would be needed, based on the plan provided.

2. Notice of Public Hearing

Staff sent out 97 letters to property owners within 500 feet of the subject property, and when plan was revised, staff sent out a second letter with the revisions. It should be noted that 97 letters were mailed out each time, and that 22 letters were returned undeliverable. At the time of this memo, staff has not received any negative or positive comments regarding this application. Staff did have an adjacent business owner come to City Hall and review the proposed plan; they did not give specific objections but only gave their concerns.

Please note that the Notice of Public Hearing lists *all* the variance requests, as provided by Planner Hardgrove. Staff was given email permission by the applicant to mirror Planner Hardgrove's variance, as opposed to the variance requests submitted with their revised application.

3. Sign Affidavit

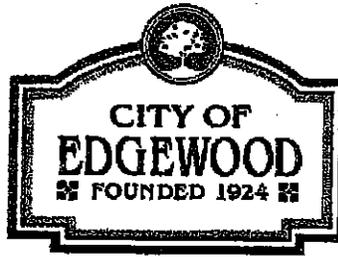
4. Planner Hardgrove's review of application for variances of the subject property.

5. Engineer Miller's review of application for variances of the subject property.

The recommendation of this Board will go to the City Council for their consideration in the March 20, 2012 City Council meeting.

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov

RECEIVED
FEB 27 2012
CITY OF EDGEWOOD



Amended

Reference: City of Edgewood Code of Ordinances, Section 126-588
PLANNING & ZONING BOARD
MAKE PAYMENTS TO:
CITY OF EDGEWOOD
FEE: \$350 RESIDENTIAL
\$750 COMMERCIAL

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

PLANNING & ZONING MEETING DATE:	<i>March 12, 2012</i>
CITY COUNCIL DATE:	<i>March 20, 2012</i>

IMPORTANT: FILE BY THE SECOND WEDNESDAY OF THE MONTH FOR FIRST HEARING ON THE SECOND MONDAY OF THE FOLLOWING MONTH

Please note this fee is non refundable.

NOTE: Notarized letter of authorization from Owner **MUST** be submitted if application is filed by anyone other than property owner

Applicant's Name:	<i>2032 N.W. Bl. 20 West LLC Robert O Ballent Inc</i>	Owner's Name:	<i>JWEI Inc ERIC J Inman</i>
Address:	<i>Po Box 701647 St Cloud FL 34710</i>	Address:	<i>6536 Pinecastle Blvd Suite A Orlando FL 32809</i>
Telephone:	<i>407 428 1650</i>	Telephone:	<i>407 859 2020</i>
Fax:	<i>407 428 1645</i>	Fax:	<i>407 859 3275</i>
Email:	<i>Rob@ballentinc.com</i>	Email:	<i>einman@aquaweedcontrol.net</i>
Parcel ID/Legal description:	<i>13-23-29-0000-0034</i>		
Zoned:	<i>C-3</i>		
Cite section of the Zoning Code from which variance is requested:	<i>See Attachment</i>		
Existing on site:			
Request:			

Revised 4/1/08

405 Larue Avenue, Edgewood, Florida, 32809-3406
 Phone: 407-851-2920 / Fax: 407-851-7361
 www.edgewood-fl.gov

1 of 24

To justify this variance, applicant must demonstrate the following:

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do not result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non conforming use or other non conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

Applicant must agree that:

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

AGREE:	<i>Rob P.</i>	DISAGREE:	
---------------	---------------	------------------	--

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	<i>R.</i>	DISAGREE:	
---------------	-----------	------------------	--

3. Concerning Ex parte communications, the applicant shall not speak to members of the Planning and Zoning Board of the City Council prior to the public hearing related to said variance request in order that said board members shall not prejudice themselves prior to said variance request coming before the City in an open proceeding where the decision making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept
- 4.

AGREE:	<i>R.</i>	DISAGREE:	
---------------	-----------	------------------	--

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<i>Rob Ball</i>	Date:	<i>2-24-12</i>
Applicant's Printed Name:	<i>28,32 North Bl. 20 West LLC Robert D Ballentine</i>		
Owner's Signature:	<i>Eric J Inman</i>	Date:	<i>2/24/12</i>
Owner's Printed Name:	<i>JWEI Inc Eric J Inman</i>		

Revised 4/1/08

405 Larue Avenue, Edgewood, Florida, 32809-3406
 Phone: 407-851-2920 / Fax: 407-851-7361
 www.edgewood-fl.gov

2 of 4

Please submit your completed application to City Hall via email at cityhallstaff@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only	
Rec'd Date:	2/27/2012
Rec'd By:	B. Smith
Forwarded to:	
Notes:	

Revised 4/1/08

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov

3 of 3-4

I, Eric J. Inman, Registered Agent of JWEL, Inc. owner of property located at 5262 South Orange Avenue, Edgewood, FL 32809 Parcel ID 13-23-29-0000-034, do hereby grant authorization for Robert D. Ballentine of 28.52 North 81.20 West, LLC to apply for variance with City of Edgewood as follows:

Cite section of the Zoning Code from which variance is requested: 114-5(2)

Existing on Site: None

Requested: - None – Pre existing block wall & landscape buffer behind rail road tracks that back up to residential property

Cite section of the Zoning Code from which variance is requested: 134-142

Existing on Site: None

Requested: None – One way road, right in and right out

Cite section of the Zoning Code from which variance is requested: 114-4(4)

Existing on Site: None

Requested: 5.5' landscaping adjacent to building perimeter facing public right of way

Cite section of the Zoning Code from which variance is requested: 114-4(b) 2

Existing on Site: None

Requested: 10' pervious area for shade trees & shrubs adjacent to North property line

Cite section of the Zoning Code from which variance is requested: 134-605(a)17

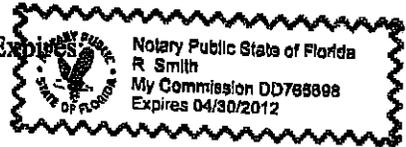
Existing on Site: None

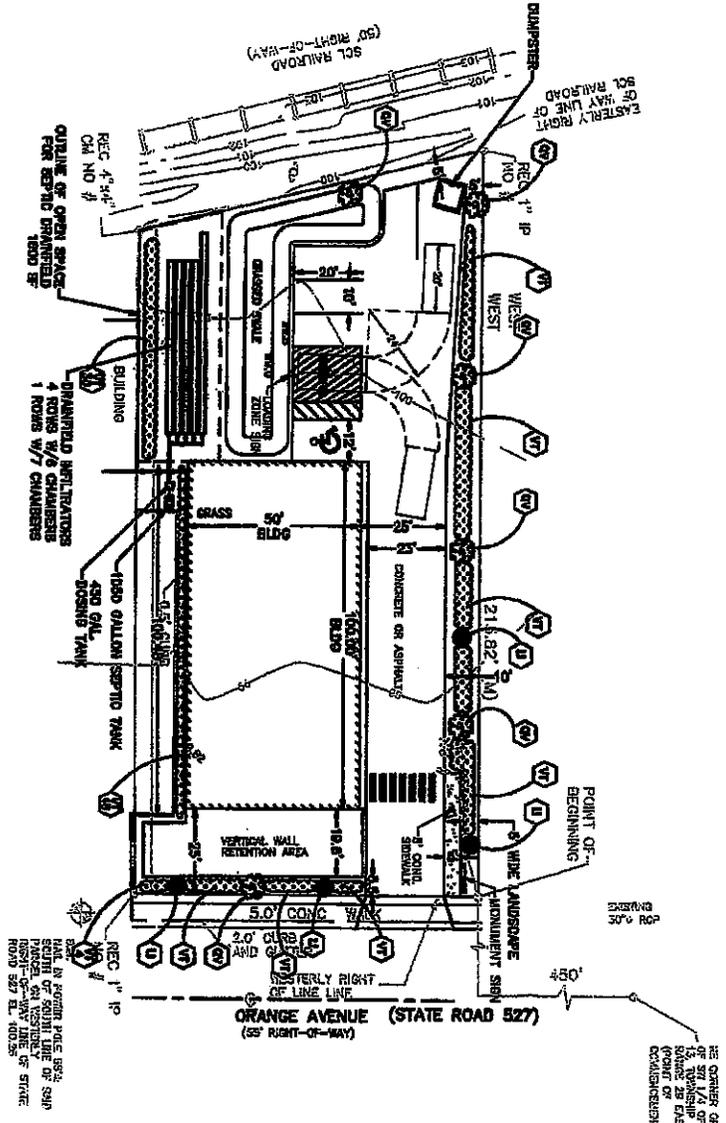
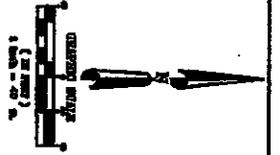
Requested: 5 parking spaces (3/4 office employees)

BY:  Date 2/24/12

Printed Name: Eric J Inman
JWEL, Inc.
6536 Pinecastle Boulevard, Suite A
Orlando, FL 32809

Sworn to and subscribed before me by, Eric J Inman, who is personally known to me or produced _____ as identification and who did take oath on this 24th day of February, 2012.


Notary Public
My Commission Expires _____




TREES TABLE

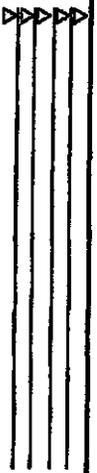
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
CV	6	QUERCUS VIRGINIANA	LIVE OAK	MIN. 7'; 2.0" CAL.
VT	4	VIBURNUM TINDUS	LAURUSTINUS VIBURNUM	30" x 36"; 3.0" O.G.
U	4	LAGERSTROEMIA INDICA	CREPE MYRTLE	2" CALIPER, 12' HEIGHT

SWALE

ITEM	REMARKS	S/F
99		571
99.5		1,602
Total Volume:		

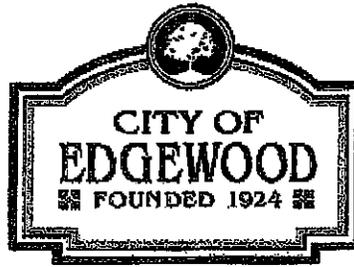
TOTAL AREA = 20428 SF
 IMPERVIOUS AREA = 11921 SF (58.8%)
 OPEN SPACE REQUIRED = 208' MIN
 OPEN SPACE PROVIDED = 8804 SF (43.2%)

REVISIONS



DAI
 DESIGN ASSOCIATES, INC.
 1100 EAST WASHINGTON ST. SUITE 100
 TAMPA, FL 33604
 (813) 288-1100

DAI CONSULTANTS, INC.
 CONSULTANTS OF ARCHITECTURE, INC. A. P. 5282
 5282 S. ORANGE AVE., ORLANDO, FL 32839
 UTILITY PLAN



NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that at its regular meeting on March 12, 2012 the Planning and Zoning Board of the City of Edgewood, acting as the Board of Adjustment, will consider revised **Variance Application No. 2012-01 Rob Ballentine – Ballentine Electrical Office – Rob Ballentine, 5262 S. Orange Avenue** is requesting the following amended variances:

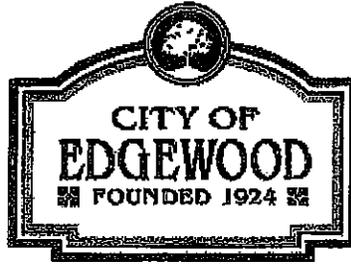
- 1) Variance in minimum lot width in C3 zoning district and Variance from requirement to unite two parcels in same ownership to create a standard size parcel. Section 134-482
- 2) Variance in minimum building setback from side (south) property line. Section 134-406(4)
- 3) Variance in requirement to erect an 8 feet high masonry wall on C3 property where adjacent to residential zoning. Section 134-406(9)
- 4) Variance in requirement to have opaque landscape buffer at least 8 feet high and 25 feet wide where C3 uses abut residential. Section 114-5(2)
- 5) Variance in requirement to provide trees 1 per 50 lf where adjacent to nonresidential property (minimum 7 feet standard width of buffer)
- 6) Variance in requirement to provide an 8 feet wide landscape area between building and right-of-way. Section 114-4(4)
- 7) Variance in requirement to provide cross access between parcels. Section 134-142
- 8) Variance in the number of parking spaces provided. Section 134-605(a)17

The meeting will be held in the Council Chamber of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.** The Planning and Zoning Board's recommendations will be forwarded to City Council on March 20, 2012 for final action.

The subject property is legally described as: 13-23-29-0000-00-034, parcel number 34, vacant commercial lot along Orange Avenue.

Please see back

Dated: March 01, 2012



Interested parties may attend this meeting and be heard with respect to this variance application. In addition the application may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida (407-851-2920). If unable to attend the meeting but have comments you may provide them to City Clerk by hand-delivery, U.S. Mail or e-mail at bmeeke@edgewood-fl.gov no later than one day prior to P&Z Hearing.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Planning and Zoning Board and City Council on this topic to properly noticed hearing or to written communication to the City Clerk's Office.

This public hearing may be continued to a future date of dates. Any interested party is advised that the date, time, and place of any continuations shall be announced during the public hearing and that no further notices regarding this matter will be published.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the City Clerk.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a request that the physically handicapped person desires to attend the meeting to the City Clerk's Office.

Dated: March 01, 2012

Application: 2012-01
 Owner/Applicant Name: Ballentine
 Public Hearing Date: 03-12-11

This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
 ORANGE COUNTY

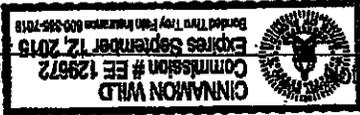
Before me, the undersigned authority, personally appeared Rob Ballentine to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and date of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 3-2-2012
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such, will be officially filed with the City of Edgewood, Florida.

Rob Ballentine
 Signature of owner or authorized representative

Sworn to and Subscribed before me, this 8th day of March, 2012.

Cinnamon Wild
 Print, type, or stamp commissioned name of Notary Public
 Florida



Personally Known OR Produced Identification

Type of I.D. Produced FL Drivers Licence
[Redacted]

CITY OF EDGEWOOD

405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

MEMORANDUM

TO: Planning and Zoning Commission/Board of Zoning Adjustment
Arthur R. Miller, PE, City Engineer
Drew Smith, City Attorney
Mayor Bagshaw

FROM: Ellen Hardgrove, AICP, City Planning Consultant

DATE: February 28, 2012

SUBJECT: Review of application for variances for Parcel 13-23-29-0000-034, a vacant lot at 5262 South Orange Avenue

OVERVIEW

This applicant is requesting eight (8) variances from Code requirements:

- 1) Variance in minimum lot width in C3 zoning district and Variance from requirement to unite two parcels in same ownership to create a standard size parcel. Section 134-482
- 2) Variance in minimum building setback from side (south) property line. Section 134-406(4)
- 3) Variance in requirement to erect an 8 feet high masonry wall on C3 property where adjacent to residential zoning. Section 134-406(9)
- 4) Variance in requirement to have opaque landscape buffer at least 8 feet high and 25 feet wide where C3 uses abut residential. Section 114-5(2)
- 5) Variance in requirement to provide trees 1 per 50 lf where adjacent to nonresidential property (minimum 7 feet standard width of buffer)
- 6) Variance in requirement to provide an 8 feet wide landscape area between building and right-of-way. Section 114-4(4)
- 7) Variance in requirement to provide cross access between parcels. Section 134-142
- 8) Variance in the number of parking spaces provided. Section 134-605(a)17

The subject property and the parcel to the south were at one time one parcel. In 1972, Florida United Corporation split the property and sold the property to two different owners. One parcel was 100 feet in width and the second, 50 feet in width. The legality of this split is unknown. A variance would have been necessary if the parcels were zoned commercial at the time (in either the county or the city). In 1990, an office was built on the 50 feet wide portion. The 100 feet wide portion remains undeveloped. It appears another split occurred in 2007. It is uncertain to whether this split was processed through the City's subdivision process. This split created the notch out of the subject property.

The variances are requested in order to accommodate a 5000 square feet building onsite to be used for an electrical contracting business. Comparison of code requirements and that requested is presented in the table on the next page.

Ballentine Variance Requests – March 2012

Comparison of Code Requirements and that Requested			
Variance #	Code Requirement	Requested	Comments
1	lot width on major road	Minimum 125 feet	100 feet
2	side setback	Minimum 5 feet	2 feet on south side
3	Buffer from residential	8 feet high masonry wall on west property line	None to be provided
4	Buffer/landscaping adjacent to residential property	Completely opaque ground to 8 feet in height, minimum 25 feet wide, shade tree 1/40 lineal feet 3 shade trees required, plus 8 feet high hedge	5 feet in width with one tree, no hedge
5	Shade trees along all property lines	1/50 feet (5 required on north given 215.83 feet of north boundary, 4 required on south)	4 provided along north property line (2 understory provided along with the 4 shade), 0 provided on the south
6	Landscaping adjacent to building perimeter facing public right-of-way	Minimum 8 feet wide, with at least 50% of such containing a hedge and shade tree for each 35 lf or one understory tree for each 15 feet, the trees may be aggregated	5.5 feet, with one shade tree, two understory trees, and continuous hedge
7	Cross access	Between adjacent parcels	None
8	Parking	*	5, including one handicapped accessible space, provided *

*There is no specific parking ratio for an electrical contractor. For general business, the parking ratio is 1/300. For Office, the ratio is 1/200 square feet. These ratios would require a range of 17 - 25 spaces. The following table shows examples of other local governments with more specific land use parking ratios.

Jurisdiction	Land Use	Parking Requirement	Applied to Subject
Orlando	Contractors, trade shops	1.5 spaces/1000 square feet	8
Seminole County	Commercial not catering to the retail trade	1 per 2 employees on the largest shift+ 1 for each company vehicle operating from the premise	5

VARIANCE APPROVAL STANDARDS

Per Code, standards for variance approval are listed below.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

STAFF RECOMMENDATION

Staff can support the following variances with the conditions as noted (#8):

- 1) Variance in minimum lot width in C3 zoning district and Variance from requirement to unite two parcels in same ownership to create a standard size parcel. Section 134-482.
- 3) Variance in requirement to erect an 8 feet high masonry wall on C3 property where adjacent to residential zoning. Section 134-406(9)
- 6) Variance in requirement to provide an 8 feet wide landscape area between building and right-of-way. Section 114-4(4)
- 7) Variance in requirement to provide cross access between parcels. Section 134-142
- 8) Variance in the number of parking spaces provided. Section 134-605(a)17, conditioned on the intensity of all future users will be limited to those requiring only five parking spaces.

NOTE

Sec. 134-482. - Substandard lots of records.

(a) When two or more adjoining vacant lots with continuous frontage are in a single ownership on October 7, 1957, and such adjoining lots have a frontage or lot area less than is required by the dwelling district in which they are located, such lots shall be considered as one tract so as to create one or more lots which conform to the minimum frontage and area requirements of the district in which they are located.

CITY OF EDGEWOOD

403 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

MEMORANDUM

TO: MS. BEA MEEKS, CITY CLERK
MS. CINNAMON WILD, ADMINISTRATIVE ASSISTANT

FROM: ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER

DATE: MARCH 8, 2012

SUBJECT: REVIEW OF REVISED VARIANCE REQUEST – 5262 S. ORANGE AVENUE
BALLENTINE ELECTRIC – APPLICANT; JWEI, INC. - OWNER

Pursuant to your request, we have reviewed the application and revised information last received 2/28/12 for compliance with the City’s regulations. The request is for several variances to allow a 5,000 s.f. commercial building in the C-3 zoning district. While this is primarily a use decision and the application has been reviewed by the City’s Planning Consultant Ellen Hardgrove, there are several site-related items that need to be addressed in future submittals as noted below.

REQUESTED ACTION:

As stated in Planner Hardgrove’s memo and pursuant to Code, the Planning and Zoning Board shall make a recommendation to the City Council for approval or denial of the variances requested. The Board is to consider the character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and the area of the site as it relates to the required open spaces and off-street parking facilities. Much of what has been proposed is not consistent with other recent projects along the Orange Avenue corridor (i.e. setbacks, landscaping, etc.).

CONDITIONS

If the Planning & Zoning Board recommends approval of the variances, we offer the following conditions of approval:

1. **Parking:** The (Orange County) Fire Department shall review and approve the final plan for accessibility and fire protection. It is our recommendation that the appropriate number of parking spaces be provided for the intended building use and size.
2. **Sewer System:** The preliminary site plan shows the new building being served by a septic system which is not consistent with City Code and Comprehensive Plan. Since this is new construction, and consistent with recent prior projects (Moose Lodge; Missionary Ventures; etc.), the new building will be required to connect to the Orange County sewer force main that is along Orange Avenue.
3. All utilities to the site shall be underground including power, telephone, etc.
4. Cross-access easement shall be recorded prior to issuance of the Certificate of Occupancy, after review and approval by the City Attorney. Based on the current site plan, this doesn’t look feasible to connect to the property to the south, but prior projects have been required to reserve this easement for future cross access.

(see page 2)

5. Dumpster shall meet all requirements of the City Code (enclosed, etc.).
6. An engineered site plan shall be submitted for review and approval by City Staff, Planning & Zoning Board, and City Council as required by Chapter 134 – Division 5 of the City Code, prior to any construction. Permits or exemptions from other agencies shall be required during the site plan review process including SJRWMD, FDOT, FDEP, Orange County, OUC, etc.
7. Additional landscaping may be required at time of site plan review.
8. Signs shall meet all requirements of Section 122 of the City Code and will require separate permit.

Again, this is primarily a use decision at this time. If the variances are approved, the project will be required to go through full site and landscape plan review. I will attend the March 12th Planning & Zoning Board meeting to answer any questions. Please review this information and contact our office if you have any questions. Thank you.

END OF MEMORANDUM

cc: Mayor
Planning & Zoning Board (by City Hall Staff)
Ellen Hardgrove, City Planner
Drew Smith, City Attorney

FILE: WARMEDGEWD6612