



City of Marco Island

Employee Resource Guide

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**CITY OF MARCO ISLAND
EMPLOYEE RESOURCE GUIDE
MARCH 2024**

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INTRODUCTION

The City of Marco Island operates and is governed by the laws of the State of Florida and its own Charter, which was first adopted by the electorate on August 28, 1997. The City operates under a Council-Manager form of government. Legislative authority is vested in seven councilors elected at large. The terms of office are for four years each. A Chairman and Vice-Chairman are selected annually by the City Council for one-year terms. City Council enacts ordinances and resolutions, adopts municipal policies, appoints committees, authorizes the appropriation and expenditure of funds with the adoption of its annual budget, and establishes goals and objectives for the community.

The City Manager, appointed by the seven-member City Council, is responsible for the administrative affairs of the City, enforcement of ordinances, the implementation of council policies, and the preparation of the annual budget.

All Department Directors and employees are appointed by the City Manager and may be removed from employment at the City Manager's sole discretion. The City Manager is responsible for the effective and efficient operation of all City government functions. It is the City Manager's responsibility to hire talented, competent, efficient, and motivated employees to assist in the accomplishment of City services and the fulfillment of City Council's goals and objectives.

It is the purpose of this Guide to communicate and set forth the City's personnel policies and procedures, which will serve as guidelines for employee conduct and administrative actions concerning various personnel activities and transactions. The policies and procedures are intended to cover most employee resource issues and actions that will arise. Those situations not specifically covered shall be interpreted by the City Manager or the City Manager's designee to ensure consistent resolution and decision making on personnel issues within the City. Such interpretations will be in the best interest of the City's objectives and consistent with federal, state, county and other applicable laws or regulations. These procedures may be changed with or without notice. Any procedures outlining pay plans and benefits may also be changed with or without notice.

The guide applies to all City employees, including employees covered by a collective bargaining agreement. Volunteer workers are also obligated to abide by the various rules and regulations expressed herein. To the extent that any portion of the Guide conflicts with a current collective bargaining agreement, the terms of the collective bargaining agreement will control the issue. If any conflict arises between these rules and regulations and those established by the Charter and the respective ordinances, the Charter and the respective ordinances shall prevail.

General responsibility and authority for the administration of municipal personnel practices shall be vested in the City Manager with the specific exclusion of matters and appointments reserved to the Council as set out by the City Charter.

The City has the sole discretion to modify, amend or rescind any part of these rules and regulations or any other City-issued policy at any time, with or without notice. None of the

provisions should be interpreted as creating a contractual relationship or giving any employee the right to be retained as an employee or to receive any benefits.

The City Charter provides that members of City Council will not be involved in hiring, disciplinary actions, or termination decisions. Such decisions are only within the province of the City Manager. The City Council deals directly through the City Manager and neither the City Council nor any Councilor may give orders to any employee, either publicly or privately. It is the policy of the City that employees are not permitted to contact members of City Council to seek changes in terms and conditions of employment, including benefits connected with employment. It is expressly understood that such issues will be addressed with the Department Director, Human Resources, and/or the City Manager.

From time to time, employees may be asked questions by City Council members concerning specific activities within their working sphere. Employees may respond to Councilor's questions but should inform their supervisor of the nature of the conversations held with City Council members. The supervisor should, in turn, advise the City Manager of the nature of the conversation between the Councilor and the employee to facilitate efficient and proper communication. Council members shall, at all times, be treated with courtesy and respect. They have been elected by the people of this community to govern the City of Marco Island.

As an employee, you are a part of the future of Florida's 400th City. The future of the City rests in your capable hands. How you perform your job responsibilities will affect thousands of people in this community, not only today, but well into the future.

AT WILL EMPLOYMENT

The Guide does not imply or establish a contract between the City and the employee. The contents of this Guide summarizes current City policies and programs and are intended as guidelines only. The City retains the right to change, modify, suspend, interpret or cancel, in whole or in part, any of the published Human Resource policies or practices of the City, without advance notice, in its sole discretion, without having to give cause or justification to any employee. Recognition of these rights and prerogatives is a term and condition of employment and continued employment. As such, the contents of the Guide do not constitute the terms of an employment contract. Nothing contained in this Guide should be construed as a guarantee of continued employment, but rather, employment with the City is on an at-will basis. This means that the employment relationship may be terminated at any time by either the employee or the City for any reason not expressly prohibited by law. Any written or oral statement to the contrary by a supervisor, employee or other agent of the City is invalid and should not be relied upon by any prospective or existing employee.

To the extent that any portion of the Guide conflicts with a collective bargaining agreement or employment agreement, the terms of the collective bargaining agreement or employment agreement will control the issue.

ADMINISTRATION

The City Manager is responsible for the development and implementation of this Guide and any changes thereto necessary for the effective administration of the personnel system. The City Manager may delegate the authority to administer the personnel system to a designee such as the Assistant City Manager or Human Resources Manager. All matters pertaining to hiring, performance reviews, discipline, and/or terms and conditions of employment are under the direct and exclusive authority of the City Manager.

Department Directors may promulgate appropriate rules and regulations to regulate operating practices and procedures in their respective departments, provided the prescribed rules and regulations do not conflict with or permit a lesser standard than that imposed by this Guide. Any such departmental rules and regulations shall be in written form and shall be retained in a manual of Standard Operating Practices and Procedures, following approval by the City Manager. These internal departmental policies shall become an extension of this Guide and shall be as binding as this document for the purposes of the administration of personnel rules and disciplinary procedures. In the event there is a conflict between departmental policies and those herein, the procedures herein shall prevail.

The City reserves all rights, powers and authority customarily exercised by management, except as otherwise specifically delegated or modified by express provisions of applicable laws, regulations, collective bargaining agreements, and provisions of these rules and regulations. The City has the authority to determine and direct policies and methods of providing its services and unilaterally set the standards for same, without any interference in the management and conduct of the City's business on the part of any employee or labor organization.

These rights are not all-inclusive, but are examples of matters or rights, which belong to and are inherent to the City's management:

- 1) To determine the size and composition of its workforce;
- 2) To determine the purpose of each of its constituent departments and divisions;
- 3) To exercise control and discretion over the organization and efficiency of the operation of the City;
- 4) To set standards for services to be offered to the public;
- 5) To manage and direct the employees of the City, and to determine the number of employees to be employed by the City;

- 6) To hire, rehire, retire, examine, classify, reclassify, promote, demote, evaluate, train, transfer, assign, schedule, and retain employees in positions with the City;
- 7) To suspend, demote, discharge, or take other disciplinary action against employees;
- 8) To increase, reduce, change, modify, or alter the composition and size of the work force, including the right to relieve employees from duties because of the lack of work, funds, or other legitimate reasons;

9) To discontinue, transfer, or assign all or any part of its operations; to analyze workloads, job assignments, methods of operation and efficiency from time to time and to make changes based on said studies;

10) To determine location, methods, means, and personnel, by which operations are to be conducted, including the right to contract and subcontract existing and future work;

11) To determine the number and type of equipment, vehicles, machinery, materials, products and supplies to be used, operated or distributed;

12) To establish, change, or modify the number, types, and grades of positions or employees assigned to an organization, unit, department, or project; and

13) To establish, change, or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operating requirements. The City's failure to exercise any function or right hereby reserved to it, retained by it, or enumerated herein, or its exercising any function or right in a particular way, shall not be deemed a waiver of its rights or exercise of such function or right, nor preclude the City from exercising the same in some other way not in conflict with the express provisions of any individual employment agreement or collective bargaining agreement.

It is the policy of the City that Department Directors and the City Manager work together for effective coordination and management of the City in a spirit of mutual cooperation. Employees of the City are expected to act in the City's best interest.

CHAPTER 1

Discrimination and Harassment

1.1 Equal Employment Opportunity (EEO)

It is the policy of the City to promote and ensure equal opportunity employment for all current and prospective employees without regard to race, color, religion, sex, age, disability, handicap, genetic information, marital status, national origin, ancestry, citizenship status, pregnancy, familial status, veteran status or military service, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws. This policy governs all matters related to recruitment, advertising, hiring, and initial selection of employment. It shall also apply to all other aspects of employment, including, but not limited to, compensation, promotion, demotion, transfer, lay-offs, corrective action, termination, leaves of absence, training opportunities, and other terms and conditions of employment.

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

Any job applicant who has questions regarding this policy or believes that he or she has not been treated in accordance with this policy should contact Human Resources. All such inquiries or complaints will be treated as confidentially as possible, and will only be disclosed on a need-to-know basis.

The City will investigate reports of discrimination promptly and take prompt remedial action based on the circumstances to address any violation of this policy, including corrective action against any employee, which may include a warning, suspension or termination from employment. An employee who feels that his/her complaint was not appropriately addressed or that he/she is still being subject to discriminatory conduct should immediately notify the City Manager.

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

The City's Human Resources representative shall serve as the City's EEO Officer. The EEO Officer shall report directly to the City Manager and is charged with implementing the City's EEO Policy, including receiving discrimination complaints, conducting investigations, as well as ensuring the City's compliance with federal and state laws. The EEO Officer will also: 1) ensure that designated employees are adequately trained in EEO laws 2) supervise the EEO-related activities of investigators; and 3) ensure that EEO policies are prominently posted or otherwise provided to employees in accordance with

the law. The EEO Officer can be reached at the City's Human Resources Department, 239-389-3970.

1.2 Americans With Disabilities Act

The City is committed to complying with all applicable provisions of the Americans with Disabilities Act, as amended (the "ADAAA"). It is the City's policy not to discriminate against any qualified individual on the basis of disability in regard to recruitment, hiring, advancement, termination or any terms and conditions of employment. Consistent with this policy of non-discrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined in the ADAAA, who has made the City aware of his or her disability, if it is not obvious, provided such accommodation does not constitute an undue hardship to the City. Any employee with a disability who believes that he or she needs a reasonable accommodation to perform the essential functions of the job should contact Human Resources.

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

Any job applicant who has questions regarding this policy or believes that he or she has not been treated in accordance with this policy should contact Human Resources. All such inquiries or complaints will be treated as confidentially as possible, and will only be disclosed on a need-to-know basis.

The City shall also not discriminate against any qualified individual with a disability on the basis of that disability, nor shall it lawfully exclude such an individual from participation in or deny the individual the benefits of the services, programs and activities of the City. Any citizen complaint regarding access for individuals with disabilities shall be forwarded to the City Manager or the City Manager's designee.

Where an employee or applicant has requested a reasonable accommodation consistent with this Guide or law and is denied, a complaint may be made pursuant to the Complaint Procedure, outlined in Section 1.7. The employee or applicant has the option to proceed directly to Step 5 of the process, whereupon the City Manager (or the City Manager's designee) shall meet with the employee or applicant, Human Resources and any pertinent employees to evaluate the eligibility or reasonableness of the request.

1.3 Prohibition of Unlawful Discrimination or Harassment

Statement of Policy

It is the policy of the City that all employees enjoy a work environment free of discrimination and/or harassment. Discrimination and harassment are forms of misconduct that undermine the integrity of the employment relationship, lower morale, and interfere with work effectiveness. This policy applies equally to any discrimination or harassment based on race, color, religion, sex, age, disability, handicap, genetic information, marital status, national origin, ancestry, citizenship status, pregnancy, familial status, veteran status or military service, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws. City employees, including, but not limited to, Department Directors, managers and supervisors, do not have authority to engage in any conduct or activity, which would

constitute discrimination or harassment. **Discrimination or harassment is illegal and will not be tolerated.**

Applicability

The provisions of this directive apply to all personnel working for the City, either directly or through a contractual relationship, as well as elected officials. The term “employee” as used in this policy shall apply to all contractual personnel, direct employees, participants in City services, vendors and volunteers of the City.

1.4 Harassment and Discrimination Prohibited

The City will also not tolerate any form of retaliation directed against an employee or other individual who complains about harassment or participated in any investigation concerning harassment. It is expected that all employees will continue to act responsibly in fulfilling the City’s commitment to working in an environment totally free of discrimination and/or harassment. To that end, it is also expected that employees will prudently avail themselves of the mechanisms provided herein to address issues regarding discrimination and/or harassment.

No employee should be subjected to derogatory verbal or nonverbal references regarding his or her race, color, religion, sex, age, disability, handicap, genetic information, marital status, national origin, ancestry, citizenship status, pregnancy, familial status, veteran status or military service, or any other legally recognized status entitled to protection under local, state or federal anti-discrimination laws. No employee, male or female, should be subjected to unsolicited, offensive and unwelcome sexual overtures or conduct (verbal or physical). Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited by state and federal law, as well as City policy.

It is the responsibility of all supervisors and employees to ensure that discrimination and/or harassment does not take place. At a minimum, supervisory personnel are required to inform all employees of this directive and to immediately correct any problems that may arise. Supervisors are responsible for maintaining a work environment that is free from discrimination and/or harassment, as well as any other conduct that creates a hostile work environment for any individual.

The City recognizes that invalid, unfounded or false accusations of discrimination and/or harassment can have serious side effects on innocent individuals. Therefore, Human Resources and the City Manager, as confidentially as possible, and, if appropriate, the City Attorney, shall investigate any and all complaints of discrimination and/or harassment to determine the most appropriate disposition. Each and every complaint or allegation of discrimination or harassment shall be reported to Human Resources.

Investigations of alleged harassment or discrimination may include interviews with: (1) the alleged offender; (2) the alleged victim; and (3) any witnesses. Any of the three can be found in violation of this directive. Violation of this directive includes participating in discriminatory and/or harassing practices, permitting subordinate employees to engage in such practices, or retaliating against employees who report instances of discrimination and/or harassment. Appropriate disciplinary action *shall* be taken against any and all individuals who violate this directive, which disciplinary action may include immediate

termination from performing services for the City or, if a direct employee or volunteer, termination of the relationship with the City.

1.5 Definition of Sexual Harassment

Sexual harassment refers to unwelcome behavior of a sexual nature that is personally offensive, deliberate and repeated. It includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such harassment may be verbal, nonverbal or physical, and is illegal when:

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

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is offensive both objectively and subjectively, that fails to respect the rights of others, that lowers morale, and that interferes with work effectiveness. Some behavior that may be acceptable in social settings is not appropriate in the work place and is considered insulting and demeaning to the victim. In addition, no one should imply, joke about or threaten that an applicant or individual's employment, assignment, compensation, advancement, career development or any other term or condition of employment is subject to submission or acquiescence to sexual harassment.

1.6 Some of the More Common Examples of Harassment Include:

- Referring to individuals in protected classes in a derogatory or disparaging manner;
- Displaying visuals that may be degrading to an employee's race, ethnicity, national origin age, disability or religious beliefs;
- Telling racial, religious or other discriminatory jokes or stories;
- Asking unwelcome questions about sexual history or practices, racial, ethnic or religious issues;
- Repeated, unwelcome, and offensive sexual flirtations, advances, or propositions;
- Repeated unwelcome contact or touching;
- Continued or repeated abuse (verbal or written) of a discriminatory nature;
- Continued or repeated graphic verbal commentaries about a person's body;
- Continued or repeated sexually degrading words about a person or the person's body;
- Any of the above conduct that is conducted by voicemail, e-mail, text message, instant message (IM) or other type of electronic communication.

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

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

1.7 Discrimination and/or Harassment Complaint Procedure

Any City employee who feels that he/she has been discriminated against should bring the complaint to the attention of the supervisory personnel according to the procedure set forth below. Those employees covered by collective bargaining agreements have the option to use the grievance procedure provided for in the bargaining agreement. However, only one forum may be utilized for any particular matter. Any complainant has a legal right to file a complaint with the United States Equal Employment Opportunity Commission or the Florida Commission on Human Relations. It is felt, however, that the best interests of both the complainant and the City will be served if such complaint can be settled at the lowest level possible within the City government itself. City employees who choose to present a complaint shall follow the following procedure:

Step 1. Anyone who believes that he or she may have been subjected to discrimination and/or harassment may, but is not required to, whenever reasonably possible, first inform the offending party that such behavior is offensive and will not be tolerated.

Step 2. If the behavior continues, the employee should notify his/her immediate supervisor, either orally or in writing. The supervisor shall attempt to resolve the problem and inform the employee of steps taken within three (3) working days after receiving the complaint. The supervisor must notify Human Resources immediately in writing of the situation and shall provide a copy of the complaint form submitted by the employee. The supervisor shall notify Human Resources as soon as he/she is made aware of such a situation.

Step 3. If the employee is unsatisfied with the supervisor's resolution, he/she should notify the Department Director in writing within three (3) working days after the supervisor's deadline in Step 2. The Department Director shall attempt to resolve the problem and will inform the employee of the steps taken within (3) working days after receiving the complaint.

Step 4. If the employee is still not satisfied, he/she may take the complaint to Human Resources. The complaint must be submitted in writing. Human Resources will attempt to resolve the complaint within twenty (20) working days after receipt and shall notify the complainant of the decision reached

Step 5. If the employee is still not satisfied, he/she may take the complaint to the City Manager within three (3) working days.

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

1.8 Complaint Investigation

The City will strive to investigate the complaint in as confidential and timely a manner as possible and in accordance with the Public Records Act, Section 119.07, Florida Statutes. Information concerning an active complaint will not be released by the City to third parties or to anyone within the City who is not directly involved in the investigation, except as may otherwise be required by law or by a court of competent jurisdiction. The purpose of this provision is to protect the confidentiality of an employee who files a complaint to the extent possible, and to encourage the reporting of all instances and to protect the reputation of any employee charged with discrimination and/or harassment.

All participants involved in an investigation are expected to maintain their involvement in or discussion of the investigation confidential, except insofar as disclosure is required in obtaining or being represented by legal counsel. The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The City will strive to conduct a fair and impartial investigation.

A timely resolution of each complaint will be reached and communicated to the complaining employee as well as the other parties involved.

1.9 Results of Investigation and Corrective Action where Appropriate

If a complaint is sustained, the offender will be subject to disciplinary action, which may include termination from employment or removal from assignment to work for the City. Each supervisor is under a continuing duty to take immediate remedial action to stop or prevent discrimination and/or harassment. If the supervisor fails to take such action, and the misconduct was known, or should have been known, to him or her, the supervisor in question shall also be subject to disciplinary action, which may include termination from employment or removal from assignment to work for the City. Disciplinary action taken as a result of discrimination or harassment will become part of the personnel file of the offending employee and is subject to disclosure pursuant to the Public Records Act.

Even if the investigation fails to disclose the existence of any discrimination or harassment, the City reserves the right to nonetheless take action. Such action may include counseling, a reminder of the City's non-discrimination and harassment policies, or a written warning. Additional mandatory training will be provided if, at the City's discretion, such training is necessary.

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

1.10 Prohibition against Retaliation

The City does not permit retaliation. No one will suffer any adverse consequences as a result of bringing the harassment to the City's attention. There will be no retaliation for either reporting the harassment or for cooperating in the investigation of the complaint. Any employee responsible for retaliatory conduct will be subject to discipline, up to and including, discharge. If an employee believes that he or she is being retaliated against, the employee is encouraged to report the retaliation by using the same procedures discussed above for reporting harassment.

1.11 Other Accommodations

The City will take action to provide reasonable accommodations for religious observances, beliefs and practices, unless it creates an undue hardship. Reasonable accommodation may include modification of schedules, relaxation of dress code policies or religious expression.

Where an employee or applicant has requested a religious accommodation consistent with this Manual or law and is denied, a complaint may be made whereupon the City Manager (or the City Manager's designee) shall meet with the employee or applicant and any pertinent employees to evaluate the eligibility or reasonableness of the request. A decision will be issued in writing within seven (7) business days, to the extent practical.

The City is also committed to providing accommodation for qualified employees and job applicants with temporary physical or mental limitations due to pregnancy, childbirth or related conditions unless the accommodation will cause an undue hardship. Employees and applicants are qualified if they, with or without a reasonable accommodation, can perform the essential functions of the employment position. An individual is still qualified if the inability to perform an essential function is for a temporary period, the essential function could be performed in the near future, and the inability to perform the essential function can be reasonably accommodated.

1.12 Anti-Bullying

Some acts or remarks may violate this Guide even if they do not violate federal or state discrimination laws. The City discourages bullying or harassing conduct, which includes repeated behavior occurring in the course of work that impairs the ability of an employee to perform work duties or is reasonably perceived as being so severe and/or objectively offensive so as to have that effect. This includes but is not necessarily limited to acts that are reasonably perceived as being humiliating, dehumanizing, hostile, intimidating, or physically aggressive.

The legitimate and reasonable exercise of management rights should not be construed to constitute bullying or harassment. These actions may include:

Evaluating an employee's work performance. Though the information may be troubling and critical, conveying said information does not constitute bullying or harassment

Issuing directives about work duties

Making justifiable decisions related to recruitment, selection and other employment opportunities.

Enforcing implemented workplace policies or collective bargaining provisions, if applicable

Addressing allegations of misconduct and imposing disciplinary actions, where appropriate

Any acts of bullying should be reported to Human Resources. An informal review will be conducted to determine whether the action(s) complained of, if true, meet the definition of non-discriminatory bullying/harassment herein. If the allegations meet the definition, the matter will be formally investigated by Human Resources to determine whether

sufficient evidence substantiates said allegations. If the allegations do not meet the threshold, the complainant will be informed thereof and the matter closed without a formal investigation. Complaints will be handled in a timely and confidential manner, to the extent allowable by law. An employee who has been harassed on the job may use the complaint procedure or may report the incident directly to Human Resources.

CHAPTER 2

Classification Plan

2.1 Classification Plan

The classification plan is the grouping of positions into appropriate classes that are similar with respect to duties and responsibilities. Each class in the classification plan shall be designated by a descriptive title and defined by a class specification.

2.2 Purpose of the Classification Plan

The classification plan is an administrative tool that provides a system of standardized titles and common job language and is critical to the effective administration of personnel activities such as workforce planning and budgeting, establishing job performance standards, developing recruitment programs, and establishing appropriate career paths.

2.3 Class Specifications

Class specifications are written descriptions of positions of each class included in the classification plan. Specifications shall include a class title, a general statement of duties and responsibilities, typical examples of duties performed and minimum qualification requirements for entrance into a class. Special requirements, where appropriate, such as license or certification, shall also be included.

2.4 Development and Administration

The City Manager or designee shall have the authority for the overall administration of the classification plan. In developing the classification plan, he/she will consult the Department Director, key staff, employees and other technical resources as appropriate. The City Manager or designee shall periodically review the entire classification plan or any part thereof at his/her own initiative. The purpose of such review shall be to ascertain whether or not the plan accurately reflects existing conditions; to determine the accuracy of class specifications; and to assure that positions are properly classified.

2.5 Position Descriptions / Job Descriptions

Position descriptions shall be supplied by each Department Director for each position or proposed position under the department's jurisdiction. When a new position is proposed, the City Manager shall determine the proper classification and have Human Resources prepare a new classification description if an appropriate classification does not exist. Each position description shall be approved by the City Manager. Human Resources shall keep a file of all current job descriptions.

2.6 Effective Date of Change

Classification actions shall be effective on the first day of the pay period immediately following approval of the change by the City Manager.

2.7 Promotion

A promotion is the movement of an employee from a position and grade in the Plan to a different position in a higher grade with a greater degree of responsibility and a higher maximum salary. Authorized position vacancies may be filled by promotion of employees from a lower to a higher classification. All promotions and pay increases must be

approved by the City Manager. The advice and recommendation of the Department Director is expected and will be given due consideration.

2.8 Transfer

A transfer is the movement of an employee from one position to another position having the same grade and salary range and the same level of responsibility within the City. Employees may request a transfer from one department to another or from one position to another within the same department when a vacancy exists.

Employees seeking to transfer from one City position to another must complete and submit a job application for the desired position, as well as go through the City's regular interview process. Any employee who is transferred to a different position or work location at the same or higher pay grade will be paid at the rate of pay for the position transferred to, whether higher or lower.

2.9 Down Grade

A down grade is the movement of an employee from a position in one grade or salary, to a different position having a lesser grade, salary or degree of responsibility. Under certain circumstances, an employee may request and be granted a voluntary down grade in accordance with the provisions pertaining to transfers and provided that the employee's services are needed in another position. An employee may also be downgraded or suffer a reduction in compensation as a result of unsatisfactory performance and/or as a part of disciplinary action.

2.10 Placement Within Pay Range

New employees of the City shall usually be assigned to the entry pay range. The Department Director may recommend the hiring of new employees above the minimum salary range. Any recommendation to hire above the minimum salary range must include justification including, but not limited to, that the candidate has substantial qualifications that exceed the minimum requirements for the position, or that the position is particularly difficult to fill. The justification should be submitted with the recommendation to hire. The City Manager will review the request for consideration of approval. Budgetary limitations and wage compression should be considered before recommending a hiring above the established minimum salary range.

2.11 Pay Above Grade

Any changes or modifications to pay rates or salaries, including temporary pay adjustments, must be approved in advance by the City Manager. If an employee's pay exceeds the maximum rate for a pay range, the employee shall not be eligible for increases of any type, unless: (1) subsequent pay adjustments for the position increase the maximum for the class; (2) the employee is subsequently promoted and the rate of pay is below the maximum for the class to which the employee is promoted; or (3) a special salary adjustment is approved by the City Manager.

2.12 Interim and Acting Salaried Positions

When a management position is vacated and the City is unable to fill the position before the current employee leaves, an interim or acting staff member will be assigned at the discretion of the City Manager. The staff member should have basic knowledge of the position to be filled. In the event that the interim or acting position is generally paid at a

higher rate, the interim or acting employee will be paid at the rate applicable for the position being filled, if the position is vacant for a period of more than fourteen (14) calendar days. Vacation and holidays paid during the time period that an employee is filling an interim or acting position will be paid at the higher acting pay rate.

Non-exempt employees working in an acting capacity in an exempt position will be treated as non-exempt and will be paid for all hours worked to include an overtime premium, calculated based upon the higher acting pay rate.

2.13 Reclassification

An established position may be reclassified from one class to a different class as a result of a change in the duties and responsibilities of the position. Reclassification may result from redistribution of work assignments that significantly alter the duties and responsibilities of a position, or revisions to class specifications that more accurately reflect the levels of work performed, or for other reasons deemed applicable by the City Manager. The City Manager reserves the right to add, to modify, or remove old classifications, or add new classifications whenever it is deemed to be in the best interest of the City.

2.14 Posting of Open Positions

Vacant positions will be posted. The posting will contain the job requirements, as well as the method for submitting applications. At all times, the City retains the right to place the most qualified applicant or employee in any vacant position within the City.

CHAPTER 3

Salary And Pay Administration

Full time, Part Time and Temporary Employees

3.1 Full-Time Employees

Full-time employees are scheduled to work at least thirty (30) hours per week. This shall include exempt and non-exempt employees. Issues pertaining to overtime are addressed in Section 3.10.

3.2 Part-Time Employees

Part-time employees are employees scheduled to work less than thirty (30) hours per week. Part-time employees are paid by the hour for all hours worked. Issues pertaining to overtime are addressed in Section 3.10.

3.3 Temporary and Seasonal Appointments

Temporary employees may be hired for periods not exceeding six (6) months. Such appointments may be renewed for specified periods not exceeding six (6) months, provided funds are budgeted and available and the employee's additional services are required. A temporary employee will not be granted legal holidays and does not earn other leave of absence with pay. On-call employees, temporary and seasonal employees are not eligible for City benefits unless mandated by federal or state law. In the event the temporary position becomes permanent, the period of temporary employment shall count toward the employee's duration of employment. Temporary appointments and extensions of temporary appointments must be approved by the City Manager.

3.4 Emergency Duty Assignments

If civil emergency conditions exist, the City Manager or his/her designee may assign any employee under his/her jurisdiction to any duties to fulfill the mission of the City. Conditions constituting civil emergency may include, but are not limited to, riots, civil disorders, hurricane conditions or similar catastrophes.

3.5 Hours of Work

- A. Schedules vary by Department. For Payroll purposes, the work week begins at 12:00 a.m. on Monday and continues through 11:59 p.m. on Sunday.
- B. Being at work on time and maintaining good attendance is a condition of employment and is an essential function of each job. Special provisions for a modified schedule, such as a ten-hour day, four-day week, may be permitted with the approval of both the employee's Department Director and the City Manager.
- C. Alternative work schedules to meet departmental operating needs may be established with the approval of the City Manager.

3.6 Pay Periods

A pay period consists of 14 days, two (2) weeks. Employees are paid on the following Friday after the pay period ends.

3.7 Effective Date of Changes in Pay

Effective date of personnel transactions affecting an employee's rate of pay shall be the beginning date of the pay period following effective date of change.

3.8 Performance Incentive Program

Department Directors may recommend monetary incentive programs that directly relate to measurable performance criteria. The City Manager must approve all monetary incentive programs prior to implementation. Such incentives are discretionary and shall not be considered an entitlement.

3.9 Bonuses

The City may utilize incentives and bonus awards to recognize achievements and the attainment of goals by individual employees or work groups. Such incentives and awards are at the discretion of the City Manager and subject to budgetary appropriation by City Council, and shall comply with the requirements of Section 215.425 of the Florida Statutes.

3.10 Overtime

- A. Generally. Overtime compensation will be paid to all eligible non-exempt employees for hours worked in excess of 40 hours per workweek in accordance with the Fair Labor Standards Act. Overtime shall be paid at time and one-half of the employee's current regular hourly rate of pay. In calculating overtime hours, all personal leave, funeral leave, and other authorized leaves with pay shall **not** be considered as hours worked.
- B. Approval of overtime work. All overtime worked must have the approval of the City Manager or the Department Director concerned prior to performance of the work, except where an emergency precludes such arrangement. Non-exempt employees who work overtime hours should report all of their hours, and they will be properly paid for all of the hours that they work in any work week, but they may be subject to disciplinary action for the failure to obtain the required approval to work overtime.
- C. The City reserves the right to schedule compulsory overtime for employees in order to ensure that the City's operational needs, and continued quality of customer service are provided. The assignment of overtime, however, shall be made in an equitable manner if practical, seeking to avoid conflict with an employee's off duty plans and personal emergencies, if possible.
- D. The City reserves the right to grant non-exempt employees' request for compensatory (comp) time, which is time off from work earned in lieu of overtime (i.e., time in excess of forty (40) hours in a workweek). Comp time is earned at the rate of one and one-half hours for each overtime hour worked. Comp time shall be capped at 80 hours per year. Supervisors

must record the appropriate time worked and comp time taken. The earning and use of comp time must be approved by the Department Director. Comp time shall be cashed out in advance of any change in the employee's hourly rate of pay, or upon an employee's separation from service. (if this conflicts with a bargaining unit contract, the language in the contract prevails)

- E. Exempt employees are eligible to earn compensatory (comp) time on an hour-for-hour basis with a cap of 80 hours. Comp time should be used during normal work hours in increments up to 8 hours. If more than 8 hours off is requested, personal leave must be used. An Exempt employee may not accrue comp time while being paid emergency pay. Exempt employees must record the appropriate time worked and comp time taken. The earning and use of comp time must be approved by the Department Director or City Manager. Comp time cannot be cashed out.

3.11 Error in Pay

All payroll deductions will be made in accordance with the Fair Labor Standards Act and all applicable federal, state and local laws. The City takes every precaution to avoid errors in your paycheck, but occasionally an error may occur. If this happens, please report the error to your supervisor or to Payroll as soon as possible so that the error may be corrected.

3.12 Breaks

Breaks are an important time for you to rest and refuel. Taking them will help boost your health and productivity. Non-exempt employees will be provided with a 1 break, and the timing of that break should be coordinated with your direct supervisor. Employees receiving a break are required to take their break each day and must report to their direct supervisor any missed breaks. In the event that a non-exempt employee works through a break, that missed break should be reported and the employee will be paid for the missed break.

Breaks may be used to accommodate employees who wish to express breast milk during the workday. The City will provide a designated room, other than a bathroom, that is shielded from view, free from intrusion from coworkers and the public and is in compliance with all other applicable laws for this purpose. Employees who use regularly scheduled rest breaks to express breast milk will be paid for the break time. If the lactation break does not run concurrently with the employee's regularly scheduled compensated break, the lactation break time will be unpaid.

3.13 Time Reporting

Non-exempt hourly employees are required to keep accurate and complete time records of daily hours worked through the timekeeping system authorized by the City. Employees are required to log in and out when starting work for the day, as well as when ending their workday. Meal breaks should also be properly recorded. Employees are required, at the end of each work week, to review their hours worked and ensure that their time was properly recorded. Employees who fail to review or timely submit their hours worked at the end of each work week may be subject to disciplinary action.

Employees are also prohibited from falsifying or altering their time records, including entering time for a co-worker, without obtaining prior permission from a supervisor. Falsifying or altering time records will result in disciplinary action, up to and including termination of employment.

3.14 Emergency Overtime

The Department Director or other person in charge of providing emergency service shall see that the overtime hours are properly recorded. During a “Declaration of Local Emergency,” all hours worked shall be paid in accordance with the City’s established Emergency Pay administrative policy found on the city website - [Administrative Policies and Procedures | City of Marco Island Florida](#)

3.15 On-Call (Standby) Pay

Nonexempt employees assigned to be on-call (or stand-by) shall receive a stipend. The on-call stipend only applies to time assigned as on-call and is not applied to an employee’s normal working hours. If the employee is called back to work, the “callback policy” provisions listed below will apply.

While on call, the employee shall be required to be reachable by supervisors either by telephone, radio, or cell phone. The employee is free to pursue personal activities as long as communications are possible and the employee is in a state of readiness to respond promptly within a reasonable time to a call for service.

3.16 Callback Pay

If an employee is assigned to standby and is called back to work after regular hours, that employee shall receive additional compensation based on actual hours worked in accordance with the regular and overtime provisions outlined in this Guide.

3.17 Flextime

The City recognizes that employee work schedules may need to be accommodated in order to meet specific or special needs. Therefore, with prior approval of the City Manager, it shall be the Department Director’s discretion to allow for flexible scheduling for employees as long as the City’s needs and commitment to quality customer service are met, and such flextime does not conflict with overtime requirements.

3.18 Clothing Allowance/Uniforms

Required uniforms and clothing allowances shall be in accordance with written Department policy as approved by the City Manager.

3.19 Telework

Employees may be granted the privilege to telework, provided it does not interfere with required in-person activities. The complete policy is found on the city website - [Administrative Policies and Procedures | City of Marco Island Florida](#)

Telework may require the adherence to the following:

- a. Employees must check in and out with their supervisor at the start of the day and during scheduled breaks via Microsoft Teams.
- b. Staggered schedules may be created to ensure adequate coverage is maintained in-person at the office.
- c. Telework cannot be used on a regular and ongoing basis to provide dependent care.
- d. Certain positions are ineligible for remote work privileges due to the nature of the job duties.
- e. Employees cannot telework when their presence is required, such as the staff meeting, in-person trainings, or similar physical meetings involving their duties or workgroup, such as City Council meetings, unless approved by the Department Director or the City Manager.

CHAPTER 4

Recruitment and Selection

4.1 Policy

It shall be the policy of the City to ensure equal employment opportunity to all employees and applicants in recruitment and selection and to prohibit discrimination because of race, color, religion, sex, age, disability, handicap, genetic information, marital status, national origin, ancestry, citizenship status, pregnancy, familial status, veteran status or military service, or any other legally protected status entitled to protection under local, state, or federal law.

The City of Marco Island seeks to employ the most qualified persons available. In this effort, the City conducts an active job information and recruitment program. The City's recruitment program shall be administered as follows:

- A. Upon learning that a vacancy shall occur, Department Directors shall immediately notify Human Resources. A job announcement shall be prepared, stating the position title, minimum training and experience requirements, salary range and application procedures. This announcement shall be posted by the City.
- B. Applicants from within the City shall have first priority, but they will have to complete a job application for the vacant position and go through the interview process. If this does not yield a suitable candidate, applications from other sources shall be considered.
- C. Job announcements may be advertised in local and area-wide newspapers, and on the City's website. Educational institutions, employment agencies, trade journals and publications of professional organizations may also be utilized as advertisement sources. Human Resources shall select additional appropriate recruitment resources as required.

4.2 Application Form

All applications for employment shall be made on forms prescribed by the City Manager.

4.3 Physical Examinations

Applicants for safety sensitive or special risk positions receiving a conditional offer of employment shall be required to undergo a physical examination, which includes a drug test and may include an alcohol test, paid for by the City.

4.4 Selection

Human Resources, in conjunction with the Department Director and City Manager, shall determine the selection device or devices to be used to obtain the best qualified candidates for each position. Such selection devices may include work sample or performance tests, practical written tests, individual physical examinations (depending upon the position applied for), background and reference inquiries and evaluation of training and experience. Human Resources must approve any selection devices to ensure that they are consistent with the City's EEO policy.

4.5 Transfers Within City Departments

To qualify for a transfer to another department, an employee must have worked for the City at least six months and be in good standing, including, without limitation, having received a satisfactory rating on his/her most recent performance appraisal. The employee will go through the regular interview process for selection. A request for transfer does not guarantee that the employee will be transferred. An employee who is selected for transfer must continue to work in his or her current position for at least two weeks to provide the City sufficient time to find a replacement. An employee who transfers is subject to a 90-day introductory period and the City will strive to conduct a performance evaluation towards the end of the introductory period. Completion of the introductory period does not offer any expectation of continuation in employment or salary adjustment or modify the “at-will” employment relationship. Continuation of employment may be affected by many factors, including, but not limited to performance and conduct.

4.6 Promotions

To qualify for a promotion, an employee must have worked for the City at least six months and be in good standing, including, without limitation, having received a satisfactory rating on his/her most recent performance appraisal. The employee will go through the regular interview process for selection. A request for promotion does not guarantee that the employee will be promoted. An employee who is selected for a promotion must continue to work in his or her current position for at least two weeks to provide the City sufficient time to find a replacement. An employee who is promoted is subject to a 90-day introductory period and the City will strive to conduct a performance evaluation towards the end of the introductory period. Completion of this introductory period does not offer any expectation of continuation in employment or salary adjustment or modify the “at-will” employment relationship. Continuation of employment may be affected by many factors, including, but not limited to performance and conduct.

4.7 Orientation

Human Resources will, after completing sign-up procedures, provide new employees with the necessary basic information to aid in their transition to City employment. The orientation presentation will address the following subjects: (1) the employee benefits package, including leave provisions and insurance coverage; and (2) the City’s Employee Resource Guide.

4.8 Introductory Period

The first One Hundred Eighty (180) days of employment constitutes a new employee introductory period. This mutual try out period is designed to give you and the City an initial evaluation period and an opportunity to determine whether expectations are met. Completion of the mutual introductory period does not obligate you or the City to continue the employment relationship. Either party remains free to end the employment at-will relationship at any time before or after the introductory period.

CHAPTER 5

Performance Evaluations

5.1 Purpose

The primary purpose of the employee performance evaluation program is to inform employees how well they are performing and to offer constructive criticism on how an employee can improve his/her performance. Performance evaluations shall also be considered in decisions affecting salary, promotions, demotions, transfers, reassignments, dismissals, training needs, and other personnel changes.

5.2 Introductory Period

New employees are subject to a six-month introductory period. This period provides time for employees to decide if the job suits them and for the City to decide on the initial suitability of the employee. During this period, the employee must demonstrate, at a minimum, an aptitude for the work, compliance with all policies, as well as the ability and desire to succeed.

5.3 Completion of the Introductory Period

Towards the end of the introductory period, the City will strive to conduct an evaluation of the employee's performance. The City may also set goals for the employee to achieve over the next six (6) months and be reviewed at the annual review. Completion of this introductory period does not offer any expectation of continued employment or salary adjustment, or modify the "at-will" employment relationship. Continuation of employment may be affected by many factors, including, but not limited to, performance and conduct.

5.4 Administration

The City strives to conduct an annual performance evaluation for each employee. A satisfactory rating, however, does not guarantee an increase in salary.

5.5 Special Evaluation

A special performance evaluation may be completed when there is a significant change (either upward or downward) in an employee's performance.

5.6 Unsatisfactory Evaluation

In the case of "unsatisfactory" performance, the Department Director will include written comments as to remedial actions required by the employee. The completed evaluation shall be discussed with the employee, and the employee will be allowed to add comments if desired. After the discussion is completed, both the Department Director and the employee shall sign the completed evaluation form. Failure or refusal of the employee to sign an unsatisfactory performance evaluation does not affect the assignment of the unsatisfactory rating. Employees who receive an overall rating of "unsatisfactory" on their annual evaluation may be subject to corrective or disciplinary action up to and including demotion, transfer or termination.

CHAPTER 6

Information Technology Policies

6.1 General

The City computer system, internet, e-mail, voicemail and City-issued cell phones and other devices are the property of the City. The policies of the City that regulate the use of its information technology are set forth in detail in a separate Information Technology (“IT”) Policy Manual. To the extent that an employee has a specific question regarding the City’s IT Policies, please consult the City’s IT Policy Manual, or direct any specific questions to the City’s Information Technology Director.

This policy reaffirms that City employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail, text or instant message, voicemail or other computer or electronic means of communication or storage, whether or not employees have private access or an entry code into the computer or voicemail system, or City-issued cell phone. Employees have no right to privacy in any matter, whether personal or business-related, stored in, created, received or sent through the City’s e-mail, internet, computer or voicemail systems or City-issued cell phones. The City is subject to the Florida Public Records Law that governs public access and retention of information regardless of form. All messages should be considered public information unless otherwise designated by the Florida Public Records Law. The City reserves the right to monitor the use of its voicemail and computer systems and City-issued cell phones, including, but not limited to e-mail, internet use, website history, call and text message history and history of materials, data and files downloaded or uploaded. The City also reserves the right to retrieve and read any text or other message composed, sent, or received using the City’s e-mail or computer systems or City-issued cell phones. Monitoring and retrieval may occur at any time without prior notice.

6.2 E-Mail Policy

The City encourages the business use of e-mail as a productivity enhancement tool. E-mail access will be granted to all City employees unless specifically denied by the employee’s Department Director and/or the City Manager.

- A. Purpose/Description
The purpose of this policy is to clearly define the acceptable use of the City’s e-mail system and what actions are prohibited.

- B. Ownership of the E-mail System
The City’s e-mail system belongs to the City of Marco Island and the contents of all e-mail communication are accessible at all times by the City, with or without advance notice. Nothing in or on the e-mail system should be considered confidential. The employee has no right to privacy of e-mail.

- C. Acceptable Use
Use of the City’s e-mail system is intended for City related business. All employees are to use e-mail as they would any other type of official City communications tool. When any e-mail is transmitted, both the reader and sender should consider if the communication falls within ethical guidelines.

No communication should contain confidential information. Communication by e-mail is encouraged when it results in the most efficient and/or effective means of communication.

City employees are permitted incidental and occasional personal use of the e-mail system, and such use will be treated the same as other business related e-mail messages. The following are guidelines when using the City's e-mail system for personal use:

- Personal incoming or outgoing e-mail must be kept to a minimum so that it does not consume more than a trivial amount of system resources.
- Personal incoming or outgoing e-mail must not interfere with an employee's productivity
- Personal use of the e-mail system is a privilege, that may be monitored, restricted, or revoked at any time.

D. Prohibited Use

The following uses are prohibited:

- Charitable or fundraising campaigns unless specifically approved in advance by the City Manager
- Solicitations or proselytization (defined as: campaigning, preaching, or evangelizing) for commercial ventures, chain letters, religious or personal causes, or outside organizations or other similar, non job-related solicitations
- E-mails that may be seen as insulting, disruptive, or offensive by other persons, or harmful to morale. Examples of forbidden transmissions include sexually-explicit messages, gambling, cartoons, or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that may be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin, religious or political beliefs
- Use of e-mail to send copies of documents in violation of copyright laws
- Use of the e-mail system to compromise the integrity of the City or its business in any way
- Use of e-mail to offer for sale non-City related items.

E. Retention of E-mail

All incoming and outgoing e-mail is archived on the archiving server and is searchable by the City Clerk and IT Staff for public records requests. User mailboxes will have a mailbox quota to limit the amount of e-mail retained on the e-mail server in order to improve performance.

- F. Mailbox Limits
The I.T. Department will set mailbox and message size limits that are appropriate to the stability and adequate performance of the e-mail system.
- G. Enforcement
The I.T. Department will provide for the enforcement of these policies through the use of monitoring technology and report violations to the Department Head of the offending employee for disciplinary action, if necessary.
- H. Responsibilities
End-Users – Must be aware of these policies and ensure compliance. Must maintain e-mails in accordance with State of Florida Public Records Laws. Must coordinate long-term storage with the I.T. Department, when necessary.
- Department Heads – Ensure enforcement of the policies through disciplinary actions, if necessary, for those violating the policy.
- I.T. Department – Manage mailbox limits. Monitor and report violations.

6.3 Internet Policy

The City encourages the business use of Internet access as a productivity enhancement tool. Internet access will be granted to all City employees unless specifically denied by the employee's Department Head and/or City Manager.

- A. Acceptable Use
Use of the City's Internet access is intended for City related business. All employees are to use Internet as they would any other type of official City tool. Users should consider ethical guidelines.
- City employees are permitted incidental and occasional personal use of the City's Internet system, and such use will be treated the same as any other legitimate business access. The following are guidelines when using the City's Internet system for personal use:
- o Personal usage must be kept to a minimum so that it does not consume more than a trivial amount of system resources
 - o Personal usage must not interfere with an employee's productivity
 - o Personal use of the City's Internet is a privilege that may be monitored, restricted, or revoked at any time.

B. Prohibited Use

Any use of the Internet for "moonlighting", soliciting for commercial ventures, gambling, religious or personal causes, or outside organizations, or for other similar non job-related solicitations is strictly prohibited. Use of the City's Internet to access any site or material that is sexually explicit, pornographic, obscene, that may be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin, or religious or political beliefs, or has the potential to cause the City public harm or disrepute is strictly prohibited.

Users shall not install any browser plug-in or "enhancement applications" such as Flash, Real Media, Quick Time, Shock Wave, browser toolbars, etc., without permission by the I.T. Department. This includes, but is not limited to: pop-up blockers, anti-spyware programs, screen savers, background changers, or any other item that is not provided by the I.T. Department as part of the original system configuration or added by IT.

C. Security and Blocked Access

The I.T. Department will provide for Internet security that includes, but is not limited to, firewall protection, specific routing, profiles, and passwords. Web sites that have no legitimate business purpose may be blocked from access. All web and internet traffic may be blocked from access until a specific business use is demonstrated. An audit trail of access to sites may be maintained by the I.T. Department to investigate possible violation of City policy or breach of security.

D. Public Representation

No media advertisement, Internet home page, electronic bulletin board posting, electronic mail message, or any other public representation about the City of Marco Island may be issued unless appropriate management has granted approval.

E. Enforcement

The I.T. Department will monitor Internet access through the use of technology tools. Violations will be reported to the Department Head and/or the City Manager of the offending employee for disciplinary action, if necessary.

F. Responsibilities

End-Users – Must be aware of these policies and ensure compliance.

Department Heads – Ensure enforcement of the policies through disciplinary actions, if necessary, for those violating the policy.

I.T. Department – Manage Internet security. Monitor and report violations.

6.4 Social Media and Networking Policy

The City of Marco Island recognizes that Social media, professional networking sites, and personal Web sites are all useful technologies, and provide ways to build a sense of community as well as to rapidly communicate directly to stakeholders and the general public. This policy will set forth guidelines that employees shall follow for all online communications in reference to the City of Marco Island and address the fast-changing landscape of the Internet and the way people receive their information. Social Media provides opportunities for participating departments to attract a broader audience, in addition to creating a social network allowing for residents, consumers and visitors to receive information and participate in their government in an innovative and creative way. These services are intended to enhance communications but not to diminish or circumvent existing processes. The demographic profile of the intended target audience combined with the purpose and goal of the social media initiative are the primary considerations on which to determine the appropriate use of social media. At all times, the social media initiative must align with the City's business goals and objectives.

A. Usage Guidelines

Relevant Technologies

This policy includes, but is not limited to, the following specific technologies:

- Facebook
- Snapchat
- Instagram
- LinkedIn
- Tumblr
- X / Twitter
- Personal Web Sites
- Personal Blogs

City of Marco Island employees are encouraged to use the following guidelines in social networking practices:

- Be relevant to your area of expertise
- Do not be anonymous
- Maintain professionalism, honesty, and respect
- Apply a "good judgment" test for every activity related to the City of Marco Island: Could you be guilty of leaking information, customer data, or upcoming announcements? Is it negative commentary regarding the City of Marco Island? Activity showing good judgment would include statements of fact about the City of Marco Island and its services, facts about already-public information, or information on the City's official website. Further, if any employee becomes aware of social networking activity that would be deemed distasteful or fail the good judgment test, please contact the Human Resources Department.

City of Marco Island Assets

The use of City of Marco Island assets (computers, Internet access, e-mail, etc.) is intended for purposes relevant to the responsibilities assigned to each employee. Social networking sites are not deemed a requirement for most positions. For those employees that are permitted to access these services, a reasonable and limited amount of use of city assets are permitted for social networking services.

Inaccurate or Defamatory Content

Employees who participate in online communication deemed not to be in the best interest of the City of Marco Island will be subject to disciplinary action. This online communication can include but is not limited to the following:

- o City information or data leakage
- o Inaccurate, distasteful, or defamatory commentary about the City
- o Racial slurs, sexual content, or discriminatory content

Disciplinary action can include termination or other intervention deemed appropriate by Human Resources.

Off-Limits Material

This policy sets forth the following items which are deemed off-limits for social networking:

- o Intellectual property (data and/or software programs)
- o Customer Data

The City of Marco Island's intellectual property and customer data are strictly forbidden from any online discourse except when specifically authorized by the City Manager, City Attorney and/or City Clerk.

Accessing games, sponsored content, and advertising content on social networking sites is strictly prohibited. Such activity has high potential for introducing malware and spyware on City networked computers.

Sensitive Matters

Any online communication regarding proprietary information, such as layoffs, strategic decisions, or other announcements deemed inappropriate for uncoordinated public exchange is not permitted unless specific permission has been granted by the employee's

Department Head. State of Florida Public Records laws and Federal Copyright laws must be strictly adhered to.

B. Personal Usage

City employees are discouraged from personal use of social networking via the City's Internet, mobile devices, cellular devices, and other computing systems. Such activity has high potential for misrepresentation, misconception or confusion of an individual's personal beliefs, ideals, posts and those that represent official City related content, posts, etc.

C. Expectations of Online City Authorized Spokespeople

Just as with traditional media, we have an opportunity, and a responsibility, to effectively manage the City's reputation online and to selectively engage and participate in the online conversations every day. The following principles guide how an authorized City Online Spokesperson(s) should represent the City in an online, official capacity, when they are speaking "on behalf of the City of Marco Island."

1. Code of Conduct and Other Policies: Follow the City's Code of Conduct and all other City policies. As an official representative of the City, you must act with honesty and integrity in all matters. This commitment is true for all forms of social media. In addition, several other policies may govern your behavior as an authorized City spokesperson in the online social media space.

2. Representing the City: As a City representative, it is important that your posts convey the same positive, optimistic spirit that the City encourages for all of its communications. Be respectful of all individuals, races, religions, and cultures; how you conduct yourself in the online social media space not only reflects on you, it is a direct reflection on the City.

3. Don't Post Anonymously: You should identify yourself as an employee of the City, name, and when relevant, role at the City, as to not mislead readers or viewers. Employees should not use aliases or otherwise engage in covert activities.

4. Keep Records: It is critical that you keep records of our interactions in the online social media space and monitor the activities of those with whom we engage. Because online conversations are often fleeting and immediate, it is important for you to keep track of them when you're officially representing the City. Remember that online City statement can be held to the same legal standards as the traditional media communications. Keep records of any online dialogue pertaining to the City. The IT Department will assist with implementing an automated solution to archive communications when and where possible.

5. When in doubt, Do Not Post: Official spokespeople are personally responsible for their words and actions, wherever they are. As online spokespeople, you must ensure that your posts are completely accurate and not misleading, and that they do not reveal non-public information of the City. Exercise sound judgment and common sense, and if there is any doubt, DO NOT POST IT. In any circumstance in which you are uncertain about how to respond to a post, contact your Department Head or the City Manager.

6. Respect Copyrights: DO NOT claim authorship of something that is not yours. If you are using another party's content, make certain that they are approving of you utilizing their content, and make certain that they are credited for it in your post. Do not use the copyrights, trademarks, publicity rights, or other rights of others without the necessary permission of the rights holder(s).

7. Be responsible for your work: The City understands that employees engage in online social media activities at work for legitimate City purposes and that these activities may be helpful for City affairs. However, the City encourages all employees to exercise sound judgment and common sense to prevent online social media sites from becoming a distraction at work.

8. Remember that your local posts can have a global significance: The way that you answer an online question might be accurate in some parts of the world, but inaccurate (or even illegal) in others. Keep that "world view" in mind when you are participating in online conversations.

9. Know the Internet is permanent: Once information is published online, it is essentially part of a permanent record, even if you "remove/delete" it later or attempt to make it anonymous. If your complete thought, along with its context, cannot be squeezed into a character-restricted space (such as X / Twitter), provide a link to an online space where the message can be expressed completely and accurately.

10. Drive the public to the City's website: Use the City's social media communications to drive the public to the City's website whenever possible. Use links with the social media sites to link to articles, forms, postings, etc., on the City's website.

D. City Sponsored Social Media Procedures

1. The City Manager or designee will approve the creation of all new social media sites, and the IT Department will establish the naming and accounts for all social media sites, to ensure the name is appropriate for the City of Marco Island as a government entity and is consistent with other department names and the City of Marco Island brand.

2. The City Manager or designee will designate staff to manage the content and security of the City's social media sites. It is important to ensure that the public's trust of the City of Marco Island's presence on social media sites is preserved and maintained. Since imitation sites may exist, the content and information must be monitored on a regular basis. Visual elements of the social media sites must be approved by the City's website master to reflect the public website brand of the City of Marco Island. This will ensure the visual consistency and credibility of the page(s).

3. Login information, including user IDs and passwords, will be created by the IT Department and is not permitted to be changed, altered, or modified. Passwords must be secure and adhere to all IT policies with regard to password protections. A user's social media password cannot be the same password used to log on to the City network.

4. Designated staff should obtain Department Head approval for any information to be posted on the City website prior to posting on the social media sites. Once information is posted on the City website, then a link can be included in the social media post. An exception will be made for disseminating immediate emergency information to the public, in which case the information can be posted on social media sites first and then posted on the City website.

5. Designated staff will be responsible for publishing, monitoring and updating their pages on all social media sites. Although departments will be responsible for maintaining their content, all staff will work together to monitor social media content based on the best practices and industry norms.

6. All City staff that use social media are responsible for complying with applicable federal, state, county, and city laws, regulations, and policies. Applicable laws include, but are not limited to, Public Records Law, Sunshine Law, records retention and records schedules laws, copyright laws, First Amendment, Privacy laws, and Information Technology policies established by the City of Marco Island.

7. Designated staff must put forth their best effort to archive all social media sites in order to adhere to the Public Records Law and records retention schedules. The City understands that the public may post a comment and then delete the comment before an archive may be made.

8. Social media sites that allow for correspondence with the public must be monitored on a daily basis by designated employees. Sites that do not allow for patron interactions must be monitored on a weekly basis.

9. All messages must be consistent with other City of Marco Island content.

10. The frequency of messaging should be regular and without significant time lapses (at least weekly or more often), and the content should include relevant information.

11. Social media sites allowing public comment must be monitored by designated staff daily during working hours to ensure the comments meet certain criteria. Some social media sites, such as Facebook, allow instant commenting, while others, like YouTube, allow for a moderated/approved process. City-created social media forums must be structured narrowly to focus discussions on a particular interest of the City of Marco Island rather than creating a “public forum”. Designated staff is only allowed to remove postings that do not meet the narrow focus of the City’s media forum, including foul language.

12. Designated staff shall use only images to which the City retains the copyright or that have otherwise been authorized for use as related to the use of social media networks.

13. All social media sites that allow comments must include either a link to the following disclaimer, or the disclaimer should be published on the social media site:

“The purpose of this site is to present matters of public interest in the City of Marco Island, including its many residents, businesses, and visitors. We encourage you to submit your questions, comments, and concerns, but please note this is a moderated online discussion site and not a public forum. Once posted, the City reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, or religious group. Further, the City also reserves the right to delete content or links determined to: (i) be off topic; (ii) advocate illegal activity; (iii) promote particular services, products, or political organizations; or (iv) infringe on copyrights or trademarks. Please note that the comments expressed on this site do not reflect the opinions and position of the City government or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City Clerk’s office. E-mail addresses are public record under Florida Law and are not exempt from public records requirements. If you do not want your comments or e-mail address to be subject to being released pursuant to a public records request, do not send electronic mail or make comments to this entity. Instead, contact this office by telephone (239)389-5000 or in writing, via the United States Postal Service, City of Marco Island, Attn: City Clerk, 50 Bald Eagle Drive, Marco Island, FL 34145 .”

E. Security Standards

1. Accountability: Full responsibility for the City’s social media presence and associated security risk in the social network will be specifically assigned in the City.

2. Content: Limit the information uploaded to the social network to the bare minimum required to meet business objectives. All content (text, photography, video, graphics and links) must be approved by the content owner. Refresh content regularly, label copyrighted content, and, where possible, include embedded copyright indicators. Scan uploaded and downloaded content for viruses and other inappropriate code.

3. Staff Use: Staff working in the social network on behalf of the City of Marco Island must abide by City policies regarding public and media relations. Staff should not place City content on personal pages. Content developed by staff for City government is a City asset and does not belong to the employee.

4. Messaging: Conversations using the social network messaging system must comply with City policies regarding harassment and offensive speech. Messages directed to customers, other employees, and citizens must comply with relevant laws and regulations (for example, disclaimers). Do not send messages that contain sensitive personal information through the system.

5. Monitoring: Monitor City content on a regular basis to detect unauthorized alterations, where possible. The using staff should monitor every time they post content to the site(s) or more often if necessary. IT staff should manually review the City's social media content on a weekly basis to identify visual and other performance problems.

F. Look and Feel Standards

In all possible cases, the look and feel of social networking accounts should follow the color-scheme of the City's Visual Identity Standards and Communications Style Guide. If no customization is offered, for example in applications such as Facebook, uploading a City of Marco Island Logo should suffice.

G. Enforcement

The I.T. Department will monitor social networking access through the use of technology tools. Violations will be reported to the Department Head and/or the City Manager of the offending employee for disciplinary action, if necessary.

H. Responsibilities

End-Users – Must be aware of these policies and ensure compliance.

Department Heads – Ensure enforcement of the policies through disciplinary actions, if necessary, for those violating the policy.

I.T. Department – Manage Internet Social Networking security. Monitor and report violations.

6.5 Cell Phone Policy

As a productivity enhancement tool, the City encourages the business use of cellular telephones. Staff requests for City cellular telephone must be approved by the employee's Department Head. The purpose of this policy is to clearly define the acceptable use of the City's cellular telephones and what actions are prohibited.

A. Ownership of the Cellular Service/Equipment

The City's cellular telephones belong to the City of Marco Island and the call logs of any cellular communications, as well as text messages, pictures, and stored files are accessible at all times by the City for business related or other purposes. Employees are to assume there is no right to privacy for cellular communications on City cell telephones and that activity on City owned cellular devices is subject to Florida Public Records laws.

Information sent or received in connection with the transaction of official city business on a personal cellular device is subject to Florida Public Records laws. Personal phones are not to be used for city business related text messaging and if you receive a business-related text, you are responsible for forwarding the text to your e-mail for archiving.

B. Acceptable Use

Use of the City's cellular phones is intended for City related business. All employees are to use cellular phones as they would any other type of official City communications tools. Communications should fall within ethical guidelines and should not contain confidential information. Communication by cellular telephone is encouraged when it results in the most efficient and/or effective means of communication.

All text messaging, voicemail, and other device usage is subject to monitoring, review, and restrictions. Text message archival software (when and where available) may be used to facilitate retention of text messages for a period of time in accordance with the State of Florida General Records Schedules.

Employees are to assume there is no right to privacy for electronic communications on the City's communication devices.

At their supervisor's discretion, incidental and occasional personal use of the City's cellular telephones may be permitted by City employees, but these communications will be treated the same as other business-related communication messages. The following are guidelines when using the City's cellular telephones for personal use:

- Personal incoming or outgoing calls must be kept to a minimum so that it does not consume more than a trivial amount of time.

- Personal incoming or outgoing calls must not interfere with an employee's work during working hours.
- Personal use of City's cellular phones is a privilege that may be monitored, restricted, or revoked at any time.

D. Prohibited Use

- Employees may not use the City's cellular telephones in any way that may be seen as insulting, disruptive, or offensive by other persons, or harmful to morale.
- Employees may not use the City's cellular telephones in any way that compromises the integrity of the City or its business.
- Employees may not use the City's cellular telephones in any way that compromises or violates the City's code of ethics or its employee resource guide.
- Employees may not use the City's cellular telephones for excessive personal use as determined by the Department Head or their designee.
- Employees may not use the City's cellular telephones in any manner that creates an unsafe environment to the employee or to others. Safety is a priority.
- Employees must obey all state and local laws regarding use of cellular and mobile devices while driving. (No texting while driving, No handheld phone use, etc.)

E. Enforcement

Employees are expected to follow this policy. Violations of this policy will be reported to the violator's Department Head and may result in disciplinary action, if necessary.

F. Responsibilities

End-Users – Must be aware of these policies and ensure compliance.

City Clerk – Receive and process public records requests in accordance with Florida State Statutes and the City of Marco Island Records Management Plan. Designate fulfillment duties for the request to the appropriate department staff member if desired.

Department Heads – Ensure enforcement of the policies through disciplinary actions, if necessary, for those violating the policy.

I.T. Department – Monitor call usage and report suspected or known violations to the Department Head or their designee. Maintain communication logs in accordance with the State of Florida Public Records laws and assist the City Clerk or designee with compiling electronic public records requests when needed.

CHAPTER 7

Employee Benefits

7.1 Benefits

The City offers a cafeteria plan of benefits. These benefits may include: Health insurance, Dental insurance, Vision insurance, Life insurance, Disability insurance, Retirement plan contributions, and other Supplemental insurance.

7.2 Insurance Plans and Programs

The City currently offers health, dental, vision, long-term disability, short-term disability, life and other insurance plans through its cafeteria of benefits. Information concerning coverage and premiums will be made available from time to time. The benefits offered to City employees are subject to change in the sole discretion of the City. Premiums are paid as allocated by the employee from their paycheck and may be subsidized at the discretion of the City. Premiums for Florida Water Services Corporation Transitioned Employees may be paid by the City as directed by the City Manager.

7.3 Deferred Compensation

The City offers a Section 457 Deferred Compensation program to all employees. Deferred compensation is a program that allows the employee to save and invest for retirement.

7.4 Employee Assistance Program (EAP)

The Employee Assistance Program is designated to assist employees troubled by problems such as substance abuse, marital problems, financial difficulties and emotional or psychological difficulties, which may adversely affect their job performance. An employee may be referred to the EAP by a supervisor or the employee may refer him or herself to the program by calling the EAP at (888) 293-6948.

7.5 Retirement

Full-time employees 18 years of age and older are eligible to earn retirement benefits described in Chapter 13, Retirement.

7.6 Educational Assistance Policy

In the interest of developing a better educated and more highly skilled work force, and recognizing the mutual benefits derived from personal growth and increased work competence, it shall be the policy of the City to provide financial assistance to employees who take courses to further their job skills. The financial assistance shall be for the reimbursement of tuition, fees, and textbooks required for approved course work, or such other assistance as may be approved by the City Manager. The educational assistance program shall not be considered a right of employees, but a privilege afforded those who are determined to be eligible and qualified. The employee must email the department director for approval and complete the Expense Reimbursement online in Employee Self Service.

The courses that may be approved for reimbursement are those which:

- A. Will directly improve the employee's ability in employee's present position or increase employee's potential in a foreseeable future position with the City.
- B. Course of study must have prior approval of the Department Director and City Manager.
- C. Educational training must be taken at an accredited college, university, high school, business or technical school.
- D. Successful completion of the course with at least a rating of "satisfactory" or a grade of "C" or better, ("B" or better for a graduate school course).
- E. Employees will generally be required to use off-duty time to attend courses, although on-duty time may be approved in certain circumstances where the mission of the department and the work-related responsibilities of the employee may be met through other means. Attendance during duty hours generally should not be considered "hours worked" unless such course is required by the City.
- F. All employees receiving reimbursement under this program will be obligated to remain in the employ of the City for a minimum of one (1) year following completion of the coursework. Employees terminating from the City service prior to the expiration of this period will reimburse the City for educational assistance funds received during the final year of employment through deductions from their final payroll check, and employee shall be asked to sign a statement agreeing to the deduction before the funds are disbursed. If the final payroll check is insufficient, the employee will still be responsible for reimbursement. No reimbursement will be required of those employees who have been laid off and have been previously

approved for coursework. If the employee is deceased, no reimbursement will be required from the family of the employee.

- G. Employees shall be eligible for educational assistance up to a maximum of \$1,500.00 per year.

7.7 Required Job Training

Employees are expected to take advantage of opportunities for training offered by the City, to better understand their job and develop new skills.

The City Manager may require certain employees to attend training courses that will best meet the educational needs of the employee and to improve the general efficiency of City services. The City will pay the cost of required training. The City may help defray some of the cost of self-improvement courses as provided and authorized by the City Manager.

CHAPTER 8

Employee Leaves of Absence

8.1 Holidays

Eligibility for Holiday Pay

All full-time employees and part-time employees are eligible for holiday pay. Part-time employees who work an average of 20 hours per week or more are eligible for holiday pay at the rate of four (4) hours per holiday. Employees who are on an unpaid leave of absence are not eligible to receive holiday pay, unless otherwise required by law or a collective bargaining agreement.

Recognized City Holidays

Official paid City Holidays will be established by the City Manager each year and will be distributed to all employees. Typically, if the holiday falls on a Saturday it is observed on the Friday preceding the holiday; if the holiday falls on a Sunday it is observed on the following Monday.

Computation of Holiday Pay

Employees must work the day before and after a holiday, or be on approved leave, to be eligible for holiday pay. For full-time employees who work a 40-hour workweek or 80 hour pay period, holiday pay will be paid their current rate of pay for 8 hours for each recognized City holiday. Employees that are scheduled to work the day before or after a holiday but do not work, will not get paid for the holiday.

Holidays and Authorized Personal Leave

Employees who are scheduled for approved personal leave on a holiday will receive holiday pay and will not be required to use personal leave for the holiday.

8.2 Floating Holidays

The City may provide floating holidays to eligible employees. Floating holidays are granted at the beginning of each calendar year for use during that year. Any unused holidays will be forfeited and there will be no accrual in value or other form of payment in lieu of use, unless authorized by the City Manager. Employees who begin working after July 1 of the calendar year will receive a pro-rated number of floating holidays.

8.3 Personal Leave

The Personal Leave Day concept is an advancement from the traditional vacation and sick leave system. Employees may be absent for any reason (i.e. vacation time and sick leave) and still receive regular wages.

- A. EFFECTIVE DATE: All leave time is accrued on a bi-weekly basis when the employee is on paid status. When an employee is on an approved unpaid leave of absence, personal leave time will not accrue unless otherwise required by law.
- B. ACCRUAL: Unless applicable collective bargaining agreements or other employment agreement provides otherwise, employees are eligible to use accrued leave time after completing six (6) months of service. During the first

six months of employment, a maximum of two (2) personal leave days may be used, exceptions may be granted in the sole discretion of the City Manager. Personal leave will be accrued as follows:

<u>Years of Service</u>	<u>Days Accrued Annually</u>	<u>Hours Accrued Annually</u>	<u>Maximum Accrual Hours</u>	<u>Minimum Days Used Per Year</u>
0 - 2 Yrs.	20	160	720	0
3 – 4 Yrs.	22	176	720	5
5 – 10 Yrs.	25	200	720	10
10+ Yrs.	28	224	720	10

Accrual rates are to be prorated for part-time employees in accordance with the above schedule, based on their scheduled workweek as compared to the normal work cycle. Personal Leave shall not be granted or used in advance of being accrued. The personal leave year shall be January 1 through December 31. The maximum accrual of Personal Leave is 720 hours. Once the balance reaches 720 hours, no further accruals will be added until the balance falls below 720 hours, unless the additional Personal Leave accrual is expressly approved by the City Manager.

- C. SCHEDULING: Employees shall schedule personal leave with their immediate supervisor in accordance with departmental policies. Whenever possible, personal leave will be requested and approved at least five (5) days in advance. Staffing requirements and the ability to serve the public shall be considered in approving the leave request. Such requests will not be unreasonably denied unless such request creates an undue hardship for the department.
- D. UNSCHEDULED USE OF PERSONAL LEAVE. Employees are required to provide a written medical certification for all previously unscheduled personal leave in excess of three (3) days. The City may require a medical certification for unscheduled personal leaves of less than three (3) days where the City has reason to question the appropriateness of the employee’s use of leave. When a medical certification is requested by the City, the employee must provide the certification within five (5) calendar days unless it is not practical to do so despite good faith efforts on the part of the employee. The City may require, at the employee’s expense, re-certification every thirty (30) days for conditions under the continuing supervision of a health care provider.
- E. CASH CONVERSION OF ACCUMULATED PERSONAL LEAVE DAYS: For personal leave days accumulated, an employee may elect to be paid in cash, at the then current rate of pay, provided that:

1. Employee has completed at least one year of continuous employment.
 2. Cash conversions are restricted to the excess over 15 days (120 hours) in the employee's personal leave account as of the date of withdrawal or as regulated by bargaining unit contract.
 3. Cash conversions are permitted in July and December, or at the discretion of the City Manager.
- F. Donation of Personal Leave Days is governed by the City's established Donation of Leave Administrative Policy. This policy is found on the city website - [Administrative Policies and Procedures | City of Marco Island Florida](#)

8.4 Payment of Leave Balance upon Resignation

Upon termination of employment with the City, whether voluntary or involuntary, an employee shall receive payment of the employee's personal leave and compensatory leave balances (if applicable), up to a maximum permitted as stated previously, in a lump sum based on the employee's regular rate of pay at time of separation. An employee's official termination date shall be the last day of active employment and shall not be extended due to payment of unused personal leave, unless approved by the City Manager.

8.5 Workers' Compensation Leave

- A. Workers' Compensation is an insurance benefit for employees who suffer an accidental compensable injury arising out of work performed in the course and scope of employment. This includes medical attention, time loss and wage loss as defined in Chapter 440, Florida Statutes. However, indemnity (wage loss) benefits are not paid until after the first seven (7) calendar days of a job-connected illness or injury. If the illness or injury prevents the employee from returning to work for the City for more than seven calendar days, then beginning the eighth (8th) calendar day, the employee receives an amount equivalent to 66-2/3% of the average gross weekly salary, with a cap set according to Florida law. The Workers' Compensation Administrative Policy governs injury pay for employees.
- B. Employees are required to immediately report an injury or accident to their supervisor, manager and Human Resources. If the injury or accident occurred after hours, employees are required to report an injury the next business morning. A report must be filed regardless of whether the incident required immediate medical attention. Employees may be required to submit to a drug and/or alcohol test with regard to any workplace injury that requires medical treatment away from the property.
- C. The employee shall completely cooperate with medical direction, advice and any physical therapy recommended; which is made available from the medical panel of providers. All authorized physical and occupational

therapy sessions will be scheduled during the employee's non-duty time, if the employee is otherwise able to work, to the extent possible.

- D. If an employee needs medical attention, Human Resources must be notified so that the injury/incident can be reported to the City's Workers' Compensation carrier and a list of covered physicians can be provided.
- E. If emergency medical attention is required, the employee should seek medical treatment first and then notify Human Resources.
- F. If the employee is injured on the job and the injury qualifies as a serious health condition under the FMLA, the City requires that the time off for the Workers' Compensation injury be counted against the employee's FMLA leave entitlement. The City and the employee may agree to have unused, accrued paid leave supplement the employee's salary compensation benefit under the Florida Workers' Compensation Law where that benefit only provides replacement income for a portion of an employee's regular pay or salary. The employee is not required to use any paid leave while receiving the salary compensation benefit under the Florida Workers' Compensation Law.
- G. An employee who seeks to return to work following a workers' compensation injury must provide a letter from a medical provider verifying that the employee is fit to return to work and noting restrictions on the employee's activities upon returning to work, if any.
- H. The employee shall apply for any pension benefits (local, state or federal) to which he is entitled that may result in a substitution of payments normally made by the City.
- I. If the worker's compensation physician clears an employee for "light duty," placement in such status shall be at the sole discretion of the City based on operational needs. In the event an employee is assigned to light-duty, a refusal to accept such an assignment will result in termination.
- J. Any negligence on the part of an employee shall instead cause use of sick leave accumulations or use of other forms of compensation and time. Failure to use appropriate safety equipment or where there is drug involvement, either of which may have been the cause of an accident, results in at least a 25% reduction in occupational disability payments (wages lost) by statute.

8.6 Family and Medical Leave Act (FMLA)

Employees may be eligible to take leave under the Family and Medical Leave Act (FMLA). To be eligible, an employee must have worked for the City: (1) for at least 12 months (nonconsecutively); and (2) for at least 1,250 hours during the previous 12 months preceding the start of the leave.

- A. An eligible employee is entitled to FMLA leave for:
1. The birth of a son or daughter, and to care for the employee's newborn child;
 2. The placement with the employee of a son or daughter for adoption or foster care;
 3. To care for an employee's immediate family member (i.e., the spouse, child, parent of the employee), if such person has a serious health condition;
 4. When a serious health condition makes the employee unable to perform the functions of his/her job; and
 5. Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a servicemember on covered active duty (or has been notified of an impending call or order to covered active duty).
6. A leave of absence ("LOA") of up to 12 weeks (in a 12-month period) unpaid and job protected may be granted to eligible employees. An eligible employee is entitled to take up to 12 weeks of family, medical leave in any 12-month period. Only one such leave may be granted per 12-month period. The 12-month period shall be determined for all employees based on a 12-month period measured backward from the date an employee uses any family or medical leave. Entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of birth or placement.
- LOA's run simultaneously. For example, an employee may incur a non-work related illness or a work-related illness or injury that also causes a "serious health condition" making the employee unable to perform the functions of his/her position within the meaning of the FMLA. In such circumstances, any short-term disability or workers' compensation absence will also count against the employee's twelve (12) week FMLA entitlement. Regarding short-term disability, the City and the employee may agree to have unused, accrued paid leave time supplement the employee's short-term disability benefits where the benefits only provide replacement income for a portion of an employee's regular pay or salary. The employee is not required to use any paid leave time while receiving benefits under the City's short-term disability plan and the employee is not required to apply for short-term disability benefits to take FMLA leave.
7. Any employee who has a serious health condition which involves: a) inpatient care; b) continuing treatment by a health care provider two or more times within a period of incapacity of more than three (3) consecutive calendar days;

c) treatment with a health care provider which results in a regimen of continuing treatment with a period of incapacity of more than three (3) consecutive calendar days; d) any period of incapacity due to pregnancy, or for prenatal care; e) any period of incapacity for a chronic illness; f) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; g) any period of absence to receive multiple treatments or for a condition which would likely result in incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment. Medical leave will begin on the first day of the employee's absence and continue for up to 12 weeks.

8. FMLA also entitles eligible employees to take leave for a covered family Member's service in the Armed Forces ("Service Member FMLA"). Except as mentioned below, an employee's rights and obligations to Service Member FMLA leave are governed by our existing FMLA policy.

9. Employee Entitlement to Service Member FMLA Leave. Service member FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

- A "qualifying exigency" arising out of a covered family Member's (i.e., spouse, son, daughter, or parent who is a member of the reserve components or a retired member or Regular Armed Forces or Reserve) active duty or call to active duty in the Armed Forces in support of a contingency plans. Qualifying exigencies include short notice deployments (7 or fewer days), military events and related activities, arranging for alternate childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation, attending post-deployment reintegration briefings, and additional activities as agreed to by City and the employee; and/or
- To care for a covered Service Member (i.e., spouse, son, daughter, parent, or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the Service-Member medically unfit to perform duties of the Member's office, grade, rank or rating.

10. When leave is due to a "Qualifying Exigency". An eligible employee may take up to 12 workweeks of leave during any 12-month period.

When leave is to care for an injured or ill Service Member an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the Service Member. Leave to care for an injured or ill Service Member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

An individual requesting caregiver leave must provide the Certification of Serious Injury or Illness of the covered Service Member for Military Family Leave.

Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State and local laws.

11. Employees are required to exhaust any accrued personal leave time when on an approved FMLA leave of absence. Once all accrued personal leave time is used, the remainder of the leave will be unpaid.
12. Notice for Leave: Where the need for FMLA leave is foreseeable based on an expected birth, placement for adoption or foster care, prenatal medical care; planned medical treatment for a serious health condition of the employee or a family member, or the planned medical treatment for a serious injury or illness of a Covered Service Member or Covered Veteran, an employee must provide notice to the Company by submitting the Request for Family or Medical Leave form at least thirty (30) days before the leave is to begin. If an employee's leave must begin within 30 days, the employee must give written notice to their Department Director using the Request for Family or Medical Leave form as soon as is practicable after the necessity for the leave becomes known to the employee. An employee that fails to give the required 30 days advance notice for foreseeable leave may have their leave delayed until 30 days after the date the employee provides the required notice.

Where the need for FMLA leave is not foreseeable the employee must provide notice as soon as practicable under the facts and circumstances of the particular case, and in accordance with the City's customary notice requirements. Accordingly, even where the leave is unforeseeable, the employee must still submit the Request for Family or Medical Leave form to the Department Director absent unusual circumstances such as emergency medical treatment. Notice may be provided by an employee's spokesperson (e.g. spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

13. Medical Certification. The City will require medical certification completed by the health care provider of the employee or the employee's ill family member to support a FMLA leave request either to care for an employee's seriously-ill family member, or for personal medical leaves due to a serious health condition. A certification is required for a continuous, intermittent or reduced workday or workweek leave schedule. The Certification of Health Care Provider must be completed in its entirety. The City will also require certification to support the need for Qualifying Exigency Leave and for Caregiver Leave.

As set out in the Certification, if the employee has a serious health condition, the medical certification must state that the employee cannot perform the essential functions of his/her job and must specifically list which essential functions cannot be performed. The employee must obtain from the City a statement of the essential functions of the employee's position and provide it to the employee's health care provider along with the Health Care Certification form.

When leave is foreseeable, a completed Certification of Health Care Provider must be submitted to the City Manager within 15 days of notification of the necessity of a leave. In addition, recertification of medical necessity will be required every 30 days unless the circumstances permit a shorter period as allowed under the FMLA.

The City needs to have an adequately completed Certification to determine if FMLA applies. Leave may be delayed or denied until an adequate Certification is received. The City may require a second or third opinion, at its expense. Re-certifications, if any, shall be at the employee's expense.

14. Employees must provide such certification from the health care provider within 15 calendar days, unless it is not practicable to do so under the circumstances. A certification for medical leave must include a statement that the employee "is needed to care for" a seriously-ill family member or, in the case of an employee's serious health condition, a statement that the employee is unable to perform the essential job functions of the position.
15. If an employee fails to provide timely certification within 15 days of being asked to do so by the City, and the need for leave was foreseeable, the City may deny the employee leave until the required certification is provided. If the need for leave is not foreseeable, the employee must still attempt to provide the certification within 15 days of the City's request, or as soon thereafter as practicable under the circumstances.
16. The City may require and pay for a second medical opinion. If the first and second opinions differ, the City, again at its own expense, may require the binding opinion of a third health care provider who is approved jointly by the employee and the City. Similarly, during an employee's leave, the City may require subsequent re-certification regarding the employee's status and intent to return to work.
17. Certification(s) will be maintained in confidential medical files.
18. Returning from Leave of Absence. Before an employee on personal medical leave pursuant to the FMLA leave can return to work, the City shall require a fitness-for-duty certification from the health care provider stating that the employee has sufficiently recovered so as to be able to perform his or her normal job duties and any work limitations, including the duration of the restrictions, must be noted. An eligible employee who take FMLA leave is entitled to be restored to the same position that the employee held when the leave started or to an equivalent position.
19. Employees who fail to provide adequate certification for FMLA leave within a reasonable time may be denied leave until the required certification is provided. Failure to return to work when the employee's health care provider states they are physically able to do so, will result in removal from the payroll. The City will deny restoration to employment until an employee submits the required fitness-for-duty certification. When a leave is unforeseeable, if an employee fails to provide medical certification within a reasonable period the City may deny continuation of leave.
20. Intermittent Leave. FMLA permits an employee taking leave for birth or because of placement for adoption or foster care to take leave intermittently or by working a reduced workweek only with the City's approval. Leaves of absence to care for a seriously ill family member or because of the employee's own serious health condition may be taken whenever medically necessary.

For employees exempt from overtime, salary adjustments may be made for intermittent or medical leave.

21. If intermittent leave is foreseeable, the City may temporarily transfer the employee to an available alternative position or alter the employee's existing position to better accommodate the intermittent or reduced leave. The City may limit leave increments to the shortest period of time (one hour or less), that the employer's payroll system uses to account for absences or use of leave.
22. Benefits. For the duration of the FMLA leave, the City must maintain an employee's group medical insurance coverage under the same conditions coverage would be provided if the employee continued working.
23. In the case of paid leave, the usual insurance deductions will be made until the employee either returns to work, separates from employment or commences an unpaid leave of absence.
24. If an employee is on an unpaid leave, arrangement for making insurance premium payments must be made through Human Resources.
25. In some cases, the City may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work from FMLA leave.
26. Unless otherwise required by law, personal leave accrual will be suspended during any unpaid leave and will resume upon return to active employment.
27. The City will require that an employee on Workers' Compensation Leave concurrently use any and all FMLA Leave available to the employee.
28. Additional Leave. After an employee has utilized all FMLA leave available to him/her or is not eligible for FMLA leave and needs continued personal medical leave, the City, on a case by case basis, will determine whether it can reasonably accommodate the employee by providing leave, consistent with its policies and procedures addressing unpaid leave of absences and consistent with any applicable law.

8.7 Domestic Violence Leave

An employee who has worked for the City for three (3) months or longer may take up to three (3) days of unpaid leave to seek an injunction for protection against domestic, dating or sexual violence; obtain service from a victim services organization; make their home secure or find a new home; or to seek legal assistance related to domestic violence. The employee may use accrued leave in lieu of unpaid leave. Requests for leave shall be made to Human Resources and Human Resources shall notify the Department Director.

8.8 Military Leave

The City provides leaves of absences for military service consistent with the requirements of federal and state law. Employees who will be taking a military leave of absence should contact Human Resources requesting military leave, and to obtain full details concerning military leave policies. A copy of the employee's service orders as well

as the approximate length of the requested leave should be provided to Human Resources in connection with the leave request.

8.9 Jury Duty and Court Leave

The City will provide paid administrative leave to employees who are summoned for jury duty or are required to participate in other legal matters such as testifying as a witness, providing a deposition, etc. in an official capacity as a City of Marco Island employee. Police personnel, who routinely attend court as part of their normal duties, should consult department Standard Operating Procedures.

- A. Employees who are requested to report to court or other related matters in an official capacity as a City of Marco Island employee should notify their Department Director immediately. (This does not apply to Police personnel who routinely attend court.)
- B. The Department Director should notify the City Attorney and the City Manager and provide information regarding the request to appear.
- C. The following conditions shall also apply:
 - 1. All full-time employees subpoenaed to attend court under the guidelines listed above are eligible for leave with pay for up to fourteen (14) days.
 - 2. Employees called for jury duty must promptly notify their immediate supervisor so that arrangements can be made for their absence from work.
 - 3. Employees who attend court or who are on jury duty for only a portion of a regular scheduled workday are expected to report back to their supervisor when dismissed by the court.
 - 4. Time spent in court is the actual time required to report, as scheduled in writing on the subpoena, until dismissed by the court.
 - 5. Employees on court or jury duty while on scheduled personal leave are allowed to reinstate personal leave hours served in court when satisfactory evidence of the time served on such duty is presented to the Department Director.
 - 6. In the event a holiday occurs during the period of the court or jury duty, the employee will receive pay for such holiday at the straight time rate.
 - 7. The employee shall provide the Department Director with proof of court or jury duty service before payment for such time is approved.
 - 8. Any monies received by the employee from another agency will be turned over to the City Finance Department.

8.10 Administrative Leave (Non-FMLA)

Paid/Unpaid leave for reasons other than a Family and Medical Leave (FMLA) qualifying event may be approved for employees in extenuating circumstances. For unpaid leave employees must submit a request in writing and receive approval by the supervisor, Department Director, Human Resources, AND City Manager **PRIOR** to beginning leave. Employees are responsible for ensuring the request has been approved by all necessary persons prior to beginning leave. No benefits will be provided or accrued during a general unpaid leave of absence. Administrative leave may be paid or unpaid and is assigned by the Department Director with approval by the City Manager.

8.11 Bereavement Leave

The City Manager may grant up to three (3) days of paid administrative leave in the event of a death of a member of an employee's immediate family. Immediate family is defined to include spouse, son, daughter, mother, father, sister, brother, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepmother, stepfather, stepson, and stepdaughter. The employee will complete a Verification of Bereavement Leave form, signed by employee and Department Director and submit to Human Resources for review and final approval. The Leave Form will be placed in employee's file. *The City may require verification of the need for leave.* Personal leave may be utilized for any additional days.

8.12 Unauthorized Leave

Any absence not authorized and approved in accordance with provisions of these policies shall be without pay for the period of absence and shall be grounds for disciplinary action. One (1) day of "no call/no show" will result in disciplinary action. Two (2) consecutive days of "no call/no show" will be considered job abandonment by the employee.

CHAPTER 9

Resignation from City Employment

9.1 Final Pay Check

Any funds owed the City will be deducted from the employee's final paycheck, in accordance with applicable law. The employee's final paycheck will be a "live" paycheck (it will not be direct deposited).

Newly hired employees will be required to sign payroll wage withholding authorization forms, which indicate that, in the event their employment is terminated, either voluntarily or involuntarily, prior to the full repayment of any outstanding monies are owed (e.g., restitution, wage overpayment), the City may withhold the remaining amount owed from the final pay, except to the extent prohibited by federal or state minimum wage law.

9.2 Notice Required

An employee who desires to resign shall give at least fourteen (14) calendar days prior written notice to his/her immediate supervisor. Failure to give proper notice may affect the employee's rehire status. The period of notice may be reduced or waived upon recommendation of the Department Director and approval of the City Manager for extenuating circumstances; *i.e.* FMLA leave, change of residence by unexpected military orders of the employee or spouse, etc. A notice of resignation shall become part of the employee's personnel file.

If the employee's supervisor believes it is advisable for the employee to leave prior to the end of the employee's two-week notice, the City will accept the employee's resignation and pay the employee for the remainder of that period.

The effective date of resignation pursuant to the employee's notice of resignation shall be the last day on which the employee works. The value of an employee's personal leave balance shall be paid to the employee with his/her final paycheck following separation and the return of any City property in the employee's possession.

Employees who have not served one full year from the commencement of any training or education as a City employee (for example, if required as a result of a promotion or transfer), or as the result of an approved request under the City's Educational Assistance Policy, shall reimburse the City for the full cost advanced. All reimbursement due as a result of any approved educational assistance shall be reimbursed through deductions from the employee's final paycheck, subject to applicable restrictions imposed by the Fair Labor Standards Act. In the event that the final payroll check is insufficient, the employee will still be responsible for reimbursement.

CHAPTER 10

Responsibilities of Public Service

10.1 Public Purpose

Public employees are employed for the benefit of the public. They are bound to uphold the Constitution of the United States, the Constitution of the State of Florida, Federal and State laws, as well as the rules and regulations of the City as a means to foster respect for all levels of government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that their public and private affairs should be above reproach.

All employees owe a duty of loyalty to the City and all programs developed to attain the policies and objectives of the City Council and the City Manager. Employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Employees shall not exceed their authority or breach any law or duty, or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by the officially recognized confidentiality of their work.

10.2 Gifts and Gratuities

In accordance with Florida law, employees of the City are prohibited from seeking or accepting any gift or favor from any individual, corporation or a business in exchange for official action or favorable treatment. It shall be the responsibility of each City employee to remain free from indebtedness or favors that would tend to create a conflict of interest between personal and official interests or might reasonably be interpreted as affecting the impartiality of the individual employee. If an employee is offered a gift or gratuity that could be construed to be an attempt to bribe, influence or to encourage special consideration with respect to municipal operations, the employee shall refuse the offer and promptly report the offer to the employee's immediate supervisor, who in turn will inform the Department Director.

If there is any doubt whether a gift or gratuity is of such significance as to create undue influence upon the employee, the matter shall be promptly reported to the employee's Department Director. Any employee who knowingly accepts any gift or gratuity that creates undue influence or results in special consideration that benefits the giver, the employee shall be subject to disciplinary action, which may include termination from employment.

10.3 Outside Employment

City employment shall be considered to be the employee's primary employment. No employee shall engage in any other employment, whether public, private or self-employment, during scheduled work hours or outside scheduled work hours if such employment conflicts with the City's interests or adversely affects the employee's availability and usefulness. Employees shall obtain formal written clearance from their

Department Director and City Manager before accepting or engaging in other employment.

10.4 Conflicts of Interest

Florida law prohibits certain business relationships on the part of public officers and employees, including persons serving on advisory boards and committees. In general, advisory committee members are prohibited from entering into transactions with the City. This includes contracts or transactions between the City of Marco Island government and *you, your outside employer/employment, or any business in which you have a material interest*. Please consult the excerpted guidelines from the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees for assistance in answering the questions below.

The City of Marco Island City Charter, Section 7.02 states: Public Officers, employees, members of City Licensing or advisory boards, and candidates for elective office shall conform to the “Code of Ethics for Public officials and Employees,” Part III of Chapter 112, Florida Statutes.

PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS

A. Doing business With One’s Agency

1. A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child own more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]
2. A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the office or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

B. Conflicting Employment or Contractual Relationship

1. A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]
2. A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official’s private interests and public duties or which will impede the full and faithful discharge of the official’s public duties. [Sec. 112.313(7), Fla. Stat.]
3. Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax district, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

C. *Exemptions – Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one’s agency and having conflicting employment may not apply:*

1. When the business is rotated among all qualified suppliers in a city or county.
2. When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.
3. When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.
4. When an emergency purchase must be made to protect the public health, safety or welfare.
5. When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official’s interest to the governing body on Commission FORM 4A.
6. When the aggregate of any such transactions does not exceed \$500 in a calendar year.
7. When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.
8. When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure of Commission FORM 4A).
9. When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.
10. When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

10.5 Fraud, Waste, Abuse and Whistleblower Protection

Policy Statement

The City of Marco Island's Fraud, Waste and Abuse Whistleblower Protection Policy and Procedures establishes internal controls that will provide for the detection, prevention, and a system for reporting fraud, waste and abuse.

It is the intent of the City of Marco Island to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conducting of investigations.

This policy applies to any irregularity, or suspected irregularity, involving City employees as well as consultants, vendors, contractors, and any other individual or business with a relationship to the City. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title or relationship to the City.

Definitions

Fraud refers to any dishonest or fraudulent act that includes, but is not limited to, forgery or alteration of any documents; misappropriation of funds, supplies, etc.; improper handling or reporting of money or financial transactions; profiting by self or others as a result of inside knowledge, destruction or intentional disappearance of records or property; accepting or seeking anything of material value from vendors or persons providing services or materials to the City for personal benefit; and/or any similar or related irregularity.

Waste refers to the unnecessary incurring of costs as a result of inefficient practices, systems or controls.

Abuse refers to any violation, or suspected violation, of law committed by a City employee, volunteer, official, or organization with which the City is doing business if such violation creates a serious and specific danger to the public's health, safety, or welfare; any abuse or neglect of duty on the part of the City, any City employee or official or board member; and violations and evasion of departmental regulations that weakens the effectiveness and efficiency of operations.

Procedures

Employee Responsibilities

It is the policy of the City of Marco Island that "employees shall demonstrate and be dedicated to high ideals of honor and integrity so as to merit the respect, trust and confidence of the City's citizens, county officials and fellow employees." Every employee is responsible for the detection and prevention of fraud, misappropriations, and other irregularities in the City through training provided by Human Resources. Each member of the City's staff shall be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity.

All employees are required to sign an acknowledgement of the City's Fraud, Waste, Abuse, and Whistleblower Protection Policy and Procedures and agree to abide by them. The acknowledgement forms will be maintained in each employee's personal file.

Employees must report any suspected violations immediately and cooperate fully in any investigation.

Violations that must be reported include, but are not limited to:

- Any dishonest or fraudulent act.
- Intentionally improperly updating court cases or otherwise inappropriately using the City's systems for the benefit of the employee or others.
- Forgery.
- Theft of money or property.
- Soliciting bribes in order to evade City requirements.
- Misappropriation of funds, securities, supplies or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Continually failing to competitively procure a service despite multi-source availability
- Profiteering as a result of insider knowledge of City activities.
- Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the City.
- Misrepresentation or falsification of information concerning an injury or incident on the job.
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment, and/or,
- Any similar or related irregularity.

How to Report Fraud, Waste or Abuse:

Any irregularity that is detected or suspected must be reported immediately to the telephone number provided below, at which time the allegations will be reported to the City Manager within 24 hours. The City will provide the appropriate mechanisms to permit employees to confidentially and/or anonymously report such actions or activities.

To report suspected fraud, call City's Fraud Hotline by leaving a detailed message with contact information on the City Tip Line (239) 389-3937 or at the Local FBI Field Office 239-337-7171. Provide as much detailed information as possible regarding the suspected fraudulent conduct.

A current or former City employee who suspects waste or abuse should report the suspected waste or abuse to the City's Manager's Office: (239) 389-3969 or (239) 389-3996 by leaving a detailed message.

Whistleblower Protection

A confidential investigation will thereafter be initiated on the authority of the City Manager in accordance with Section 112.3187, Florida Statutes. Retaliation against an employee who reports any violation, suspected violation, improper use of office, waste of funds or any abuse is prohibited. Nevertheless, disciplinary action may be taken against an employee who knowingly makes a false or malicious report.

The City will maintain accurate records of reported or suspected fraud and report evidence obtained by an investigation to the appropriate authorities.

To the extent allowable by law, in its ongoing efforts to protect the reputation of persons suspected but not determined to have committed fraud, the City's records shall conspicuously detail "unfounded" or "non-sustained" investigative findings and conclusions.

Any employee making a good faith report under this policy will be protected to the fullest extent possible under Sections 112.3187 and 112.3188, Florida Statutes. Any employee knowingly making false statements will be disciplined up to and including termination.

10.6 Nepotism

Two (2) or more members of an immediate family shall not be employed by the City if such employment will result in either supervising an immediate family member, or occupying a position which has influence over the other's employment, promotion, salary administration and/or other management or personnel administration. Immediate family shall include spouse, son, daughter, mother, father, sister, brother, grandmother, grandfather, grandson, granddaughter, niece, nephew, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepmother, stepfather, stepson, and stepdaughter. No member of the immediate family of a City Council member shall be employed by the City. *Students and/or summer interns are exempt from the nepotism policy.*

10.7 Code of Ethics

City employees are expected to maintain high standards of conduct and to conduct themselves in a manner which positively reflects on them, co-workers, supervisors, administrators, elected officials, and the City's reputation. Employee conduct should be considered at all times during working hours; whenever serving on official City business; in any capacity as a representative of the City; or when speaking on behalf of the City as an authorized or appointed representative. Employees are expected to use good judgment and integrity keeping in mind the expectations the public has of its employees.

City employees shall follow the standards outlined by the Florida Commission on Ethics and Chapter 112(3) of the Florida State Statutes which were established in the interest of providing the highest levels of professional service to the public and the communities served by public employees. Violation of the Code of Conduct/Ethics may be subject to disciplinary action, up to and including discharge.

- A. No City employee shall disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
- B. If an employee of the City is an officer, director, agent, member of, or owns controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has substantial business commitments with the City or other political subdivisions of the State of Florida, the employee must file a sworn statement to this effect with the Circuit Court of Collier County. A copy of the statement must be given to the City Manager and Department Director.

- C. No City employee shall transact any business during working hours for the City in an official capacity with any business entity of which employee is an officer, director, agent, or member, or in which employee owns a controlling interest.
- D. No City employee shall have personal investments in any enterprise, which will create substantial conflict between his/her private interest and the public interest.
- E. No City employee shall purchase any County Tax Certificate or Tax Deed. The intent of this rule is to avoid any appearance of a conflict of interest on the part of either the City or the employee.
- F. No employee shall accept, or agree to accept, either directly or indirectly, any favor, gift, loan, fee, service or other item of value, in any form whatsoever, from any organization or individual, if the employee knows or reasonably should know what it is intended to reward or influence the employee in the performance or nonperformance of his or her appointed duties. Violation(s) of this standard shall be considered a very serious breach of the Code of Ethics/Standards of Conduct and it is presumed that the appropriate discipline for violation(s) of this standard shall be discharge, absent compelling mitigating circumstances.
- G. No City employee shall solicit a contribution for another person for a gift to a supervisor, make a donation as a gift to a supervisor, or accept a gift from an employee he or she supervises.
- H. Nothing in this section shall prohibit voluntary donations or the exchange of gifts of nominal commercial value between or amongst City employees or public officials on special occasions or established holidays. A special occasion, as contemplated in this section, includes those times when it has been regarded as customary to give a gift, such as a birthday, a wedding, the birth of a child or a grandchild, adoption, a graduation, a promotion, permanent departure from the workplace or community, hospitalization, the loss of a loved one, retirement, or similar occurrences.
- I. Nor does this section prohibit City employees from participating in fundraising activities for charitable purposes or the receipt of unsolicited advertising or promotional materials, of nominal commercial value, from an individual or entity that is not currently in a contractual relationship nor likely to be in a contractual relationship with the City.

- J. No City employee shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift, directly or indirectly, from someone representing the vendor or a contracting party, including relatives.
- K. Nominal commercial value means anything with a value of less than \$50.00 in the marketplace.
- L. No City employee shall serve as a member of the City Council's Advisory Boards or Committees, to reduce any potential perception of conflict of interest by the public.
- M. Employees may not serve in a decision-making capacity for any entity that received funding (either directly or indirectly) from the City Council, including grant funding. Prior to an entity making a request for funding from the City Council, any employee serving the agency in a decision-making capacity must resign from that position. City Council, may with good cause shown, waive this restriction upon a super majority vote.

CHAPTER 11

Employee Conduct

11.1 General Conduct

City employees are expected to maintain high standards of conduct, and to perform their work safely, efficiently, and effectively, ever mindful of the expectations the public has of its employees. Acceptable personal behavior in the workplace involves exercising good conduct, good judgment, and integrity at all times. Discipline will be administered without regard to race, color, religion, gender, national origin, age, disability, marital status, or veteran's status, consistent with federal and state laws.

11.2 Employee Responsibilities

If an employee has knowledge of another employee who has violated any law, regulation, policy or procedure, it is the employee's responsibility to come forward and be forthright and cooperative in providing information to his or her supervisor, Department Director, or the Human Resources Manager, or if confidentiality is requested, through the Employee Fraud Hotline. Failure to do this, if substantiated, could result in termination since there is no tolerance for employee misconduct. In addition to the reasons listed above, it is expected that all City employees will conduct themselves in a manner that contributes to building and maintaining a positive and productive work environment.

11.3 Prohibited Behavior

It is the policy of the City that certain rules and regulations regarding employee behavior are necessary for the efficient operations of the City and for the benefit and safety of all employees. Conduct that interferes with operations, that discredits the City, or that is offensive to residents and coworkers will not be tolerated.

Any employee who commits one of the offenses listed below will be subject to disciplinary action. The type of discipline may depend on the severity of the offense, and the City has the ability to use any or all of the following remedial measures:

- A. Verbally counseling an employee regarding unsatisfactory conduct of performance of duties.
- B. Reprimanding the employee in writing.
- C. Suspending an employee without pay subject to the review and approval of the City Manager.
- D. Demoting an employee to a position in a lower classification subject to the review and approval of the City Manager.
- E. Terminating or discharging an employee subject to the review and approval of the City Manager.

The listed offenses serve as a guideline for Department Directors and supervisory personnel and are not all-inclusive. Offenses committed which are not listed here shall not interfere with the right or duty of the Department Director or City Manager or designee to charge, discipline or terminate employees on other grounds which are considered justifiable and in the best interest of the City. This may include administering discipline outside the normal progression dependent upon the severity of the action.

Examples of violations which are grounds for formal disciplinary action include:

- A. Violation of a Federal, State, County, or City law.
- B. Violation of a provision of the City of Marco Island Charter or Ordinance.
- C. Violation of City policies or procedures, or departmental rules or regulations including safety regulations, including but not limited to the City's Code of Ethics and/or Conflict of Interest Policies.
- D. Failure to carry out any lawful direction or work assignment from an authorized authority where such failure amounts to any act of insubordination or a breach of proper discipline, or has resulted (or reasonably might be expected to result) in loss or injury to the City, co-workers, or the public.
- E. Harassing and/or offensive conduct, language, communications whether written or verbal, or gestures toward the public, supervisors, or co-workers.
- F. Horseplay, pranks or practical jokes.
- G. Preventable or willful damage or taking of public or private property or waste of public supplies, property, or equipment.
- H. Neglect of duty.
- I. Intentional falsification or misrepresentation of any record, report, verbal or written statement, document, or misuse of City funds, including the alteration of the same. This includes submission of a false or fraudulent voucher for reimbursement of travel expenses.
- J. Misuse of leave, excessive tardiness or absenteeism, or unauthorized absence from duty without satisfactory explanation.
- K. Failure to report absence from duty to supervisor within required time and in accordance with department and division procedures, if established.
- L. Failure to affirmatively report arrests and/or convictions, loss of driving privileges, potential conflicts of interest and secondary employment in accordance with the City's policies.
- M. Job abandonment in which an employee has two (2) or more consecutive, unexcused absences.

- N. Exercising poor judgment on a matter within the employee's responsibility when such judgment results in a negative impact on the department or City organization.
- O. Failure to be forthright, truthful, and cooperative in providing information during any internal, administrative, or external investigation or hearing.
- P. Display of antagonism towards supervisors or fellow employees, or engaging in destructive or disruptive conduct which interferes with the proper cooperation of employees and impairs the efficiency of public service.
- Q. Unauthorized taking or using of City time, property, equipment, or funds for personal use. (This shall include improper or misuse of City vehicles).
- R. Failure to wear designated safety equipment or failure to abide by safety rules or policies.
- S. Misuse of City computer and/or computer network including City issued and licensed computer software. This shall include but not be limited to utilizing a computer for non-City business purposes, accessing computer game software during scheduled working hours, and obtaining, using, and/or downloading unlicensed copies of software (pirating) onto a City computer or network. This may include downloading information or data from the Internet or other external source directly or from any other source, or copying or transferring information from an employee's home computer system without being scanned for viruses by the appropriate Information Technology personnel or department designee.
- T. Being under the influence of an alcoholic beverage during working hours, or use or possession of non-prescription narcotic drugs or hallucinogens, in violation of the City's Drug Free Workplace Policy, or the failure to inform a supervisor that an employee is under medical care, including prescription narcotic drugs, which may impair his or her ability to operate vehicles or equipment, or may place an employee, co-workers, or the public in a dangerous or hazardous safety situation.
- U. Physical assault, attempted assault, or threatening to assault a supervisor, fellow employee, or public during working hours or on City property, or any other violation of the City's Workplace Violence Policy.
- V. Failing to maintain a personal driving record that enables the City to maintain driver standards acceptable to its motor vehicle insurance carrier.

- W. Violation of the City's policies on solicitation or distribution.
- X. Improper disclosure of confidential information.
- Y. Engaging in any activity or action, subsequent to employment, which undermines the public trust or confidence in the employee or City, or otherwise impairs the ability of the employee to perform his or her job.

Predetermination Meeting: When a suspension without pay, demotion or termination of employment is being recommended to the City Manager for cause, the employee will be offered a predetermination meeting before the City Manager so that the employee can provide additional information before the decision is made final. The employee may offer any evidence, oral or written statement, including third party statements, all of which will be taken into consideration when determining the level of discipline. During the meeting, employees may contest the discipline being contemplated or choose not to contest the discipline being contemplated. Alternatively, the employee may decline the predetermination meeting.

Final Disciplinary Action: Non-bargaining employees have no right to grieve or appeal disciplinary action. Employees covered by a collective bargaining agreement may appeal a disciplinary action taken by the City through the grievance procedure outlined in the applicable collective bargaining agreement under the grievance procedure article.

11.4 Smoke Free Workplace

The City is dedicated to providing a healthy, comfortable, and productive work environment for its employees. State law prohibits smoking in public buildings and facilities and has allowed areas to be designated for smoking at the discretion of the person in charge (*i.e.* City Manager). Smoking, as referenced herein, is defined as the act of inhaling, exhaling, burning, carrying or possessing any lighted cigarette, electronic cigarette, cigar, pipe, smokeless pouch, any other form of loose-leaf smokeless tobacco, pipe tobacco, chewing tobacco, snuff or other smoke producing products or products intended to simulate smoking.

All owned or leased City buildings, facilities, and vehicles are designated as non-smoking. Smoking areas have been designated outside City buildings and facilities. This policy applies to all employees, clients, contractors, vendors, and visitors

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of all employees. Problems should be brought to the attention of the appropriate supervisor and should be handled through the normal chain of command. Employees who violate this policy may be subject to the same disciplinary action that applies to other infractions of City policies.

11.5 Arrests or Convictions

Employees and volunteers are responsible for notifying their Department Director or Human Resources regarding any criminal drug or alcohol infractions, arrests or convictions, and loss of driving privileges (if applicable to position) within 24 hours of occurrence or as

reasonably possible. Employees may receive disciplinary action up to and including termination of employment for failure to provide adequate notification.

11.6 Dress Code

Our employees work in many different settings and have vastly different job duties. Some work in a business office environment, others are in the field doing physical work, and others serve in uniformed public safety positions. Therefore, it is not possible to have one standard dress code for everyone. This policy includes general guidelines for City employees to follow. If your department has different guidelines, follow the guidelines appropriate for your department.

We live in a tropical environment and the dress is often considered “Florida Casual.” Please use discretion and follow proper decorum. The following guidelines for our dress code have been set. Employees in an office should appear professional at all times and may not wear clothes that: bare an employee’s stomach, back or chest, extremely short skirts, sweatpants, or see-through tops. Excessively worn or cutout apparel also may not be worn in our business environment. No undergarments should show. As City employees, we should be professional. This dress code also applies to all City meetings.

11.7 Workplace Violence Prevention

Violence or threats of violence are prohibited in the City’s work locations. It is the shared obligation of all employees to act individually and jointly to report and prevent actual or implied violent behavior at the workplace. Violence or the threat of violence, by or against any employee of the City or other person is unacceptable and will subject the perpetrator to serious disciplinary action and possible criminal charges. City employees are required to cooperate with law enforcement officials to aid in the prosecution of anyone who threatens to commit or does commit violent acts against other employees or individuals having business with the City.

A. Responsibilities

Employee Responsibility: Any employee who becomes aware of a threat made by another employee or has observed or has been made aware of the potential or actuality of violence in the workplace, should immediately contact a supervisor who in turn has the responsibility to contact the City Manager, the Marco Island Police Department and/or the Collier County Sheriff’s Office, if necessary. In the cases of critical incidents in which serious threats or injury occurs with internal or external customers, call 911 immediately to obtain emergency responders such as Police and Fire Rescue personnel. No employee who acts in good faith in reporting violence or threatened violence in the workplace will be subject to retaliation or harassment based upon such reporting.

The Police Chief is designated as the City’s Critical Incident Coordinator. The Coordinator is responsible for the coordination of the response to acts or threats of violence under this policy. The Coordinator may assemble Department Directors, managers, supervisors and other employees as deemed appropriate to constitute a Critical Incident Response Team. The

Team may include the Marco Island Police Department, Department Directors and others as selected by the Coordinator. The Coordinator is expected to assemble the Team, take action to manage the incident, and implement the City's Workplace Violence Prevention Policy. The Coordinator shall arrange the appropriate meetings, provide communication resources, reporting, record-keeping and training. As such, with all the above in place, the Team is enabled to assume its role in the response to violent incidents in the workplace efficiently and effectively. The Critical Incident Coordinator will receive reports of workplace violence incidents from Department Directors, managers, supervisors and employees. Immediately provide a briefing on the incident report to the City Manager. The Coordinator will also make sure that records are maintained of the reported incident(s) of workplace violence; advise employees who seek assistance regarding violent behavior and make appropriate referrals; refer an employee to the appropriate program who does not seek assistance; and conduct investigations and provide written recommendations to the City Manager, City Attorney, Department Directors, and other representatives.

Department Directors, Managers, and Supervisors responsibilities: Report workplace violence incidents immediately to their respective superiors; document workplace violence incidents and report them to the appropriate staff; and ensure, to the extent possible, that employees do not experience retaliation for reporting incidents of workplace violence.

- B. Disputes with Non-Employees. The City also recognizes that employees may be involved in personal disputes with family members, neighbors, or personal acquaintances. An employee who applies for a restraining order, which lists the City work area as a protected area, must inform his or her Department Director and the City Manager of such action and provide a description of the individual restrained by the order. If a court order has not been secured, but the employee feels threatened, the employee should notify the immediate supervisor and the Marco Island Police Department and/or the Collier County Sheriff's Office.
- C. Deadly Weapons. The use of deadly weapons on City property is prohibited. Further, employees are prohibited from possessing such weapons on City property, except as authorized under Florida law (e.g., Marco Island Police officers). Deadly weapons include, but are not limited to, firearms, explosives and knives. The term "possession" is defined to mean in lockers or toolboxes, in an employee's personal possession, or anywhere else on City property, unless such possession is authorized under Florida law.

City employees who carry a concealed firearm, or other weapon, for a lawful purpose within the interior of their private vehicle, must have the weapon securely encased or otherwise not readily accessible for immediate use. The City can request the cooperation of an employee to conduct a search of personal property such as packages, briefcases, purses and similar

containers as well as private vehicles parked on City property if there are reasonable grounds and a credible witness(es) who believe that an employee may be in violation of this policy. Employees who are unwilling to have personal property searched must immediately remove said property from City premises if ordered to do so. Refusal to comply with an order to remove personal property from City premises may result in disciplinary action.

City supervisory and managerial staff have a right to enter or search City property with or without prior notice. City property includes desks, lockers (even with privately owned locks) and office equipment. As a consequence, any area is subject to monitoring and/or search. Any misuse of City property in connection with an act or threat of violence may be used in support of disciplinary action or criminal prosecution even following a first offense.

11.8 Travel Expenses

Employees required to travel outside the City on official business shall be reimbursed for expenses as follows:

- A. The employee shall submit a Request for Travel and Training form and obtain approval from the employee's Department Director and the City Manager for the trip and the mode of travel prior to the trip.
- B. Travel on official business outside the City should be via public carrier or City-owned vehicle. If an employee is authorized to use a private vehicle, mileage shall be paid at the legally allowable rate as established by the Internal Revenue Service at the time of travel. Reimbursable expenses include: taxi, ferry and airport limousine fares; bridge and road tolls; parking fees; telephone charges related to City business; and registration or tuition fees not prepaid by the City.
- C. Reimbursement for meals while on official trips shall only be for expenses incurred during the performance of official duty as a City employee for the City's benefit and shall be in accordance with the City's travel reimbursement policy, which sets forth the allowable amounts for each meal and is subject to change from time to time.
- D. All reimbursements shall be issued by the Finance Department in accordance with the City's travel reimbursement policy. All travel expense reimbursement requests must be signed by the authorized traveler. Any individual who makes or aids in the making of a false or fraudulent claim shall be guilty of a violation against the City and shall be punished as provided by law, and is subject to disciplinary action, up to and including termination. In addition, any employee who receives a travel allowance advance or reimbursement by means of a fraudulent claim shall be civilly liable for the repayment of such amount.
- E. No expenses for travel in Collier County shall be reimbursed unless approved by the City Manager.

11.9 City Council

The City Manager is the official contact/representative for the City Council. Any inquiries made to employees by the City Council should go through the City Manager.

11.10 Media Policy

The City Manager is the official media contact/representative for the City. During emergency situations, the City's Public Information Officer (the City Clerk or as designated by the City Manager) may also serve as the official media contact/representative. All non-emergency media inquiries concerning City business shall be referred to the City Manager immediately.

11.11 Emergency Procedures

Emergency Procedures are governed by the City's established Emergency administrative policy. This policy is found on the city website - [Administrative Policies and Procedures | City of Marco Island Florida](#)

11.12 Solicitation/Distribution

The City of Marco Island, as an employer, is responsible for promoting the efficiency of the public services it performs. The following is established to meet that responsibility, and failure to follow this directive may subject an employee to disciplinary action:

1. Employees are prohibited from soliciting and/or distributing literature or materials during their working time. Working time is defined as the time that the employee is in the actual performance of employee's duties and does not include lunch breaks or other similar breaks.

Employees soliciting and/or distributing literature or materials during non-working times in non-work areas shall be allowed to do so provided they comply with applicable sections of the City Code, as may be amended from time to time.

11.13 Political Activities

Any employee who wants to run for City elected office must take a leave of absence without pay or resign. Employees may use accrued leave in lieu of taking a leave of absence without pay. The leave of absence or resignation must be effective by the formal candidate qualification date.

Employees participating in a political campaign may not wear a City uniform or apparel with a City logo. Use of City vehicles, equipment or other property while campaigning is strictly prohibited.

City employees shall not campaign, wear or display any campaign material while on duty, and not display campaign material on or from his/her vehicle while on City property or business. Bumper stickers on an employee's personal vehicle is permissible.

CHAPTER 12

Drug-Free Workplace Standards Relating to Drugs and Alcohol

12.1 Drug-Free Workplace Established

Substance abuse is a problem that affects everyone in the workplace, as well as a social problem. The abuse of alcohol and use of illegal drugs endangers the health and safety of the abusers and all others around them. Accordingly, the City is hereby declared to be a Drug-Free Workplace in accordance with Chapter 440.101 et. seq., Florida Statutes and their implementing Drug Testing Rules. The City hereby adopts the definitions set forth in Section 440.102, Florida Statutes in their entirety. The City's Drug-Free Workplace Program shall apply to all City employees and to job applicants for safety sensitive or special risk positions.

12.2 Standard Policies

A. **Illegal Drug Use**

An employee bringing onto the City's premises or property, including parking lots; having possession of, being under the influence of, or present in the employee's body, blood or urine in any detectable amount, or using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug as defined in this policy while on City business or at any time during the hours between the beginning and ending of the employee's workday, whether on duty or not, and whether on City or customer business property or not, is subject to discipline including discharge or suspension without pay from employment, even for the first offense. Failure to submit to the required drug test is grounds for discharge or suspension without pay from employment.

B. **Alcohol Abuse**

An employee who is under the influence of alcoholic beverages at any time while on City business or at any time during the hours between the beginning and end of the employee's workday, whether on duty or not, and whether on City or customer business property or not, is subject to discipline including discharge or suspension without pay from employment, even for the first offense.

An employee shall be determined to be under the influence of alcohol if:

1. the employee's normal faculties are impaired due to consumption of alcohol, or
2. the employee has a blood alcohol level of .04 or higher.

C. Employees are encouraged to voluntarily seek professional support for drug or alcohol-related problems. Employees who seek treatment shall discuss the situation with their Department Director if leave time, with or without pay, is required for the employee to obtain treatment or hospitalization.

- D. Failure to submit to a required drug test or providing a false sample or tainting, adulterating or tampering with a drug test is grounds for discharge or suspension without pay from employment. An employee will be terminated for refusing to submit to a drug or alcohol test.
- E. **Employer Action**
Any employee or job applicant whom the City is advised has a positive confirmed drug test, including for alcohol, will be subject to discharge even for the first offense. Employees are not eligible for rehire unless they show proof that they have completed a drug and/or alcohol rehabilitation program. If rehired, the employee will be subject to random testing for two (2) years, no more than twice in one year.

12.3 Definitions

- A. “Legal Drug” includes prescribed drugs and over-the-counter drugs, which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured. For purposes of this definition and the City’s Drug-free Workplace Program, drugs that are legally obtained under state law but are illegal under federal law are not considered Legal Drugs.
- B. “Illegal Drug” means any drug (a) which is not legally obtainable; (b) which may be legally obtainable, but has not been legally obtained; (c) which is being used in a manner or for a purpose other than as prescribed.
- C. **Mandatory-testing position:** a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, a job assignment that requires an employee security background check, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

12.4 Reporting Convictions and Civil or Administrative Actions

- A. **Criminal convictions**
Employees must, no later than five days after a conviction relating to the use or possession of drugs or alcohol, notify their Department Director of such conviction(s). Failure to notify the employee’s Department Director shall be cause for immediate termination, unless good cause exists for failure to report the conviction to the City. The City may report the conviction to any federal, state or local agency to which it is required by law to report.
- B. **Civil or Administrative Actions**
It is each applicant’s or employee’s responsibility to notify the laboratory which conducted the drug test of any civil or administrative action brought

pursuant to the Florida Workers' Compensation drug-free workplace program laws, Section 440.101, et. seq.

12.5 Types of Drug Testing

The City will conduct the following types of drug testing as deemed appropriate under the circumstances:

- A. **Pre-Employment Drug Testing**
This type of testing applies to individuals who apply for a "mandatory testing" or "special risk" position. All final candidates within these categories will be tested. An offer of employment may be made pending the results of the drug test. If work has already begun, employment is conditional upon the receipt of, and successfully passing, the drug and alcohol test.
- B. **Reasonable Suspicion**
Employees will be required to submit to a drug and/or alcohol testing at a laboratory chosen by the City if there is reasonable suspicion of substance abuse. Circumstances that could be indicators of a substance abuse problem and considered reasonable suspicion are:
- Observed alcohol or drug abuse during work hours on City premises
 - Apparent physical state of impairment
 - Incoherent mental state
 - Marked changes in personal behavior that are otherwise unexplainable
 - Significantly deteriorating work performance that is not attributable to other factors
 - Information that an employee has caused or contributed to, or has been involved in an accident while at work
 - Abnormal conduct or erratic behavior while at work
 - A report of illegal drug use, provided by a reliable source
 - Evidence that a drug test has been tampered with during employment with the City
 - Evidence that an employee has possessed, sold, solicited or transferred illegal drugs while working or while on City premises, or while operating City vehicles, machinery or equipment
- C. **Fitness for Duty.**
Substance abuse testing is conducted for all employees who receive a physical fitness exam as a routine part of their job.
- D. **Random**
The City will conduct random drug tests only as permitted by law.
- E. **Post-Accident**
Employees may be required to submit to a drug and/or alcohol test after a work-related vehicular accident, after an accident or injury involving a City-owned vehicle, and after an accident or injury which causes injury to the employee or to any other person or damage to any property. The accident

may involve a moving or non-moving vehicle. Employees who are off duty and are involved in a vehicular accident or injury involving a City owned vehicle shall immediately submit to drug and/or alcohol screening.

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

F. Follow-Up

If the employee, in the course of employment, enters an Employee Assistance Program for drug related problems or a drug rehabilitation program, the City will require the employee to submit to a drug test as a follow-up to such program, unless the employee voluntarily entered the program. In such case, the City has the option to not require follow-up testing. If follow-up testing is required, it will be conducted at least once a year for a two-year period after the completion of the program. Advance notice of the follow-up testing date will not be given to the employee who is to be tested.

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

<i>Drugs</i>	<i>Trade or Common Names</i>
ALCOHOL:	Liquor, Booze, Spirits
NARCOTICS:	
Opium	Dover's Powder, Paregoric, Parepectolin
Morphine	Morphine, Pectoral Syrup
Codeine	Tylenol with Codeine, Empirin Compound with Codeine, Robitussin A-C
Heroin	Diacetylmorphine, Horse, Smack Dilaudid, 6-Acetylmorphine
Meperidine (Pethidine)	Demerol, Mepergan
Hydrocodone/Hydromorphone	
Oxycodone/Oxymorphone	
Methadone	Dolophine, Methadone, Methadose
Other Narcotics	Darvon, Fentanyl, LAAM, Leritine, Lomotil, Numorphan, Percodan, Talwin, Tussionex
DEPRESSANTS:	

Barbiturates	Phenobarbital, Tuinal, Amytal Nembutal, Seconal, Lotusate
Benzodiazepines	Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Paxipam, Restoril, Serax, Transene, Valium, Verstran, Xanax
Chloral Hydrate	Noctec, Somnos
Glutethimide	Doriden
Methaqualone	Quaalude
Other Depressants	Equanil, Miltown, Noludar, Placidyl, Valmid
STIMULANTS:	
Cocaine	Coke, Flake, Snow, Crack
Amphetamines	Binehetamine, Desoxyn, Dexedrine
Methylphenidate	Ritalin
Phenmetrazine	Preludin
Other Stimulants	Adipex, Bacarate, Cylert Didrex, Lonamin, Plegine, Pre- Sate, Sanorex, Tenuate, Tepanil, Voranil
HALLUCINOGENS:	
Amphetamine Variants	2, 5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB
LSD	Acid, Microdot
Mescaline and Peyote	Mese, Buttons, Cactus
Phencyclidine	PCP, Angel Dust, Hog
Phencyclidine Analogs	PCE, PCPy, TCP
Other Hallucinogens	Bufotenine, Ibogaine, DMT, DET, Psilocybin, Psilocyn
CANNABIS:	
Hashish	Hash
Hashish Oil	Hash Oil
Marijuana	Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks
Tetrahydrocannabinol	THC
The metabolite of any of the substances listed above.	

12.6 Confidentiality

All information, interviews, reports, statements, memoranda and drug-free results through the City's drug testing program will be treated as confidential to the extent required by law, except as consented to by the employee or applicant or if placed at issue by the employee in any legal, administrative or other proceeding to determine compensability of a workers' compensation claim.

12.7 Use of Prescription and Non-Prescription Medications

Each tested individual shall report, on a confidential basis, to the Medical Review Officer (MRO), the use of prescription or non-prescription medications both before and after being tested. A form will be provided to each individual to list such medications. This form should only be filled out at the collection facility not at the City. Additionally, such medications may be disclosed orally to the MRO after being tested, if contacted by the MRO. The individual must not disclose such medications or provide the form requesting such information to any City employee. The City has attached to this policy a list of the most common medications by brand, common and if applicable, chemical name, which may alter or affect a drug test. (See 12.10). The individual can consult a testing laboratory for additional information about medication that will affect a drug test result. An employee shall disclose to the Department of Human Resources any prescribed medication(s) that may impact their ability to safely perform the essential functions of their position.

12.8 Positive Drug Test Results

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

12.9 EAP and Local Drug Rehabilitation Programs

The City encourages all employees who need assistance in dealing with alcohol or drug dependency problems to seek counseling through the various private and public agencies that exist in our community. Examples of such agencies are listed below. Employees who come forward to request treatment or a leave of absence for treatment will not be subject to discipline. Employees may not, however, escape discipline by first requesting such treatment or a leave of absence after being selected for testing or violating City policies and rules of conduct. Requests for voluntary treatment and related matters will be kept confidential in accordance with federal and state laws.

Hazelden Betty Ford
950 6th Avenue North
Naples, FL 34102
1-855-407-6051 (24 hours)

The Willough at Naples
9001 Tamiami Trail E
Naples, FL 34113
239-775-4500 – Main Number (24 hours)

While the City encourages employees to seek appropriate treatment, the City does not recommend nor endorse any particular drug rehabilitation program.

Employee Assistance

- A. Any employee who is experiencing difficulty with alcohol or drug abuse is encouraged to seek free, confidential, professional help through the Employee Assistance Program. The Employee Assistance Program may also be contacted to clarify provisions of the Drug-Free Workplace Policy. The phone number of the Employee Assistance Program shall be posted in all City buildings. This service is provided to assist employees in locating help for their particular drug or alcohol problem. The cost of treatment or counseling shall be the responsibility of the employee.

Employee Assistance
888-293-6948
24 hours a day, seven days a week

B. Other Helpful Numbers

1. Drug/Alcohol Abuse Help line: 1-800-662-4357

- C. Employees voluntarily seeking help will not be disciplined, discharged or discriminated against. However, this provision does not apply for any employee who:

1. Has previously tested positive;
2. Is currently in a Drug Rehabilitation Program; or
3. Has entered an Employee Assistance Program for drug-related problems.

- D. If you presently occupy a safety sensitive or special risk position, you will be temporarily removed from your position and placed into a non-safety-sensitive position while under rehabilitation. If an alternate position is not available, you will be placed on unpaid leave until rehabilitation is complete.

12.10 Common Medications And Illegal Substances Which May Alter Or Affect A Drug Test

- Alcohol

Common Names: Booze, liquor

Compounds which may affect drug test: Liquid medications containing ethyl alcohol (ethanol). For example many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol.

- Amphetamines

Common Names: Binetamine, Desoxyn, Dexedrine

Compounds which may Affect Drug Test: Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Delcobese, Mediatric & similar "uppers"

- Cannabinoids

Common Names: Marijuana, Hashish, Hash, Hash Oil, Pot, Joint, Roach, Grass, Spleaf, Weed, Reefer

Compounds which may Affect Drug Test: Marinol (dronabinol), Tetrahydrocannabinol (THC) and items listed above.

- Cocaine

Common Names: Coke, Blow, Nose Candy, Snow, Flake, Crack

Compounds which may Affect Drug Test: Cocaine Topical HCL Solution (Roxanne) and items listed above.

- Phencyclidine

Common Names: PCP, Angel Dust, Hog

Compounds which may Affect Drug Test: Not legal by prescription.

- Methagualone

Common Names: Quaalude

Compounds which may Affect Drug Test: Not Legal By Prescription

- Opiates

Common Names: Opium, Dover's Powder, Paregoric, Parepectolin

Compounds which may Affect Drug Test: Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin Compound with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), CS Contin and Roxanol (morphine sulfate), Percodan, Vicodin and items listed above.

- Barbiturates

Common Names: Phenobarbital, Tuinal, Amytal

Compounds which may Affect Drug Test: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabital, Phrenilin, Triad and items listed above.

- Benzodiazepines

Common Names: Ativan, Azene, Clonopin, Dalmone, Diozepam, Halcion

Compounds which may Affect Drug Test: Librium, Xanax, Serax, Tranxene, Valium, Verstran, Paxipam, Restoril, Centrax and items listed above.

- Methodone

Common Names: Dolophine, Methodose

Compounds which may Affect Drug Test: Items listed above.

- Propoxphene

Common Names: Darvocet, Darvon N, Dolene

Compounds which may Affect Drug Test: Items listed above.

There shall be two tests conducted by the City. If the first test is negative, there shall be no second test, unless the City has reason to believe there was some irregularity in the administration or analysis of the first test. The second (confirmatory) test shall be a gas chromatography/mass spectrometry (GC/MS test) or such other equivalent or more accurate scientifically accepted test, at the City's option. It shall be this second, confirmatory test, which shall be the determinant for the City as to whether the employee or applicant was under the influence of alcohol or drugs and which shall trigger disciplinary action against employees and a determination not to hire job applicants.

A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.

Specimen collection shall be documented and the documentation procedures shall include:

- a. Labeling specimen containers to preclude erroneous identification;
- b. A form for the employee or applicant to provide any information he/she considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information. Such form shall provide notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. The providing of information shall not preclude the administration of the drug test, but shall be taken into account in interpreting any positive confirmed results; and
- c. A consent form.

Specimen collection, storage, and transportation to the testing site shall be performed in a manner which will reasonably preclude specimen contamination or adulteration.

A specimen for a drug test may be taken by any person authorized to do so by Florida Statutes Chapter 440.102.

Specimens shall be sufficient for two drug tests as determined by the Department of Health and Rehabilitative Services.

Every specimen that produces a positive confirmed result shall be preserved by the licensed laboratory that conducts the confirmation test for a period of at least 210 days after the results of the positive confirmation test are mailed or otherwise delivered to the employer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or applicant shall have the responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled. During the 180 day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted to have a portion of the specimen retested, at the employee's or applicant's expense at another laboratory licensed and approved by the Department of Health and Rehabilitative Services, chosen by the employee or applicant, provided that the employee or applicant shall provide notice to the City of his/her desire to undertake such a test within five working days of receipt of the results of a positive confirmatory test or notice from the City that the applicant or employee's timely explanation was unsatisfactory whichever occurs later. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory which performed the test for the employer shall be responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

Within five working days after receipt of a positive confirmatory test result from the testing laboratory, the City shall inform an employee or job applicant in writing of such positive test result, shall provide a copy of the test result and shall provide a statement of the consequences of such result and the options available to the employee or job applicant.

Within five working days after receiving notice of a positive confirmatory test result, the employee or job applicant may submit information in writing to the employer explaining or

contesting the test results, and why the results do not constitute a violation of the employer's policy.

If the City deems the explanation or challenge to be unsatisfactory, it shall provide a written explanation as to why the employee's or job applicant's explanation is unsatisfactory. Such documentation shall be kept confidential as provided by law and shall be retained for at least one year.

The City shall employ chain-of-custody procedures as established by the Department of Health and Rehabilitative Services.

An applicant whose second test confirms the original positive test result may, at the applicant's expense, have a third test (being a gas chromatography/mass spectrometry (GC/MS test) conducted on the original sample at a laboratory approved by the City.

The City shall pay the costs of the initial and the first confirmation test; the employee or job applicant shall pay for any test which he/she requests. Payment shall be made by the employee upon requesting the test.

Should an applicant or employee fail to request a third test, after a positive confirmatory test by the City, within five days after receiving the notice of positive results from the City or notice of the City's determination that the applicant or employee's timely explanation was unsatisfactory, whichever occurs later, the employee or applicant shall waive any claims to a position lost as a result of the positive confirmatory test. A job applicant shall, in no event, be entitled to a position applied for and filled during any review of positive tests or other challenge.

Upon detecting a false positive error, the City shall notify the laboratory and the Florida Department of Health and Rehabilitative Services of any such error.

The laboratory shall not disclose any information relative to the health or mental condition of the tested employee except as provided by law. The City shall not request or receive from the testing facility any information concerning the personal health, habit, or condition of the employee (other than the drug test results) including, but not limited to, the presence of HIV antibodies in an injured employee's body fluids.

12.11 Use of Medical Marijuana

Though Florida law now permits the use of medical marijuana by qualifying patients/users with certain medical conditions, marijuana (including cannabinoid and THC) use remains illegal under federal law as a Schedule 1 drug under the Controlled Substances Act. In other words, federal law does not recognize a legal use of marijuana for medical or any other purposes.

As a result, the City has no legal obligation to accommodate an employee's use of medical marijuana, even if the use otherwise complies with Florida law, because the use is illegal under federal law. Please be advised that the City will not accommodate or otherwise permit an employee's use of medical marijuana, whether such use occurs on duty or off-duty. Thus, Federal Law will continue to be enforced by the City in the same manner as it always has, irrespective of the legalization of medical marijuana in Florida. Any violation of this policy, including for the use of medical marijuana, will result in disciplinary action.

12.12 Loss of Worker's Compensation Benefits

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

12.13 Refusing a Drug Test or Treatment

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

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

Definition of Refusal to Submit to Testing: Any person or employee will be considered to have refused to submit to testing if the person or employee:

- a. Did not appear at the testing site, within a reasonable time, after being directed to do so.
- b. Did not provide a specimen or provided an inadequate specimen, as required by this policy, the on-site specimen collector or applicable state and/or federal regulations.
- c. Left the testing site before the completion of the test
- d. Refuse to cooperate with any part of the testing process.

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

12.14 Notifying Laboratory of Legal Action Concerning Drug Test

It is each applicant's or employee's responsibility to notify the City and the Drug Testing laboratory of any administrative or civil action brought pursuant to section 440.101, Florida Statutes. Employees and applicants should review any applicable collective bargaining agreements or contracts for additional information on their rights. Florida employees may have a right to appeal to Florida's Public Employees Relations Commission or applicable court for violations of Florida's Drug-Free Workplace Program.

12.14 Rehabilitation for Mandatory-Testing and Special Risk Positions

An employee in a mandatory-testing position who enters a voluntary substance abuse rehabilitation program shall be assigned to a position other than a mandatory-testing position, or if such a position is not available, shall be placed on a leave of absence while the employee is participating in the program. The employee shall be required to use his/her accrued paid leave time during any approved leave.

The Employee Assistance Program can give information as to other local alcohol and drug rehabilitation programs. However, to be exempt from such disciplinary action the employee must seek counseling and rehabilitation and notify the City of such counseling prior to being asked to take a drug test.

An employee in a special-risk position shall be discharged for the first positive confirmed test result if the drug confirmed is an illicit drug under Section 893.03, Florida Statutes. A special-risk employee who is participating in a substance abuse program shall not be allowed to continue to work in a mandatory-testing or special-risk position, but (if available) may be assigned to a position other than a mandatory-testing position or placed on leave while the employee is participating in the program. The employee may be eligible for a leave of absence while participating in the program. The employee shall be required to use his/her accrued paid leave time during any approved leave.

CHAPTER 13 RETIREMENT

The information contained in the Employee Resource Guide is intended to provide you with a general summary of retirement plans for which you may be eligible. Depending upon your position and length of service, your eligibility for certain retirement benefits may vary. Specific information regarding the City's retirement plans are maintained by Human Resources, including the official plan documents and the summary plan descriptions. The official documents regarding the City's retirement plans supersede all references to the retirement benefits contained in the Employee Resource Guide.

Non-bargaining, full-time City employees 18 years of age and older are eligible for retirement benefits such as a 457 Deferred Compensation plan, and/or 401(a) Retirement Plan, or other retirement plans that may be offered. While the 457 Deferred Compensation Plan is a voluntary defined contribution plan whereby the employee makes contributions to the employee's individual account, the 401(a) Retirement Plan is a defined contribution plan whereby the City makes contributions to the employee's individual account. Notwithstanding any other section in this article pertaining to deferred compensation, any member may contribute to a voluntary deferred compensation (Section 457) plan in addition to participating in the 401(a) Retirement Plan.

13.1 Deferred Compensation

All full-time employees are eligible to contribute to the City's voluntary IRS Section 457 Deferred Compensation Plan. The 457 Plan is a voluntary defined contribution retirement plan whereby the employee makes contributions to the employee's individual account. Maximum contribution amounts are regulated by the Internal Revenue Service.

Employee contributions are invested at the direction of the employee and proper financial advice from qualified investment professionals is encouraged.

Employees are immediately vested in any funds that they have contributed to their 457 Plan account. Upon termination employees are eligible to receive a distribution of these funds subject to regulations of the Internal Revenue Service.

13.2 Membership in Retirement Plan

Membership in the 401(a) Retirement Plan shall include all persons who are in the employ of the City and all persons who become employed by the City, except as provided in subsection A of this section.

- A. The membership of the 401(a) Retirement Plan shall not include the following:
 1. Any person whose service to the City is rendered on a contractual or fee basis;
 2. Any person employed in a position normally requiring less than 20 hours work in a week (part-time);

3. Any person employed in a position normally requiring less than six months work in a year (temporary and seasonal);
 4. Any person who is covered under another defined benefit or defined contribution retirement program supported in whole or in part by monies of the City; or
 5. The members of City Council.
- B. If any member leaves the employ of the City, that member will no longer be able to participate in the plan and will become immediately subject to the vesting rules as set forth in the plan documents.
- C. If any doubt occurs as to the membership status of any person, the City Manager shall decide the question within the meaning of this article and inform the individual accordingly.

13.3 401(a) Retirement Plan

For the 401(a) retirement plan, contributions are made to the plan in the employee's name for the exclusive benefit of the employee and the employee's beneficiaries. The City determines the amount that it will contribute to the plan on behalf of any eligible employees, and then the investment of the City's contributions will be solely determined at the discretion of the employees.

13.4 Insurance Coverage

Retirees and their eligible dependents shall be offered the same health, dental and vision insurance coverage as is offered to active employees at a premium cost of no more than the total premium cost applicable to active employees. For retired employees and their eligible dependents, the cost of any such continued participation in any type of plan or any of the cost thereof may be paid by the retired employee, or in the event of a special contractual arrangement, by the City. To determine the health, dental and vision plan costs, the City shall combine the claims experience of the retiree group with the claims experience of the active employees, consistent with the provisions of Section 112.0801, Florida State Statutes.

Eligibility for retiree health insurance as defined above will be based on the definition of retiree for normal retirement, as detailed in the City's defined benefit plans for those employees, for employees not covered by the City's defined benefit plans, retiree shall be defined as someone who is at least age 55, with at least 10 years of service upon the first day of the next month following termination of City employment.

Upon becoming eligible for Medicare, Medicaid, or TEFRA, the City's insurance plan shall become secondary for all retirees and their eligible dependents.

Once a retiree terminates coverage, the retiree will not be eligible to re-join the plan.

13.5 Assignments / Attachments Prohibited

Members who are vested pursuant to this section are prohibited from assigning their rights in the retirement plan referenced herein to any third party. In addition, the right of a person to the return of accumulated funds, the defined pension itself, any optional benefit, any other right accrued or accruing to any person under this article and the

monies belonging to the retirement plan shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law or any other process of law whatsoever and shall be unassigned except as is specifically provided in this article, provided that the City shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retiree or beneficiary.

13.9 Qualified Pension Fund

The City intends the pension fund to be a qualified plan under section 401 of the Internal Revenue Code, as amended. The City shall administer the pension fund so as to fulfill this intent.

CHAPTER 14

GENERAL POLICIES

14.1 Veterans' Preference

The City of Marco Island will ensure that preference in employment and re-employment is provided to eligible veterans for covered positions as prescribed in Florida State Statutes and by the Florida Department of Veterans' Affairs.

In order for an applicant to claim preference in the employment process, the applicant must meet the minimum job qualifications, provide the required documentation, AND be included in one of the four eligible categories as follows:

- A. A veteran with compensable service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the U.S. Veterans' Administration and the Department of Defense.
- B. The spouse of a veteran who cannot qualify for employment because of a total and permanent disability, or the spouse of a veteran missing in action, captured, or forcibly detained by a foreign power or government.
- C. A veteran of any war who was discharged or separated therefrom with an honorable discharge from the Armed Forces of the United States of America if any part of such active duty was performed during a wartime era, excluding active duty training.
- D. The unmarried widow or widower of a veteran who died of a service-connected disability.

14.2 Veterans' Preference Operating Procedures

EMPLOYMENT:

- A. Human Resources will ensure that applicants have provided the required documentation, are eligible for veterans' preference, and have not exhausted their preference.
- B. Supervisors should interview all eligible veterans when the applicant meets the minimum requirements for the position. Sufficient documentation concerning the interview should be retained by Human Resources. In the event that an eligible veteran is not hired for a covered position, a statement justifying the hiring decision and/or how the veteran's disability would have interfered with performance of the position's duties will be required.
- C. The City Manager or designee will respond to any inquiries from an applicant, or conduct and coordinate the investigation of claims filed by an eligible applicant, employee, Department of Veterans' Affairs, Public Employee Relations Commission (PERC), or any other party concerning this rule.

RE-EMPLOYMENT: Re-employment rights shall be provided to employees who are drafted and who voluntarily enlist, and members of the Armed Forces Reserves and National Guard, who are called to active duty. These persons shall, upon honorable discharge from active duty, be entitled to return to their previous employment in the same position or a position of like seniority, status, and pay.

14.3 Use of City Vehicles

Purpose

Employees have a responsibility to operate department vehicles in a legal, safe and courteous manner. Acceptable vehicle operation involves adherence to standards of fleet maintenance, regular inspections, and defensive driving.

Policy

Vehicle operations should help ensure employee and public safety, minimize needless expenses, increase efficiency and set an example. Safety is first. Employees share responsibility for their own safety and for other motorists whenever they operate any city owned vehicle.

To ensure our fleet system is effective, all departments using vehicles and maintenance services shall observe policies and procedures.

A. PROCEDURES

1. VEHICLE SAFETY INSPECTION: It is the responsibility of each Department Director to insure that the department's assigned vehicles receive safety checks on a regularly scheduled basis. These inspections should include tires, brakes, brake and transmission fluid levels, water levels, all lights, and seat belts.
2. VEHICLE DAMAGE INSPECTION: Inspect for visible damage and cleanliness to the exterior and interior of the Department's assigned vehicles on a daily basis.
3. REPORTING VEHICLE DISCREPANCIES: Immediately forward a written report of discrepancies found in the condition of an assigned vehicle or equipment to the supervisor. Prepare a written report on earlier unreported discrepancies.
4. IDENTIFICATION OF CITY VEHICLES: Decals and striping for city vehicles will be determined by the Department Director and submitted to the City Manager or his designee for final approval. No vehicle decals, striping or identification will be altered without prior approval of the City Manager or his designee.
5. CITY VEHICLE USE: The City Manager shall approve the on-going use of City vehicles for certain positions. The primary criterion for approval shall be the ultimate benefit to the City and the exceptional

or unique requirements of the position. Employees are required to follow state laws and City policies regarding driving standards when operating a City vehicle on approved City business.

6. VEHICLE ASSIGNMENT: Assignments must be approved in writing by the City Manager. Fleet Management shall maintain a current listing of approved assignments for public record and on-call review by the City Manager and Department Directors. Department Directors shall periodically review assignments to ensure that continuing requirements for dedicated vehicles exist.
7. VEHICLE OPERATIONAL EXPENSES: Fleet Management shall send each Department Director, during each budget cycle, a list of vehicle's criteria based on vehicle age, mileage or hours, and operational costs. Department Directors will budget accordingly for vehicle repair/replacement in the year recommended.

B. RESPONSIBILITIES

The information listed below is in addition to existing policies which govern the safe operation of City vehicles.

1. CITY MANAGER shall be responsible for determining the criteria for and authorizing the on-going use of City vehicles by employees. The City Manager is also responsible for approving any exceptions to the policy.
2. DEPARTMENT DIRECTORS shall be responsible for providing the City Manager with a list of employees authorized to use a City vehicle for approved purposes, the type of vehicle, and the justification for the use of the vehicle. Directors must furnish the names and geographic street addresses where any take-home City vehicles will be located.
3. DEPARTMENT DIRECTORS shall be responsible to ensure that employees do not drive City vehicles without a valid State of Florida driver license or commercial driver license with required endorsements, and are familiar with state driving rules and regulations.
4. EMPLOYEES using City vehicles shall be personally responsible for fines incurred as a result of driving or parking violations or infractions while operating City vehicles. Additionally, employees with take-home vehicles are personally responsible for any tax liability associated with the value of this benefit.

- C. CITY VEHICLES: City employees who are authorized to operate City vehicles shall adhere to state laws and City policies outlined below.
1. Employees who operate a City vehicle shall possess a valid State of Florida driver license applicable for the type of vehicle being operated.
 2. Employees who operate City vehicles shall wear a seat belt at all times and shall enforce mandatory seat belt use for all passengers in accordance with state laws and City policies.
 3. Employees shall conduct pre-operating and post-operating inspections of City vehicles and immediately report any malfunctions or maintenance requirements to their supervisor. Employees are responsible for ensuring that proper and preventive maintenance is performed as scheduled or needed.
 4. Employees who are assigned City vehicles shall maintain a clean (interior and exterior) and presentable vehicle at all times and shall conduct regular cleaning and maintenance.
 5. Employees who operate a City vehicle are responsible for taking and enforcing proper security measures including but not limited to removing keys, rolling up windows, locking doors, etc.
 6. Employees shall use O.S.H.A. approved safety cones when working in or near hazardous areas (i.e. roadways) in accordance with state laws.
 7. Employees shall report all accidents immediately to the supervisor or Department Director, Risk Manager and the appropriate law enforcement agency.
 8. Additionally, employees shall immediately notify his or her Department Director or Human Resources in the event of the loss of driving privileges.
 9. Accident report forms must be kept in the glove box or console in every vehicle.
 10. Employees shall not use City vehicles for jump starting or pushing a stranded motorist regardless of whether or not the motorist is a City employee.
 11. Employees shall not permit unauthorized persons to operate or be a passenger in City vehicles (mechanics for private maintenance shops may be authorized). Employees shall not be transported or ride in the bed of a pickup truck, flatbed truck, or other vehicle that is not equipped with specific seats for the purpose of providing transportation. Employees may not use City vehicles to transport family members,

friends or other unauthorized persons unless specifically authorized in advance by the City Manager.

12. Employees shall not utilize City vehicles to carry or otherwise transport firearms or weapons unless such firearms or weapons are City issued and an approved job requirement.
13. No employee may consume or be under the influence of substances (legal or otherwise) while operating City vehicles and no passengers may consume substances (legal or otherwise). Employees who are taking prescribed medications which are known to affect driving abilities are required to report this information to their Department Director or supervisor prior to operating City vehicles or machinery.
14. Employees and authorized passengers shall refrain from smoking while inside City vehicles in accordance with the City's Smoke-Free Workplace policy.
15. Employees may not use City vehicles for personal business of any kind unless authorized by the City Manager.
16. Employees are prohibited from placing unauthorized bumper stickers, tags, signs, etc. on any City vehicle.
17. Employees permitted to take vehicles home because of on-call requirements, or for other reasons approved by the City Manager, shall strictly follow administrative policies for the use of "take-home" vehicles.
18. Employees are to comply with all applicable laws, rules and regulations while operating City vehicles, including without limitation, all posted speed limits, parking restrictions, and prohibitions against texting while driving
19. If an employee obtains a citation while operating a City vehicle, the employee is required to report the receipt of the citation to his or her supervisor. Any citations relating to the employee's operation of the City vehicle shall be the responsibility of the employee to pay.

14.4 Use of City Property

Proper use and maintenance of all City property is of the utmost importance. If it is found that equipment is defective, the condition should be reported to supervision at once. Defective equipment should never be used as this may endanger employees and others. City-owned property shall not be used by an employee while off the job or for personal use while on the job unless approved by the employee's supervisor. Willful abuse or misuse of City equipment will be considered cause for termination of employment.

When the supervisor is informed of the issue, a prompt review shall occur and an incident report produced. The report shall include a complete description of the missing or damaged property and the estimated extent of loss, the time and circumstances under which the loss was discovered, the name(s) of the person(s) who discovered the loss, the known or suspected cause or circumstances involving the loss, name(s) of witness(es) to the loss, name(s) of person(s) known or suspected to be involved in the loss, and any other relevant information concerning the loss.

The report will be submitted to Human Resources. Upon receipt of the report, Human Resources shall recommend the fixing of or relief from personal liability for the loss.

Employees may be disciplined or required to reimburse the City for lost or damaged city property if it is determined that the employee, without justification or mitigation, violated pertinent established rules or policies, the observance of which would have prevented the loss or damage. This would include improper, careless, negligent, destructive, unsafe or unauthorized use and/or operation of City property.

The City will notify the employee of its intent to either discipline or seek reimbursement. If any employee is held liable for reimbursement for loss or damage under this section, he/she will be held liable for the value of the property or the insured value of the package, whichever is least. Reimbursement schedules shall be reasonable and fair, based upon the circumstances of each situation.

14.5 Safety

The City of Marco Island is committed to providing a safe and healthy working environment for all employees. All employees are expected to observe all posted safety rules and regulations, wear required safety equipment, practice safety in the work areas, and report any unsafe conditions or equipment promptly. The following safety rules will be strictly followed by all personnel:

- A. Wear safety equipment as required. Safety goggles, dust masks, and similar protective equipment will be furnished to those employees whose work requires this protection. EMPLOYEES SHOULD NOT WORK WITHOUT PROPER SAFETY EQUIPMENT AND SHOULD NOTIFY THEIR SUPERVISOR IF THE EQUIPMENT IS FAULTY OR NEEDS REPLACEMENT. Handle and care for safety equipment properly. If equipment needs to be replaced, return it to the appropriate supervisor.
- B. Obey warning signs (*i.e.* No Smoking, Speed Limits, Keep Out, Hard Hats.)

- C. Practice good housekeeping. It not only improves the appearance of the job, but it also helps prevent fires, accidents, personal injuries and property damage.
- D. Check guard and safety devices on machines or equipment being used.
- E. Handle tools, machinery, and equipment carefully and properly. Store tools and equipment properly to prevent accidents.
- F. Fighting, practical jokes, playing with air hoses (for example), running, shoving, scuffling, or throwing things are prohibited.
- G. Emergency situations should be reported to an employee's supervisor or proper public safety (rescue) personnel as soon as possible.

**CITY OF MARCO ISLAND
Employee Resource Guide**

Acknowledgements

I acknowledge that I have been informed of the Employee Resource Guide for the City of Marco Island. I have received a copy of the manual and I understand that I am responsible for reading the content of this manual, will abide by the contents of this manual and recognize that I am at all times an employee at will. To the extent that any portion of the Guide conflicts with a collective bargaining agreement or employment agreement, the terms of the collective bargaining agreement or employment agreement will control the issue.

Employee's Signature

Printed Name

Date

Witness' Signature

**CITY OF MARCO ISLAND
Safety Program**

I acknowledge that I have been informed of the Safety Program for the City of Marco Island. I will abide by all City Safety Rules and understand that not abiding by City Safety Rules could result in disciplinary action, including termination of my employment.

Employee's Signature

Printed Name

Date

Witness' Signature

CITY OF MARCO ISLAND
Motor Vehicle Record Review

I acknowledge that the information contained in the City's Vehicle Fleet Safety Policy has been reviewed with me, and a copy of the policy and driver rules has been furnished to me. As a driver of a City vehicle, I understand that it is my responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage.

I also understand that my employer will periodically review my Motor Vehicle Record to determine continued eligibility to drive a City vehicle. In accordance with the Fair Credit Reporting Act, I have been informed that a Motor Vehicle Record will be periodically obtained on me for continued employment purposes.

I acknowledge the receipt of the above disclosure and authorize my employer or its designated agent to obtain a Motor Vehicle Record report. This authorization is valid as long as I am employed and may only be rescinded in writing.

Employee's Signature

Printed Name

Date

Witness' Signature

**CITY OF MARCO ISLAND
Background Check**

In accordance with the Fair Credit Reporting Act, I have been informed that a Criminal Background Check will be obtained on me for employment purposes. I understand that this is being performed as an obligation to public safety and the safety of fellow employees.

I acknowledge the receipt of the above disclosure and authorize my employer or its designated agent to obtain a Criminal Background report. This authorization is valid as long as I am employed and may only be rescinded in writing.

Employee's Signature

Printed Name

Date

Witness' Signature

**CITY OF MARCO ISLAND
Fraud, Waste, Abuse and Whistleblower Protection**

I acknowledge that I have been informed of the Fraud, Waste, Abuse and Whistleblower Protection Policy. I will abide by all of the requirements of the policy, including its reporting requirements, and I understand that if I do not comply with the policy I may be subject to disciplinary action.

Employee's Signature

Printed Name

Date

Witness' Signature

CITY OF MARCO ISLAND
Drug Free Workplace

I acknowledge that I have been informed of the Drug Free Workplace for the City of Marco Island. I will abide by all City Drug Free Workplace Rules and understand that not abiding by City Drug Free Workplace Rules could result in disciplinary action, including termination of my employment.

I also acknowledge that I must comply with the City's Drug Free Workplace policy as to submitting to being tested for drug use and give my permission and agree to such testing.

Employee's Signature

Printed Name

Date

Witness' Signature