

ACKNOWLEDGMENT FOR RECEIPT OF HANDBOOK

This will acknowledge that I have received a copy of the City of Pembroke Pines Handbook and that it is incumbent upon me to read this Handbook to familiarize myself with the contents. I understand that I may contact the Human Resources Department with any questions I may have regarding these rules and regulations, now or in the future.

I have read the policy regarding harassment and discrimination and understand I had the opportunity to ask questions regarding the policy.

I am aware that conduct which constitutes sexual harassment, unlawful harassment or discrimination can result in termination of employment or severe discipline, even for a first offense, without regard to any disciplinary history.

I understand that I am expected to abide by all the rules and regulations. I further understand that any violation of a rule or regulation may result in disciplinary action being taken against me, including termination of my employment.

I am aware that an Employee may be dismissed or demoted with or without just cause or advance notice during the probationary period.

PRINTED NAME

SIGNATURE

DATE



CITY OF PEMBROKE PINES

CONFIRMATION OF RECEIPT

I acknowledge that I have received a copy of the following policies:

- Computer & Internet Policies
- Drug Free Workplace Policy
- Employee Assistance Program Policy
- Family Medical Leave Policy
- Safety Ordinance Policy
- Sexual Harassment Policy
- Workers' Compensation Policy
- Workplace Violence Policy

Please sign and return this receipt to the Human Resources Department.

SIGNATURE: _____

PRINT NAME: _____ DATE: _____

CITY OF PEMBROKE PINES

EMPLOYEE HANDBOOK

INDEX

SECTION	PAGE
Section 1 - GENERAL PROVISIONS	1
Section 2 - STANDARD OF CONDUCT	2
Section 3 - SEXUAL & OTHER UNLAWFUL HARASSMENT & DISCRIMINATION	3
Section 4 - CODE OF ETHICS	5
Section 5 - POLITICAL ACTIVITY	6
Section 6 - EMPLOYMENT OF RELATIVES	6
Section 7 - OUTSIDE EMPLOYMENT	6
Section 8 - PUBLIC RELATIONS – RELEASE INFORMATION	7
Section 9 - SOLICITATION & DISTRIBUTION	7
Section 10 - EMPLOYEE DEBTS	8
Section 11 - USE OF CITY PROPERTY	8
Section 12 - DRESS & APPEARANCE	8
Section 13 - DEFINITIONS	10
Section 14 - EMPLOYMENT CLASSIFICATIONS	13
Section 15 - APPLICATIONS FOR CITY EMPLOYMENT	14
Section 16 - PROBATIONARY PERIOD	17

Section 17 - POSITION CLASSIFICATION PLAN	19
Section 18 - SALARY PLAN	22
Section 19 - ATTENDANCE/HOURS OF WORK	25
Section 20 - ANNUAL (VACATION) LEAVE	28
Section 21 - HOLIDAYS	31
Section 22 - LEAVE OF ABSENCE	32
Section 23 - SICK LEAVE	38
Section 24 - FITNESS FOR DUTY EXAMINATIONS	40
Section 25 - EDUCATIONAL INCENTIVE PLAN	40
Section 26 - SEPARATION FROM CITY EMPLOYMENT	41
Section 27 - SAFETY/WORKERS COMPENSATION	44
Section 28 - STANDARDS OF CONDUCT/DISCIPLINARY ACTION	45
Section 29 - APPEAL PROCEDURE	48
Section 30 - RECORDS AND REPORTS	50
Section 31 - DRUG FREE WORKPLACE	51
Section 32 - COMPUTER AND INTERNET USAGE	51
Section 33 - E-MAIL	52
Section 34 - WORKPLACE VIOLENCE	52
Section 35 - RECOGNITION AND INCENTIVE COMPENSATION	55

Section 36 - CITY POLICIES

COMPUTER & INTERNET POLICIES	56
DRUG FREE WORKPLACE POLICY	57
EMPLOYEE ASSISTANCE PROGRAM POLICY	58
FAMILY MEDICAL LEAVE POLICY	59
SAFETY ORDINANCE POLICY	60
SEXUAL HARASSMENT POLICY	61
WORKER'S COMPENSATION POLICY	62
WORKPLACE VIOLENCE POLICY	63

SECTION 1

GENERAL PROVISIONS

1.1 Purpose:

The purpose of these Rules and Regulations is to establish policies and procedures which will serve as a guide to administrative actions concerning personnel activities and transactions.

1.2 Positions Covered:

These Rules and Regulations shall apply to all City personnel. However, these Rules and Regulations shall not apply to instructional or non-instructional employees of the City of Pembroke Pines, Charter Schools & Early Learning Centers.

General Provisions, Benefits, Attendance and Leave Rules apply to full-time, regular employees except elected officials, persons appointed to fill vacancies in elected offices, members of advisory boards, commissions and committees.

1.3 Labor Agreement:

Employees covered by Collective Bargaining Agreement are subject to these Rules and Regulations. In the event of a conflict between these Rules and Regulations and the applicable Collective Bargaining Agreement covering an affected employee, the Collective Bargaining Agreement shall control, even if the Collective Bargaining Agreement can be construed as being more or less favorable to the City or the employee.

1.4 Administration:

The City Manager/Designee is responsible for the administration and technical direction of the City Personnel Management System.

Department Directors are responsible for the proper and effective administration of these Rules and Regulations within their respective departments. Routine matters pertaining to enforcement may be delegated.

1.5 Amendments:

The City Manager may make recommendations to the City Commission for approval of such rules, regulations, policies and changes hereto as are necessary and effective for the administration of the personnel system.

Amendments, changes or revisions of the Rules and Regulations shall be submitted to the City Commission by the City Manager for approval. Amendments may be approved by the Commission by Resolution.

The foregoing procedures for amendment shall not prohibit the City Manager from establishing working rules relating to working conditions for health and safety on a daily basis and the conduct of the employees within the guidelines of these rules.

1.6 **Department Policies:**

Departmental rules and regulations serve as supplements to these Rules and Regulations. In the event of conflict the City Rules and Regulations shall prevail.

SECTION 2

STANDARD OF CONDUCT

Policy of the City

The objective of the City is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of high caliber who display pride and dignity in the performance of their duties.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

The City is an Equal Employment Opportunity employer. The City does not discriminate against any person in recruitment, examination, appointment, training, promotion, salary increases, retention or any other personnel action because of political or religious opinions, or affiliations, or because of race, color, creed, sex, age, handicap, national origin, marital status, or any other protected class.

Citizens with disabilities will be given full consideration for employment in all departments and agencies. Physical standards will be fair, reasonable and adapted to the realistic requirements of the job. Such standards will be based on complete, factual information regarding working conditions, hazards and essential physical requirements of each job.

SECTION 3

SEXUAL AND OTHER UNLAWFUL HARASSMENT AND DISCRIMINATION

All employees have a right to work in an environment free of harassment and discrimination. Harassment or discrimination on the basis of race, color, religion, sex, age, marital status, handicap, disability, national origin, and any other protected class, is a violation of law, and will not be tolerated.

While all forms of harassment and discrimination are prohibited, it is the City's policy to emphasize that sexual harassment is specifically prohibited. Sexual harassment is defined as unwelcome, deliberate or repeated behavior of a sexual nature. It can include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; nonverbal behavior such as suggestive looks or leering; and physical behavior such as pats, or squeezes, or repeated brushing against another person's body.

Conduct which constitutes sexual harassment, unlawful harassment or discrimination can result in termination of employment or severe discipline without regard to general principles of progressive discipline.

Specifically, the City prohibits the following:

- Unwelcome sexual advances.
- Unwelcome requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
- Other verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.
- Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job.
- Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Specific examples of inappropriate behavior include, but are not limited to:

- Conditioning a job benefit on sexual favors;
- Threatening a job detriment for the failure to submit to sexual advances;
- Negative or offensive comments, jokes or suggestions about another employee's gender or sexuality;
- Obscene or lewd sexual comments, jokes, suggestions or innuendoes;
- Slang, names or labels (such as "honey", "sweetie", "boy", "girl") that others find offensive;
- Talking about or calling attention to an employee's body or sexual characteristics in a negative or embarrassing way;
- Laughing at, ignoring or not taking seriously an employee who experiences sexual harassment;
- Blaming the victims of sexual harassment for causing the problem;
- Continuing certain behavior after an individual has objected to that behavior;
- Displaying nude or sexual pictures, books, objects, cartoons or sexually suggestive calendars on City property.

Other sexually harassing conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel is also prohibited.

Acts of harassment or discrimination committed by City personnel will result in disciplinary action, up to and including dismissal. If an employee believes that he or she has been the subject of harassment or discrimination by anyone while at work, including any supervisors, co-employees, or visitors, or if an employee observes such harassment or discrimination, he or she is urged to report the alleged conduct immediately to his or her supervisor, or, if the individual does not wish to discuss the matter with the supervisor, to the Department Director. Any supervisor or Department Director who receives a complaint of harassment or discrimination from an employee shall immediately notify the Department Director of Human Resources of the complaint regardless of the supervisor's or Department Director's opinion concerning its validity.

The City will endeavor to investigate all complaints as expeditiously, confidentially and professionally as possible. Any supervisor, agent, or other employee who is found after investigation to have engaged in harassment or discrimination of another employee will be subject to appropriate disciplinary action, up to and including dismissal.

There will be no retaliation against employees for reporting harassment or discrimination or assisting the City in the investigation of a complaint of harassment or discrimination.

SECTION 4

CODE OF ETHICS

To avoid misunderstanding and conflicts of interest, which could arise, the following policy will be adhered to by employees of the City.

No City employee shall accept any gifts, including Christmas gifts, favors or service that might reasonably tend to improperly influence them in the discharge of their official duties.

No City employee shall use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.

No City employee shall accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

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.

No officer or employee of the City shall have any financial interests in the profits of any contract, service or other work performed by the City; or shall personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company; or personally or as an agent provide any surety, bail or bond required by law or subject to approval by the City Commission. No officer or employee shall accept any free or preferred services, benefits or concessions from any person or company.

If an employee of the City is an officer, director, agent or member of, or owns controlling interest in, any corporation, firm, partnership or other business entity which is subject to the regulations of, or which has substantial business commitments with the City, they shall file a sworn statement regarding such interest with the City Clerk of the City of Pembroke Pines, Broward County, Florida.

No City employee shall transact any business in their official capacity with any business entity of which he or she is an officer, director, agent or member or in which he or she owns a controlling interest.

No City employee shall have personal investments in any enterprise, which will create a substantial conflict between their private interests and the public interest.

SECTION 5

POLITICAL ACTIVITY

No employee, official or other person shall solicit, orally or by letter, contributions or services for any political party or political candidate from any employee during his or her hours of duty, service or work with the City.

No employee or official of the City will use his/her official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office.

Nothing herein contained shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours or to campaign actively during off-duty hours in all areas of political activity.

SECTION 6

EMPLOYMENT OF RELATIVES

Employment of relatives will be in accordance with applicable State Statutes.

SECTION 7

OUTSIDE EMPLOYMENT

Employees are discouraged but not restricted from engaging in other employment for an extended period during their off-duty hours. City employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of the City service.

Any employee desiring to pursue outside employment shall notify the Department Director in writing of the intent to engage in outside employment. The request shall state the type of employment and the hours of work, the name of the prospective employer, the place of employment, and a telephone number of the place of employment where the employee can be reached.

The Department Director or City Manager/Designee may reject the request if it is deemed to affect the City employment, and permission granted to engage in outside employment may be canceled or terminated at any time by the Department Director, if the outside employment is deemed to affect the City employment.

No employee granted permission to engage in outside employment shall work at said outside employment for a longer period of time than stated in the request nor at a different place of employment than that set forth in the request.

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

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

Equipment, facilities, vehicles or property of the City shall not be used by employees for outside employment.

Misconduct at outside employment can result in disciplinary action by the City.

SECTION 8

PUBLIC RELATIONS - RELEASE OF INFORMATION

Employees shall release information in accordance with departmental policy, following prior supervisory approval to do so. Departmental policies must adhere to applicable laws.

Should an employee receive either a request or subpoena where the City is named, the Department Director shall be immediately notified, who in turn, will notify the City Manager/Designee.

SECTION 9

SOLICITATION AND DISTRIBUTION

Solicitation includes, but is not limited to, asking employees for funds or contributions, asking employees to sign a petition, requesting employees to join or become a member of a group, or otherwise requesting employees' support or commitment with respect to causes, groups, or interests.

Distribution includes, but is not limited to, providing leaflets, documents, pamphlets, or other written materials, to an employee regarding matters not related to an employee's job duties.

Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

City employees are prohibited from soliciting any other employee of the City on behalf of any organization, including any labor union, labor organization or employee organization, during their working hours or the working hours of the employee to be solicited.

City employees are prohibited from distributing literature, which tends to promote any organization, including any labor union, labor organization or employee organization, during working hours in any area where City work is performed.

Nothing in this section is intended to prohibit or infringe upon employee organizational activities protected under Florida law including the right to form, join, and participate in, or to refrain from forming, joining or participating in any employee organization of their choosing.

Distribution of literature for City sanctioned programs such as recreational activities is not restricted by this rule.

Solicitation or distribution that is discriminatory, hateful, harassing, illegal, defamatory, profane or obscene is prohibited at all times.

SECTION 10

EMPLOYEE DEBTS

An employee's financial transactions are the employee's personal affair. The City will not act as a collection agent for an employee nor for collection agencies.

SECTION 11

USE OF CITY PROPERTY

Employees of the City shall not use City property, equipment or vehicles except in the performance of official duty nor permit its use by an unauthorized person, either on or off-duty unless authorized by the City Manager/Designee.

SECTION 12

DRESS AND APPEARANCE

Because of the variety of the type and nature of the work performed by City employees, it is appropriate that there be differences in the appearance standards of the City's various departments. Department standards will prevail if there is a conflict between the guidelines in this policy and department standards.

A. Dress:

The employee's uniform of work clothes shall be neat, clean, and pressed. Employee will not be held responsible for uniforms that come back from the cleaning service in poor condition, but they will be held responsible for the things that are controllable, like wearing the full uniform or re-wearing a dirty uniform.

B. Appropriate Attire:

There are two types of "appropriateness" that will be enforced:

1. The first is the standard for attire that is appropriate for the position. There are some positions that have no public contact, where it will be permissible to have a more casual standard of attire than in those positions where public contact requires traditional business attire. For example, blue jeans may be acceptable in a stockroom, but are unacceptable for a code compliance officer. Department management will communicate the standards of attire required in each work unit. However, where uniforms are provided, it is expected that the uniforms will be worn.
2. The second type of appropriateness standard deals with attire that just causes a disruption in the workplace and disrupts productivity. This includes clothing that is too revealing or provocative. Examples of attire that is unacceptable includes, bare midriff clothing, sheer clothing, shirts, blouses, pants, or skirts that are revealing, and the obvious absence of undergarments.

C. Grooming:

The employee's hair should be well groomed and the hairstyle should present a professional appearance. All other relevant aspects of grooming (i. e. being clean shaved or beard/moustache neatly trimmed, appropriate make-up etc.) present a professional image. Employees are limited to three (3) earrings per ear, unless prohibited by department standards. Other visible body piercing are prohibited.

D. Hygiene:

The employee should be clean, frequently bathed, and his/her breath and body odor should not be offensive.

PROCEDURE

- A. Many of the details of the dress and appropriate attire standards are specific to the job and the department and can be best defined at the departmental level. Departmental rules shall prevail.

- B. There will be an assumption of good faith in the enforcement of this policy. The first time there is a problem with any of these standards, the employee will be advised as to the appropriate standard and what must be done for compliance with the standard. There will be no formal record of the discussion.
- C. The second occurrence will generate an oral warning.
- D. The third occurrence will generate a second oral warning.
- E. The fourth occurrence will result in a written warning and additional discipline may be imposed.

SECTION 13

DEFINITIONS

13.1 **Terms:**

Anniversary Date:

The date an employee begins employment and the same date in following years. This also is the date from which vacation and sick leave are computed. This date changes only if an employee is in a non-pay status for a period of thirty (30) days or more then the anniversary date is deferred by an equivalent amount. For promotion, the anniversary date becomes the first date served in the new position.

Appeal:

An application for review of a disciplinary action submitted or instituted by an employee or their designated representative.

Applicant:

An individual who has completed and submitted an application for employment with the City.

Compensatory Leave:

Time off from work in lieu of monetary payment for having worked in excess of forty (40) hours in a work week in accordance with City policy.

Demotion:

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

Examination:

The process of testing, evaluating, or investigating the fitness and/or qualifications of applicants and employees.

Insubordination:

The unwillingness and/or refusal on the part of an employee to submit to the lawful exercise of the authority vested in the Department Director and/or the City Manager/Designee .

Layoff:

A reduction of the number of employees due to lack of work, funds or other similar just causes.

Leave:

An approved type of absence from work as provided by the Employee Handbook.

"May":

The word "may" shall be interpreted as permissive.

Oral Examination:

An examination where a candidate spends time in the presence of a panel selected by the City Manager/Designee. The members of the panel rate the candidate based on the oral testing or interviewing of the candidate.

Overtime:

Time worked in excess of forty (40) hours in a work week by non-exempt personnel.

Pay Increase:

An increase in compensation established in the salary plan which may be granted to an employee based on job performance or other established criteria.

Pay Range:

The salary range which is assigned to a particular classification title, sometimes expressed as a pay range number.

Pay Rate:

A specific dollar amount, expressed as an annual rate, monthly rate, semi-monthly rate, bi-weekly rate, or hourly rate as shown on the pay plan of the City.

Performance Evaluation:

A written report of the job performance of an employee made by the immediate supervisor.

Promotion:

Assignment of an employee from one (class) position to another, which has a higher maximum rate of pay.

Reinstatement:

Rehiring of a former employee who resigned in good standing.

Relative:

Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, step-brother, step-sister, half-brother, half-sister, employee's grandparents.

Residence:

The domicile of an employee located within the confines of the corporate limits of the City of Pembroke Pines, Broward County, Florida.

Retirement:

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

"Shall":

The word "shall" will be interpreted as mandatory.

Temporary:

An employee appointed for a special project or other work of a temporary or transitory nature. The appointment will not exceed a six (6) months period unless specified by the project program or grant.

Transfer:

That action in which the employee moves from one position to another with no resulting title change, or if a title change does take place, there is no change in the pay range.

Work Day:

The scheduled number of hours an employee is required to work per day.

Work Week:

The number of hours regularly scheduled to be worked by an employee during any assigned schedule.

SECTION 14

EMPLOYMENT CLASSIFICATIONS

14.1 **Full Time:**

An employee who is regularly scheduled to work thirty (30) hours or more per week and has completed the probationary period.

14.2 **Part Time:**

An employee who is regularly scheduled to work less than thirty (30) hours per week.

14.3 **Regular:**

An employee who is employed in a position for an indefinite time. A regular employee who has successfully completed his/her probationary period may be dismissed for just cause. Department Directors, Assistant Department Directors, Division Directors and non-bargaining unit supervisors may be dismissed at any time for any legal reason with or without just cause.

14.4 **Supervisor:**

Salaried managers, administrative employees, including, but not limited to, Department Directors, Division Directors and unit supervisors.

14.5 **Temporary:**

An employee appointed for a special project or other work of a temporary or transitory nature. The appointment will not exceed a six (6) months period unless specified by the project program or grant.

14.6 **Exempt:**

An employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

14.7 **Non-exempt:**

An employee who is subject to the overtime provisions of the Fair Labor Standards Act which requires pay for hours worked in excess of forty (40) in one (1) week.

SECTION 15

APPLICATIONS FOR CITY EMPLOYMENT

15.1 **Eligibility:**

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions.

15.2 **Request for Personnel:**

When departments submit requests to the Human Resources Department for persons to fill vacancies, requests shall include the title of the position to be filled and other pertinent information as may be needed to enable Human Resources to satisfactorily find the personnel being sought by the department. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit.

15.3 **Notification – Recruitment:**

The Department Directors in conjunction with the Human Resources Department shall prepare recruiting notices to publicize vacancies and to provide candidates for vacant positions. Such various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible.

15.4 **Acceptance of Applications:**

All applications must be made on a standard form designed and prepared by the Human Resources Department. This form must be completed personally by the applicant. Incomplete applications may be revised by applying in person to the Human Resources Department's Office provided said change is corrected through revision before the final date for receiving applications for the position or examination applied for by the applicant.

Applications shall be active and considered by the Human Resources Department for a term of one (1) year from date the application is filed, unless the application becomes void by virtue of some other rule.

After the expiration of a one (1) year period, the application, if not renewed, shall be void and shall not be considered by the Human Resources Department.

15.5 Application References:

As part of the pre-employment procedure, former supervisors, employers and references provided by candidates shall be checked by the Human Resources Department. Reference checks made by personal or telephone contact will be documented and made part of the applicant's file.

15.6 Medical Examination:

Mental and Physical standards may be established for all positions. Applicants who have been conditionally offered employment, may be required to undergo medical and/or a physical examination, at the City's expense to determine physical and psychological fitness to perform work in the position to which the appointment is to be made.

Employees, during their period of employment, may be required by their Department Director with the approval of the City Manager/Designee to undergo periodic medical examinations that are job related and consistent with business necessity to determine their physical and psychological fitness to perform the work of the position in which they are employed.

Determination of physical and psychological fitness will be by a physician or other qualified professional designated by the City Manager/Designee.

Pre-employment medical examination shall only be made following an employment offer.

15.7 Basis for Employment:

Employment with the City shall be based on merit and ability as evidenced by one or more of the following:

Training and experience as reflected by the application form and other documentation of certification, registration, etc., as requested.

Written examination or performance test when in the best interest of the City.

A pre-employment physical and/or psychological examination, background check and references following a conditional offer of employment.

Additional examinations may be required for certain positions at the discretion of the Department Director.

Additional criteria may be considered if it bears relevance to the position. Selection and hiring, by its nature, involves discretion and the foregoing should be considered as a guide, not a limit, on the exercise of discretion.

15.8 **Reinstated Employees:**

An employee who has resigned with a good record, and who is still qualified for the position at issue, may be rehired to the same or similar position by the same department from which the employee resigned within one (1) year of the date of resignation. Such action originates only from department request and must be submitted for approval to the City Manager/Designee.

An employee may be reinstated at the same pay rate previously received, or may revert to a lower rate within the range at the discretion of the Department Director and with the approval of the City Manager/Designee.

Reinstated employees are considered new employees for purposes of vacation, leave, seniority, pension and salary incentives. Unless otherwise designated the “day” or “days” when used in this Handbook shall mean calendar days as opposed to workdays. Reinstated employees are subject to a one hundred and eighty (180) calendar day probationary period.

15.9 **Rejection of Applicants:**

The City Manager/Designee or the Department Director may reject any applicant when the applicant does not possess one or more of the requirements of the position. An unsatisfactory past employment record or a poor recommendation may also be a basis for the rejection of an applicant.

Moreover, applicants may be rejected if the applicant submits an incomplete application. Prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly relates to the position of employment sought will disqualify an applicant, as will membership in any organization which advocates the over-throw of the Government of the United State of America by force or violence.

SECTION 16

PROBATIONARY PERIOD

16.1 Purpose:

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee's capabilities, work habits, and overall performance. Either the employee or the City may end the employment relationship at will at any time during the probationary period, with or without just cause or advance notice. Unless otherwise designated the "day" or "days" when used in this Handbook shall mean calendar days as opposed to workdays.

16.2 Duration:

All new and rehired employees work on a probationary basis for the first one hundred and eighty (180) calendar days after their date of hire. Employees who are promoted within the City must complete a secondary probationary period of the same length with each reassignment to a new position. Any significant absence will automatically extend a probationary period by the length of the absence. If the City determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period.

Employment status is not changed during the secondary probationary period that results from a promotion within the City.

All promoted employees shall serve one hundred and eighty (180) calendar days probationary period without loss of accrued sick leave, vacation leave or other benefits.

In cases of promotions within the City, an employee, who in the sole judgment of management is not successful in the new position, can be removed from that position at any time during the secondary probationary period. If this occurs, the employee will be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on availability of such positions and the City's needs.

16.3 Benefit Eligibility:

During the initial probationary period, new employees are eligible for those benefits that are required by law such as workers' compensation insurance and Social Security. They may also be eligible for other City -provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

16.4 **Evaluation of Performance:**

During the probationary period, the Department Director will request a report of the supervisor's observation of the probationary employee's work and a judgment as to the employee's willingness and ability to perform the job duties satisfactorily. During the probationary period, the employee's supervisor will notify the employee in writing when performance is not satisfactory and probationary period requirements are not being met. When possible, notification of deficiency shall be made sufficiently in advance of the end of the probationary period to allow for corrective action.

16.5 **Dismissal or Demotion of New Employees:**

An employee may be dismissed or demoted without just cause during the probationary period.

The Department Director or designee must coordinate this action with the City Manager/Designee.

The employee does not have the right of administrative appeal.

If an employee who is serving a probationary period incurred as a result of a promotion is found to be unqualified to perform the duties of the higher position, the employee shall be returned to the position and status held immediately prior to promotion. If the position is filled, the employee shall be transferred to a vacant position with the same or similar level job classification subject to the approval of the Department Director. If there are no vacancies and it is impossible to create a new position, the employee will displace the person filling the vacancy, which was created by the promotion. If the position, which was made vacant as a result of the promotion is abolished, the lay off procedure as stated in the applicable contract shall prevail.

16.6 **Anniversary Date:**

The first day actually worked as a City employee shall be considered the anniversary date for the employee. This date changes only if an employee is in a non-pay status for a period of thirty (30) days or more or if an employee is promoted. The anniversary date is deferred by an equivalent amount for a leave of absence in non-pay status for thirty (30) days or more. For promotion, the anniversary date becomes the first date served in the new position.

SECTION 17

POSITION CLASSIFICATION PLAN

17.1 Purpose:

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

17.2 Uses:

The classification plan shall be used to:

- A. Determine qualifications, prepare examination announcements and examination content.
- B. Standardize salaries to be paid for the various classes of work.
- C. Establish lines of promotion.
- D. Assist in developing an employee training program.
- E. Provide an understandable and uniform terminology of jobs.

17.3 Content:

The classification plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility which requires the same general qualifications and which can be equitably compensated with the same pay grades.
- B. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records. No person shall be appointed to a position in the City personnel structure under a title not contained in the job classification plan.
- C. Written class descriptions for each job classification containing the nature of work and relative responsibilities of the class, illustrative duties found in the class, requirements of the class setting forth the necessary knowledge, abilities and skills required for adequate performance of the work and the desirable training and experience needed for adequate performance of the work and the desirable training and experience needed for recruiting to the class.

17.4 **Administration and Maintenance:**

The Human Resources Department is charged with maintenance of the classification plan so that it will reflect the duties performed by each employee in the City service and the class to which each position is allocated. It is the duty of the Human Resources Department to have the nature of the positions examined as they are created and to have them allocated to the existing class or to create new classes; to make changes in the duties and responsibilities of existing positions and review the entire classification plan and recommend appropriate changes in allocations or in the classification plan as needed.

17.5 **Allocation of Positions:**

Whenever a new position is established or duties of an old position changed, the Human Resources Department shall prepare in cooperation with the responsible Department Director a comprehensive class description describing in detail the duties of such a position. The Human Resources Department shall investigate the actual or suggested duties and assign the position to an existing class or establish a new class.

17.6 **Position Audit and Reclassification:**

- A. The City Manager/Designee may direct audits made of positions. Other position audits may be initiated by a written request to the City Manager/Designee from:
1. The Department Director where the position is located; or
 2. The incumbent of the position to be audited provided that the employee processes the request through the Department Director for review and comment.
- B. Position information will be gained through completion of a position classification questionnaire by the incumbent or by the supervisor of the position, if the position is vacant, and through study of the position by the staff of the Human Resources Department.
- C. The Department Director should review and make recommendations to the City Manager/Designee on all proposed new positions, changes and class descriptions.
- D. The employee in the position to be audited will be notified that the audit is to be conducted.

17.7 **Reclassification:**

- A. When the incumbent of a position, through diligent application of the work, is officially assigned more difficult and significant additional responsibilities and duties so that it appears that the position warrants re-classification to a higher pay grade, the City Manager/Designee may perform a study of the present duties and responsibilities of the position.
- B. If it is determined that the position should be re-reclassified to such higher level, the City Manager/Designee may require that the incumbent undergo a prescribed test of qualification, depending on the conditions of the reclassification and the nature of the position to be re-classified. Tests may include written or oral examination, interview or performance review, depending on the position involved.
- C. Should the employee fail the examination or for some other valid reason is not promoted to fill the vacancy at the higher level, the City Manager/Designee may allow the employee to remain in the original position until he/she can be changed to the same or another class of employment.
- D. Should the position be reclassified to a job classification with the same pay grade as that of the original classification, the incumbent employee shall receive a corresponding change in title without the benefit of examination, provided the reclassified position is in the same line and character of work and involves the same basic duties, responsibilities and skills.

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

Should no vacancy exist in the original classification, the incumbent employee shall retain the reclassified position at no reduction in salary.

17.8 **Position Control:**

All positions in the City are established and maintained through a personnel budget each year in accordance with established budget and accounting procedures. The establishment of new or additional positions will be accomplished at the recommendation of the City Manager/Designee. Budgeted positions may be left vacant at the discretion of the City Manager/Designee.

SECTION 18

SALARY PLAN

18.1 Purpose:

The salary plan shall be directly related to the classification plan and provide the basis of compensation for employees in the classified positions. The salary is constructed with regard to the following:

- A. Relative difficulty and responsibility existing between the various classes of work within the City employment.
- B. Prevailing rates of pay for similar types of work in private and public employment in the labor market where the City recruits for employees.
- C. Availability of candidates to fill positions.
- D. Economic conditions of the area.
- E. Financial policies of the City.

18.2 Uses:

The purpose of the salary plan is to reward employees for satisfactory performance and to develop incentives among employees to improve their quality and performance of work. Each employee will be appraised of the salary plan. The proper utilization of the salary plan provides the Department Director with a vehicle for rewarding performance and affords the employee the opportunity to develop and achieve personal objectives.

18.3 Content:

- A. The salary plan includes the basic salary schedule as adopted by the City Commission and subsequent amendments, and the schedule of salary ranges for all classes of positions included in the classification plan as adopted by the City Commission and subsequent amendments.
- B. The salary schedule indicates salary ranges and the compensation attached to the ranges. Each class title in the classification plan is assigned a specific salary range.

18.4 **Amendments:**

Amendments to the salary plan may be considered by the City Manager/Designee when changes of responsibilities of work or classes, availability of labor supply, prevailing rates of pay, the City's financial condition and policies or other pertinent economic consideration warrant such action. The City Manager/Designee after consultation with the Department Directors may recommend amendment of the salary plan.

18.5 **Appointment and Starting Rates:**

- A. The minimum salary established for a position is considered the normal starting salary.
- B. Appointments that are above the minimum salary may be authorized by the City Manager/Human Resources Department Director if the applicant's training, experience or other qualifications are substantially above those required for the position and there are no qualified applicants available who are willing to accept the minimum rate.

18.6 **Promotion:**

An employee may be promoted to a job classification with a higher maximum rate of pay after successfully meeting the requirements for that position. Upon promotion the employee shall have his/her pay grade, classification date and probationary period adjusted as follows:

A. **Pay Grade and Pay Rate:**

- 1. Where an employee is promoted to a position with a higher maximum salary the employee's new salary shall be at least the minimum for the new position. If his/her present salary is above the minimum for the new position, the employee shall receive an increase in the amount of approximately five percent (5%).
- 2. An increase of more than five percent (5%) may be recommended by the Department Director depending upon the circumstances of the promotion. Approval must be received by the City Manager/Designee.

B. **Classification Date and Probationary Period.**

Promotion shall establish a new anniversary date. Employees shall be eligible for consideration for a salary increase one (1) year following the effective date of the promotion and serve a probationary period in accordance with the rules. The effective date of promotion will coincide with the employee's departmental payroll period beginning date unless otherwise approved by the City Manager/Designee.

18.7 **Demotion:**

A. Reasons for Demotion:

1. When an employee would otherwise be laid off because of the position being abolished, the position is being reclassified to a higher pay grade, lack of work, lack of funds or because of the return to work from authorized leave of another employee to such a position.
2. When demoted during the probationary period.
3. If an employee voluntarily requests a demotion.
4. When an employee has continually under-performed following notice of under-performance.
5. For disciplinary reasons.

B. Effect of Demotion on Pay:

The pay of an employee demoted to a position with a lower pay grade than his/her present position shall be based upon the following guidelines:

1. Demotion will not result in a pay increase.
2. Pay will not exceed the maximum rate of the pay grade designated for the lower position.
3. Employees demoted to a lower classification which was held immediately prior to being promoted shall be placed in the grade and pay that they would have attained by remaining in the lower classification.
4. Employees demoted to a lower classification which was not held previously or was not held immediately prior to being promoted shall be placed in the same pay rate in the lower pay grade, provided it does not exceed the maximum.

C. Effect of Demotion on Classification Date:

An employee who demotes to a classification he/she held immediately prior to being promoted will have the date in classification adjusted to reflect the time served in that classification. All other demotions will establish a new anniversary date.

18.8 **Transfers:**

A. **Department Transfer - Same Classification:**

1. An employee may be transferred to another department with the same job classification and such transfer will not change the employee's pay grade and anniversary (step) date or classification date.
2. The employee will serve a maximum of one hundred eighty (180) calendar days probationary period in the new department. However, this probationary period will not reduce a probationary period incurred as a result of employment, promotion or reclassification.
3. If, during the employee's probationary period in the new position, the employee is found to be performing below performance expectations in the new position, the City Manager/Designee shall determine whether the employee is to be returned to his/her former position or is to be dismissed.
4. Employees transferred from one City department to another City department shall meet all of the new employee hiring requirements of the department to which they are transferred. The employee shall be processed as a new employee and shall be required to take and pass all tests, and fill out all applications.

B. **Change in Classification - Same Pay Grade:**

When an employee requests and is granted a transfer to a different classification, if qualified and having the same pay grade as his/her present classification, the employee's salary and step will remain the same.

SECTION 19

ATTENDANCE/HOURS OF WORK

19.1 **Hours of Work:**

The City Manager/Designee has the authority to establish the hours of work, which shall be determined in accordance with the needs of the City service and shall take into account the needs of the public who may be required to do business with the various City departments.

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

Lunch hours and breaks are scheduled at the discretion of the Department Director.

19.2 **Attendance:**

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

All employees are expected to report for duty at the appointed place ready to perform their duties at the scheduled time. Tardiness may be excusable only if the employee phones his or her supervisor by the start of the scheduled shift.

If an employee is unable to work for any reason, he/she must notify their immediate supervisor or Department Director no later than one (1) hour after the start of the work day or shift, except public safety employees must call in at least one (1) hour prior to the start of the day of shift.

19.3 **Absence without leave:**

An absence of an employee from duty including an absence for a single day or part of a day that is not authorized by specific grant of leave of absence under the provisions of these rules, nor authorized by prior Department Director approval shall be deemed to be an absence without leave. Any such absence shall be without pay and may result in disciplinary action.

Any employee who is absent for three consecutive days without leave shall be deemed to have resigned without appropriate notice. Such action may be reconciled a subsequent grant of leave if the conditions warrant.

19.4 **Timekeeping:**

All non-exempt employees are required to complete a time record that accurately reflects all hours worked each day. Time records allow for accurate accounting of employee benefits and hours worked for computing pay and overtime. It is a violation of policy to falsify any time record. It is also a violation of policy to complete another employee's time record without prior authorization by a supervisor.

Employees shall not clock in to work more than five (5) minutes before their scheduled start time, nor shall they clock out more than five (5) minutes after their scheduled stop time, without prior approval. An employee shall not clock in for another employee.

Employees are prohibited from clocking in prior to, or after, their scheduled lunch period, without prior approval.

19.5 **Overtime:**

A non-exempt employee who works over forty (40) hours in a work week will be compensated at the rate of one and one-half (1 1/2) times the regular hourly rate of pay. An exempt employee will not receive overtime pay.

Employees are not to work overtime unless authorized in advance by their Department Director. Employees are required to work overtime when requested unless excused by their supervisor.

Employees working under a labor agreement will be paid overtime in accordance with the contract.

Employees may be granted compensatory time off at the rate of one hour and one-half (1 1/2) for every hour of overtime worked in lieu of payment for the overtime worked. Compensatory time off must be approved by the Department Director. Upon separation from the City, there will be payment made of unused compensatory time to be calculated at the present rate.

Compensatory time should be used within one (1) year from the date it was earned. Compensatory time may be carried over from one year to the next with the approval of the City Manager/Designee. All accrued compensatory time of employees who die while in the service of the City shall be paid in cash to the spouse or estate of the employee. The City Manager/Designee may direct an employee to schedule and use accrued compensatory time.

Standby time, vacation, sick leave, funeral leave, jury duty, annual military leave and other absences from work will not be counted as time worked for overtime computations.

19.6 **Call Back Pay:**

A non-exempt employee called back to work by the City on off-duty hours due to an emergency or other urgent situation will be paid a minimum of two (2) hours at time and one half.

If an emergency requires that an employee be called in to work during his/her vacation or on a holiday the employee will be paid at the regular straight time or appropriate overtime rates. The employee may receive compensatory time to be taken at a later date at the discretion of the Department Director. An employee who refuses to report to work when called in will be subject to discipline without a valid reason.

19.7 **Standby Time:**

In order to provide coverage for services during off-duty hours, it may be necessary to assign and schedule certain employees to standby duty. A standby duty assignment is made by a Department Director who requires an employee to be available for work due to an urgent situation on off-duty time, which may include nights, weekends or holidays. The standby employee must be accessible by phone or digital pager during the standby time.

The Department Director will seek volunteers whenever possible consistent with equitable distribution of standby time within a work area, shift and consistent with skill and ability. In the event volunteers are not available, qualified employees will be required to take the assignment in order to maintain effective, proper and superior service to the community.

In the event any employee who is officially on standby duty fails to respond to a call to work, he/she will be subject to disciplinary action.

When called to work while officially designated as being on standby duty, a non-exempt employee will be paid for the actual time worked at the rate of straight time for each hour worked. If any standby duty worked by the non-exempt employee causes the employee to work over forty (40) hours in a work week, the employee will be compensated at time and a half.

The time spent by an employee while waiting to be called in ("standby" or "on-call" time) shall not count as hours worked for the purpose of computing overtime pay.

SECTION 20

ANNUAL (VACATION) LEAVE

20.1 **Eligibility:**

Each regular, full-time employee will be allowed annual (vacation) leave with pay on the following basis:

1. An employee who completes one (1) year of continuous, uninterrupted employment with the City will be entitled to ten (10) working days vacation with pay a year.
2. An employee who completes five (5) years of continuous, uninterrupted employment with the City will be entitled to fifteen (15) working days vacation with pay a year.
3. An employee who completes ten (10) years of continuous, uninterrupted employment with the City will be entitled to twenty (20) working days vacation with pay a year.

4. Part-time, temporary and seasonal employees shall not be eligible for annual (vacation) leave.

Paid annual (vacation) leave may not be taken during the first one hundred and eighty (180) calendar days of employment, re-employment or during an extended probationary period. Employees may, however be granted earned vacation leave time between the one hundred and eighty (180) calendar days and one (1) year of employment upon recommendation of the Department Director and approval by the City Manager/Designee.

20.2 **Rate of Earning:**

Annual (vacation) leave shall be calculated and accrued from the date of employment.

20.3 **Charging Leave:**

Annual (vacation) leave time shall be scheduled and charged to the employee for the actual time the employee is away from work.

If a holiday occurs during annual (vacation) leave the holiday shall be charged to holiday time and not to annual (vacation) leave.

Annual (vacation) leave schedules shall be arranged by the Department Director and preference as to dates shall be granted in order of seniority. Exceptions may be granted by the Department Director.

20.4 **Request For Leave:**

The request for annual (vacation) leave shall be submitted to the employee's Department Director on designated forms.

Annual (vacation) leave may be taken only after approval by the Department Director. Every eligible employee shall be encouraged to take at least ten (10) working days of annual (vacation) leave during the year.

20.5 **Use of Leave:**

Annual (vacation) leave may be granted for the following scheduled purposes:

1. Vacation leave.
2. Absence for transaction of personal business which cannot be conducted during off-duty hours.
3. Religious holidays other than those designated by the City Commission as official holidays.

4. For uncovered portions of sick leave, once such leave has been exhausted and through illness. Employees who become sick while on vacation may use sick leave time for such period of illness and may be required to present a doctor's certificate documenting the need for sick leave if requested by the employee's Department Director.
5. Any scheduled absences from work not covered by other types of leave established by these rules.

20.6 **Leave Accrual**

1. It is the intent of these Rules and Regulations to have employees take their vacation yearly for the period in which it was earned. Employees carrying excess annual (vacation) leave should be afforded the opportunity to use the excess leave upon the recommendation of the Department Director with the approval of the City Manager/Designee.
2. If the employee is not afforded the opportunity to use annual (vacation) leave or excess leave or is refused the use of the leave, the excess shall be carried in the employee's annual leave account upon approval by the City Manager/Designee.
3. An employee shall not be paid for earned annual leave in lieu of taking such leave during any anniversary year unless recommended by the Department Director and approved by the City Manager/Designee.

20.7 **Separation:**

Employees resigning voluntarily and who give at least ten (10) working days advance written notice of their intention to resign will receive any annual (vacation) leave credit earned as of the date of resignation or at retirement at the current base rate of pay.

Payment for accrued annual (vacation) leave applies to employees who have successfully completed the probationary period.

Employees who are terminated involuntarily or who fail to provide the ten (10) working days notice prior to resigning, shall forfeit all unused annual (vacation) leave.

All accrued annual (vacation) leave of employees who die while in the service of the City shall be paid in cash to the spouse or the estate of the employee.

For annual (vacation) leave purposes, re-instated employees are considered new employees.

Employees on lay-off status will receive annual (vacation) leave payment in accordance with provision of these rules.

SECTION 21

HOLIDAYS

21.1 **Days Observed:**

The following holidays and any such other days as the City Commission may declare, shall be observed by the City:

• New Year's Day
• Dr. Martin Luther King Day
• President's Day
• Memorial Day
• July 4th
• Labor Day
• Veteran's Day
• Thanksgiving Day
• Thanksgiving Day After
• Christmas Day
• Safety Day - If Earned
• Religious Preference Day

When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday.

When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday.

The City Manager/Designee will determine when any department or operation will be closed in observance of the holidays.

21.2 **Eligibility For Holiday Pay:**

All full-time, regular employees will receive one (1) regular day off with pay for each of the holidays above. All holidays must be taken as time off or if an employee is required to work on any of the above holidays, he or she must be paid in the same period as such pay is earned.

If an employee is absent without good cause on the regularly scheduled work day immediately prior to a holiday or the regularly scheduled work day immediately following a holiday, he/she will not qualify for paid holiday time.

21.3 Holiday on Scheduled Work Day.

Employees who are required to work on an observed holiday will be granted either (1) straight time pay in addition to their regular pay, or, (2) another day off, elected by the employee, if convenient to the department; otherwise, this time off will be scheduled for the employee by the Department Director.

Any employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with holiday time for that day.

21.4 Holiday on Leave:

If a holiday occurs while an employee is out on authorized vacation, sick leave, funeral leave, or annual military leave, the leave shall be charged to holiday time and not to vacation, sick, funeral or annual military leave.

21.5 Accrued Holiday Time:

Any accrued holiday time of employees who die while in the service of the City shall be paid in cash to the spouse or estate of the employee.

SECTION 22

LEAVE OF ABSENCE

22.1 Funeral Leave:

All full-time, regular employees may be granted, upon approval of the Department Director, time off with pay up to five (5) working days in the event of a death in their immediate family. For purposes of this section, immediate family means spouse, child, step child, foster child, parent, brother, half brother, sister, half sister, father-in-law, mother-in-law, sister-in-law, grandmother, grandfather, legal guardian or grandchild, employee's grandparents.

Funeral leave shall not be charged to vacation or sick leave.

The employee may be required to provide the Department Director with proof of death in the immediate family, as defined, before compensation is approved.

22.2 Court Leave.

An employee summoned as a witness on behalf of a public jurisdiction or for jury duty during normal working hours shall receive regular pay for the hours he or she attends court during the normal work schedule. An employee attending court in a matter in which the employee is a party (i.e., the employee is a plaintiff or a defendant), is not eligible for paid leave.

Employees who attend court on their day off do not receive an extra day off.

Employees who attend court for only a portion of a regular scheduled work day are expected to immediately report to their supervisor when excused or released by the court.

In the event a holiday occurs during the period of an employee's jury duty, he/she shall receive pay for the holiday.

All witness fees or juror compensation received by the employee shall be turned over to the City.

22.3 Voting:

The City encourages all employees to exercise their right to vote. The polls are open a sufficient number of hours to allow voting either before or after regular work hours. Accordingly, no leave shall be granted for the purpose of voting.

22.4 Conference Leave:

The Department Director may grant conference leave with pay together with the necessary travel expenses for employees to attend conferences, schools, and similar events designed to improve efficiency and if considered to be in the best interest of the City. All leave and expenses will be recommended by the Department Director and subject to prior approval of the City Manager/Designee.

22.5 Maternity Leave:

An employee who is required to be absent from work for maternity reasons will be considered to be on leave status and upon request and certification of pregnancy will be granted a leave of absence without pay.

In order to provide for uninterrupted coverage of the position, the employee will notify the supervisor in writing at least twenty-eight (28) working days prior to the anticipated date of departure, stating the probable duration of the leave without pay.

Maternity leave is granted for up to one hundred and eighty (180) calendar days from the date of commencement of the leave. Further extensions may be granted by the City Manager/Designee due to individual circumstances.

22.6 Military Leave:

Employees who are members of an armed services unit will be granted paid leave of absences for the required part-time performance of military training or duties without loss of pay for a period not to exceed seventeen (17) work days in one (1) calendar year.

Any employee ordered to active military service shall be granted paid leave for the first thirty (30) working days of active service.

Any employee who is ordered to appear for a physical examination for induction into the military service shall be granted leave with pay for this purpose.

Any employee enlisting in, drafted or conscripted for military service in defense of the United States during an actual period of war or any employee drafted or conscripted by act of Congress for military training shall retain his/her reinstatement rights in accordance with appropriate state and federal laws.

The employee shall be required to submit an order or statement from the appropriate military commander as evidence of such training or military duty. The order or statement must accompany the formal request for military leave.

All monies due the employee (i. e., vacation, holiday time, sick leave, etc.) shall be paid at the time of his/her leaving the City employment to enter active military service.

Upon termination of the military service an employee who wishes to return to work shall report for duty to the City within ninety (90) working days from the date of discharge. In the event of temporary or partial disability, the City will provide an appropriate extension of time.

An employee will not be considered eligible for reinstatement by the City if he/she has a dishonorable discharge.

An employee returning to duty in classified position shall start at the salary he/she would have received including all adjustments had the employee remained continuously in the service of the City instead of entering the armed services.

If the position left by the employee to enter the military service is re-classified or re-named during the period of military service, such employee shall be entitled to be re-instated in the position according to its classification or name at the time he/she applies for re-instatement. If the employee is not capable of satisfactorily performing the duties of the position, he/she will be entitled to re-instatement in a position as nearly comparable as possible in salary and duties of the one the employee left. If the employee's former position has been abolished he/she shall be entitled to be placed in another position as nearly comparable to it as possible, provided a vacancy is available.

22.7 Leave Without Pay:

The decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. It shall be incumbent upon each Department Director to weigh and determine each case on its own merit. Any leave of absence for a period in excess of thirty (30) days must have the approval of the City Manager/Designee. In each case the City shall make a reasonable effort to return the employee to his/her former position or a similar position of the same classification in another department. If no opening exists, the employee shall be placed on the eligible list for a period of one hundred and eighty (180) calendar days. All departments are required to adhere to the following practices:

1. Department Directors must submit a memorandum placing employees on a leave of absence for any period of leave without pay which extends thirty (30) consecutive days or longer. The leave of absence will be effective beginning with the first day of absence. Leave without pay includes excused absences for sickness or injury without accumulated sick leave time and other excused absences without pay.
2. Leave without pay for thirty (30) days or longer in a calendar year will result in a corresponding adjustment of the employee's anniversary date.
3. An employee granted a leave of absence must keep the department informed every ninety (90) working days of his/her current status with regard to the reason for the leave of absence (school, military, medical). In addition, the employee must keep the department advised of his/her current address at all times. An employee who fails to comply with this procedure will be dropped from leave of absence status in which case he/she must return to duty or be dismissed.
4. An employee who attains either part-time or full-time employment elsewhere while on an authorized leave of absence is required to notify his/her Department Director in writing within three (3) working days of accepting such employment. Failure to comply with this procedure will result in the employee being dropped from leave of absence status in which case he/she must return to duty or be dismissed.
5. Any employee granted a leave of absence shall contact his/her Department Director at least fourteen (14) working days prior to expiration of the approved leave in order to facilitate the reinstatement process.
6. Failure to return to work at the expiration of the approved leave shall be considered as absence without permission and grounds for dismissal.
7. No sick leave or annual leave will be earned by an employee for the time that the employee is on leave without pay.

Retirement credit may be maintained only if allowed in the pension plan in operation, provided the employee pays the full share of the contributions.

Group life and hospitalization insurance coverage may be continued for a maximum period of twelve (12) weeks, in accordance with the provisions of the FMLA while on authorized FMLA leave of absence. Upon expiration of FMLA leave premium payments must be kept current by the employee.

1. A maximum delinquency period of sixty (60) working days will be permitted for payment of premiums. If a monthly premium is delinquent for over sixty (60) working days and payment is not made by cash or payroll deduction from the next applicable pay period, coverage will be canceled as of the beginning of the delinquent period, as permitted by law.
2. Where the employee will be out of town during an approved leave exceeding thirty (30) working days, payment arrangements must be made in advance so that the premiums are kept current.
3. If any coverage is cancelled during an approved leave of absence, as a result of a non-payment of premiums by the employee, coverage will be re-instated upon payment of unpaid premium by the employee, or upon return to active duty, whichever occurs first, as permitted by law.

22.8 **Examination Leave:**

An employee may be granted leave with pay while taking examinations before a federal, state or other governmental agency provided such examinations are pertinent to his/her City employment.

22.9 **Service Connected Disability Leave:**

A. Disability Leave:

Any employee in the City service who sustains a service connected disability shall be entitled to benefits as set forth below. The following is an explanation of the terms used in connection with service connected disabilities.

1. Date of Disability - The date on which disability began or the last day of duty thereafter, whichever is later.
2. Disability - A temporary physical condition which is service connected and prevents an employee from performing his/her regular or specially assigned duties. Disability does not include any condition which is self-inflicted or caused by another person for reasons personal to the employee and not because of his/her employment.
3. Disability Date Salary - The salary an employee was being paid on the date of the disability.

4. Service Connected Disability - Any disability arising out of employment in the City service.

B. Disability Determination:

Determination of the existence and service connection of a disability shall be made in accordance with the Florida Statutes – Workers’ Compensation Act (as amended). This Act provides that the employer is responsible for furnishing employees who have incurred service connected disabilities with such remedial treatment, care and attention under the direction and supervision of a qualified physician or surgeon. Disability determination shall be based on:

1. All facts in the service history of the case.
2. The findings of the physician, surgeon or practitioner who has treated or consulted in the treatment of the employee.
3. Such evidence as the employee at his/her own expense may submit of the service connection of his/her disability.
4. Other relevant evidence submitted to the medical examiner.

There shall be no presumption that any disability is service connected. Conversely, denial that a disability is service connected will not be made without recommendation of the physician medically treating the employee and the claims representative of the insurance carrier.

C. Compensation During Disability:

Employees, as defined in Section 440.02 of the Workers’ Compensation Law, as amended, shall be eligible to receive Workers’ Compensation benefits. Those employees having sustained a service connected disability may be carried in a full or partial pay status for a period not to exceed ninety (90) working days for any one injury, once reviewed and recommended by the Safety Review Board and approved by the City Manager/Designee. If, during this time, the employee receives weekly disability benefit payments under the Workers’ Compensation Law, such benefits shall be refunded to the City by the employee if the combined totals (City and compensation payments) exceed the normal salary of the disabled employee.

Leave under the Family and Medical Leave Act of 1993 (“FMLA”) shall run concurrently with a Workers’ Compensation absence when the injury is one that meets the criteria for a serious health condition.

At any time and from time to time, the Department Director or the City Manager/Designee may request that a disabled employee be re-examined. Such request shall be directed to Risk Management/Human Resources Department Director who shall

make arrangements for the re-examination of the disabled employee with the Worker's Compensation carrier or authorized physician. The results of the re-examination shall be made available to the Department Director and the City Manager/Designee for final action. The City will pay for the cost of this examination.

22.10 Absence Without Leave:

An absence of an employee from duty including an absence for a single day or part of a day that is not authorized by specific grant of leave of absence under the provisions of these rules, nor authorized by prior Department Director approval, shall be deemed to be an absence without leave. Any such absence shall be without pay and may result in disciplinary action.

Any employee who is absent for three (3) consecutive work days without leave shall be deemed to have voluntarily resigned without appropriate notice. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

22.11 Education Leave:

An employee may request a leave of absence for educational purposes, if it is determined that the educational pursuits are job related and would improve the job performance of the employee in this present or career related promotional position.

The City Manager/Designee will review and approve, at his discretion, educational leave requests.

22.12 Family And Medical Leave:

Eligible employees may be entitled to leave under the FMLA. Employees should refer to the FMLA policy provided to all employees and direct any questions regarding the policy to Human Resources.

SECTION 23

SICK LEAVE

23.1 Eligibility:

Full-time, regular employees accrue sick leave credits at the rate of one (1) work day per month.

Sick leave may be taken after the employee has successfully completed one hundred and eighty (180) calendar days of service.

Evidence of malingering or the abuse of this benefit will constitute grounds for prompt dismissal or disciplinary action by either the Department Director or the City Manager/Designee.

23.2 **Charging Leave:**

Sick leave time shall be charged to the employee for the actual time the employee is away from work.

Sick time will be charged in one half (1/2) hour minimum increments.

If a holiday occurs while an employee is out on authorized sick leave, the leave shall be charged to holiday time and not to sick leave time.

23.3 **Request For Leave:**

To receive compensation while absent on sick leave, the employee shall notify his or her immediate supervisor or Department Director no later than one (1) hour after the start of the work day or shift or when the offices open.

Public safety employees (police and fire) must call in at least one (1) hour prior to the start of the day or shift.

All employees are expected to report to work on time each day unless notification is given to the supervisor or Department Director as set forth above.

A Department Director may request a doctor's certificate to verify the illness and the need for sick leave for an absence of three (3) or more days.

23.4 **Use of Sick Leave:**

Sick leave may be granted for the following purposes:

Personal injury, pregnancy or illness not connected with work.

Medical, dental, optical or chiropractic examination or treatment.

Exposure to a contagious disease which would endanger others.

To care for family members.

23.5 **Accrual of Sick Leave:**

Sick leave may be accumulated for an indefinite total. However, once an employee has accumulated sixty (60) days sick leave, the employee will have the option in September of each fiscal year to either bank the sick leave accumulated in that fiscal year, be reimbursed for those days over sixty (60) days, or the employee may elect to take all the sick days accrued above the sixty (60) day bank. When an employee has accumulated the sixty (60) sick leave days and options to be reimbursed, an employee can only be reimbursed those days accumulated in that particular fiscal year.

23.6 Sick Leave Payment:

An employee may apply unused sick leave toward retirement.

All unused sick leave accumulated will be compensated to the employee at the time of resignation if ten (10) working days advance written notice is given or at retirement at the current base rate of pay.

All accrued sick leave of an employee who dies while in the service of the City shall be paid in cash to the spouse or estate of the employee.

The requirement of ten (10) working days notice of intent to resign may be waived with the recommendation of the Department Director and approval of the City Manager/Designee due to circumstances and any unused sick leave will then be compensated to the employee at the current rate of base pay.

SECTION 24

FITNESS FOR DUTY EXAMINATIONS

Employees returning from an period of absence exceeding thirty (30) calendar days, may be required to submit to a physical and/or psychological for duty examination prior to returning to work, at the City's expense, and as permitted by applicable State and Federal laws. The ultimate determination as to whether such an examination will be required is left to the City Manager/Designee.

SECTION 25

EDUCATIONAL INCENTIVE PLAN

The City Manager/Designee may approve requests for reimbursement of tuition costs on a case-by-case basis. In all instances, the course work for which the employee is requesting reimbursement must be relevant to the skills required for the employee's job.

Reimbursement, if approved by the City Manager/Designee, will be for the tuition costs upon successful completion of course work on the following basis:

1. **A or equivalent - 100% reimbursement**
2. **B or equivalent - 75% reimbursement**
3. **C or equivalent - 50% reimbursement**

Reimbursement will be made upon presentation of evidence showing proof that the above requirements have been met.

If the City pays tuition costs for an employee, he/she must remain in the City's employment for at least one (1) year after receiving a degree or he/she will be required to reimburse the City all or part of the tuition costs.

SECTION 26

SEPARATION FROM CITY EMPLOYMENT

26.1 Types of Separation:

Separation from positions in the City service are designated as one of the following types:

1. Resignations
2. Retirement
3. Disability
4. Death
5. Reduction in force (lay-off).
6. Dismissal

26.2 Resignation:

Resignation is the separation of an employee from the City service through the submittal of a notice that he/she wishes to resign.

Employees wishing to leave the City service in good standing shall notify their immediate supervisor at least ten (10) working days before leaving. Failure to do so may cause the City to deny such employee re-employment by the City and may result in the employee forfeiting sick and annual (vacation) leave accrual payment. Employees who are terminated involuntarily or who fail to provide the ten (10) working days notice prior to resigning shall forfeit all unused annual (vacation) leave.

The requirement of ten (10) working days notice of intent to resign may be waived with the recommendation of the Department Director and the approval of the City Manager/Designee due to the particular circumstances. Unused sick and annual (vacation) leave will then be compensated at the current rate of base pay.

Unauthorized absences from work for a period of three (3) working days will be considered as the employee's voluntary resignation.

26.3 Retirement:

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

26.4 Disability:

For any good reasons, a Department Director may request that the City Manager/Designee have an employee under their jurisdiction examined by a physician designated by the City. If a disability of any kind is discovered which impairs the effectiveness of an employee or makes continuance on the job a danger to themselves or others, the following action shall be taken:

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

26.5 Death:

Separation shall be effective as of the date of death. All compensation and benefits to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse or to the estate of the employee as determined by law or by executed forms in the employee folder.

26.6 Reduction in Force (Layoff):

When it becomes necessary to reduce the number of employees within a given class through lack of funds, work or other causes, employees shall be laid off as follows:

Emergency, temporary, part-time, seasonal or provisional employees.

Probationary employees - new.

Classified employees.

A layoff is a termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or material change in the duties of the organization or a department.

The City will offer recall to laid off employees by certified mail to the last known address. If the laid off employee fails to report to the City Manager/Designee his/her intentions of returning to work within five (5) working days after receipt of the certified notice, his/her tenure of service shall be broken.

Recall will be offered to laid off employees provided they are qualified to perform the duties of the job and who have been laid off for less than three hundred and sixty-five (365) calendar days. A laid off employee, who is temporarily unable to accept due to medical reasons when offered reinstatement, may request a leave of absence not to exceed thirty (30) working days.

26.7 **Dismissal:**

With the exception of non-bargaining unit supervisors, Department Directors, Assistant Department Directors, and Division Directors, employees may only be dismissed for just cause. Department Directors, Assistant Department Directors, Division Directors and non-bargaining unit supervisors are at-will employees and may be dismissed at any time, for any legal reason. Dismissal may result in the employee forfeiting sick and annual (vacation) leave accrual payment.

26.8 **Exit Interview:**

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

Each employee who separates from service with the City must complete an exit interview form. The exit interview form is to be given to each employee who resigns from the City at the same time he/she receives the final paycheck. The completed exit interview form is to remain with the Human Resources Department and utilized as a management tool.

26.9 **Return of City Property:**

At the time of separation, all records, books, assets, uniforms, keys, tools and any other items of City property in the employee's custody shall be transferred to the department and certification to this effect shall be made by the Department Director.

26.10 **References:**

All requests for employment references shall be referred to Human Resources. The only information that the Human Resources Department will provide in response to a reference request will be the employee's dates of employment and last position held with the City, and that the City employee's personnel file is available for inspection.

SECTION 27

SAFETY/WORKERS' COMPENSATION

27.1 Accident Prevention:

The development of safe working conditions, practices, habits and thinking are the objectives of our City Safety Program. Reaching those objectives will result in benefits to all employees and to the City. Accidents, injuries, disabilities, damages, lost time and pay, claims and medical expense and improper and dangerous use of equipment are all occupational problems which will be improved by efforts of all employees.

All Department Directors, supervisors and employees must recognize their responsibilities for a successful safety program and will participate in the development, implementation and improvement of this program. Supervisors must have a continuing concern with all possible operational economics. Inadequate safety training and improper equipment handling and neglect can increase costs, cause accidents and reduce available manpower.

27.2 Accident Reporting:

All employees must immediately report to their supervisor or Department Director all injuries that occur on the job. Delay in reporting injury can cause complications of the injury and delay recovery. Department Directors or supervisors must report all injuries immediately to the City Manager/Designee.

In the case of all vehicular accidents that occur on the job, the appropriate law enforcement agency, the employee's Department Director and the City Manager/Designee shall be notified immediately. Employees are not to leave the scene of an accident occurring on the job until law enforcement arrives and completes a report.

In case of serious injury or fatality, the appropriate law enforcement agency and the Risk Manager shall be notified immediately.

27.3 Worker's Compensation.

When an on-the-job accident is determined to be in the course and scope of employment, Workers' Compensation may cover the cost for medical expenses and hospital care plus compensation for lost wages. All injuries, no matter how superficial they may appear, shall be reported immediately to the employee's supervisor or Department Director.

27.4 **Safety Equipment:**

The City will provide proper and necessary safety equipment and devices for employees engaged in work where such special equipment and devices are necessary. Such equipment and devices where provided must be used. Employees failing to utilize provided equipment or devices will be subject to disciplinary measures.

27.5 **Employee Safety Awards:**

The City may institute an employee safety award program. Safety awards may be made either to groups or individuals and will normally be made in recognition of praiseworthy or outstanding safety performance.

27.6 **Safety Program:**

Please refer to Ordinance No. 515 adopted by the City Commission on August 6, 1979.

SECTION 28

STANDARDS OF CONDUCT/DISCIPLINARY ACTION

28.1 **Intent:**

It is the intent of the City of Pembroke Pines that effective supervision and employee relations will avoid most matters which necessitate disciplinary action. The purpose of the rules and disciplinary action for violation of the rules is not intended to restrict the right of anyone but to insure the rights of all and secure cooperation and orderliness throughout the personnel system. The City will impose progressive discipline, where appropriate. However, depending upon the specific circumstances of each incident, progressive discipline may not be utilized. By way of example and not limitation, theft, sexual harassment, discriminatory conduct, fighting, carrying a weapon, with the exception of Certified Police Officers of the City of Pembroke Pines Police Department, intoxication, possession of illegal drugs or alcohol and any violation in accordance with the provisions of the Work Place Violence Policy, may all result in termination for a first occurrence without regard to previous disciplinary history.

In recognition of the fact that each instance differs in many respects from somewhat similar situations, the City retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases which may arise in the future.

The City retains the right to suspend any disciplinary action, which it may take during good behavior for a specified term at its exclusive discretion. Examples given in any rule do not limit the generality of the rules. The following rules and regulations are not to be construed as a limitation upon the retained rights of the City, but merely a guide.

28.2 **Forms of Discipline:**

The City may impose forms of discipline for a violation of a policy, rule or regulation. Progressive discipline shall be applied if warranted under the circumstances.

- Verbal reprimand
- Written reprimand
- Suspension
- Demotion
- Dismissal

28.3 **Illustrative Types of Offenses:**

1. Operating, using or possessing tools, equipment or machines to which the employee has not been assigned or performing other than assigned work.
2. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
3. Taking more than specified time for meals or rest periods.
4. Productivity or workmanship not up to required standards or performance.
5. Habitual failure to punch own time card. (Guide: three (3) times in a thirty (30) day period).
6. Unacceptable tardiness. (Guide: more than three (3) times in any consecutive thirty (30) day period).
7. Excessive Absenteeism. (Guide: more than three (3) unexcused absences at any time during a rolling three (3) month period).
8. Violating a safety rule or safety practice, including failing to utilize provided protective equipment.
9. Failure to report an accident or personal injury in which the employee was involved while on the job.
10. Failure to report the loss of a City identification card immediately to the Department Director.
11. Failure to correct unsatisfactory work performance for which the employee is primarily responsible.
12. Threatening or abusive language used toward fellow employees or supervisors at any time.

13. Intimidation, physical threats, fighting or instigating fighting on City property.
14. Possession of firearms, explosives or other weapons on City premises, with the exception of Certified Police Officer of The City of Pembroke Pines.
15. Insubordination.
16. Gambling in any form while on City premises.
17. Reporting to work under the influence of intoxicants, illegal drugs or narcotics, bringing intoxicants, illegal drugs or narcotics onto City property, including parking areas, or using such substances while on duty.
18. Carelessness or neglect of duty in carrying out assignments or instructions from those in authority.
19. Sexual or other unlawful harassment or discrimination.
20. Possession, distribution or sale of illegal drugs.
21. Failure to work prearranged overtime, special hours or special shifts after being scheduled according to overtime and standby policy, or failure to report when called back to work.
22. Leaving post at the end of a scheduled shift without being relieved by the supervisor of the relieving employee on the incoming shift for those departments operating on a twenty-four (24) hour basis.
23. Misusing, destroying or damaging any City property or property of another employee.
24. Receipt from any person or participation in any fee, gift or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
25. Punching the time card of another employee, soliciting another employee to punch ones time card or unauthorized altering of a time card.
26. Falsification of personnel or City records, including employment applications, accident records, work records, purchase orders, time sheets or any other report, record or application.
27. Theft or removal of City property or property of any employee.

28. Permitting another person to use an employee's City identification, using another person's or altering a City identification card.
29. Concerted curtailment, restriction of production or interference with work in or about the City's work stations including, but not limited to, instigating, leading or participating in any walkout, strike, sit-down, stand-in, slow-down or refusal to return to work at the scheduled time for the scheduled shift.
30. Participation in a strike against the City.
31. Violation of departmental rules.

NOTE: This list of offenses is not a complete list of all activities which will be considered as improper conduct. The City reserves the right to discipline an employee for just cause, up to and including dismissal, regardless of whether or not the conduct or performance is described in this list.

SECTION 29

EMPLOYEE APPEAL PROCEDURE

RIGHT TO PREDETERMINATION HEARING:

Prior to a final determination of any suspension without pay, a demotion, or a termination, the City shall conduct a predetermination hearing. The predetermination hearing shall be conducted by the appropriate Assistant City Manager. The employee shall be provided with reasonable notice of the predetermination hearing date and of the charges, which are the grounds for the disciplinary action. The employee may be accompanied and assisted at the predetermination hearing by a representative of his or her choice. The employee shall be afforded the opportunity to present information in defense or mitigation to the charges brought against the employee.

Following the predetermination hearing and any further investigation into issues raised by the employee in defense or mitigation of the charges, the Assistant City Manager shall make a recommendation to the City Manager/Designee either to sustain, reverse, or modify the disciplinary action.

EMPLOYEE APPEALS

1. Employees serving an initial probationary period shall not have the right to appeal any type of disciplinary action. Employees serving a promotional probationary period shall have the right to appeal any type of disciplinary action, but may not contest a demotion during the probationary period.

2. Regular employees may respond to discipline actions of oral reprimand and written reprimand by requesting administrative review by the appropriate Assistant City Manager. Such request shall be made, in writing, within ten (10) working days of the imposition of the discipline. The Assistant City Manager shall review the disciplinary action in question and shall recommend to the City Manager/Designee either to sustain, reverse, or modify the disciplinary action. The City Manager/Designee's disposition shall be made within thirty (30) days of the employees request for review. The City Manager/Designee's disposition is final and not subject to further review.

Regular employees have the right to appeal any suspension without pay, demotion or dismissal, by requesting binding arbitration within ten (10) working days of the employee's receipt of the formal written notification of suspension, demotion or dismissal.

3. Employee covered by a Collective Bargaining agreement may elect to proceed under the Grievance and Arbitration provisions of the applicable Collective Bargaining Agreement. They may not proceed under both processes.

BINDING ARBITRATION

1. The City shall retain the services of Broward County court certified mediation service for the appointment of an appeals referee to review the employee's appeal. To insure the neutrality of the appeals referee the mediation service shall designate one of their members to serve as an appeals referee without input or consultation with the City, employee, or the employee's Union. A hearing before the referee shall be scheduled within sixty (60) days of the date of appointment of the referee. Continuances shall be granted for good cause.
2. The decision of the referee shall be made within twenty (20) working days following the close of the arbitration or submission of written briefs, whichever occurs last.
3. The decision of the referee is binding and final.
4. The referee may modify the discipline.
5. The referee's charges, including fees and costs, shall be divided and paid equally by the City and the Employee, if the Employee is not the member of a bargaining unit, or is a member of a bargaining unit and is not a member of the Union or is not represented by the Union. In the event an Employee is represented by the Union, the Referee's charges, including fees and costs, shall be divided and paid equally by the City and the Union. In any event, each party shall be responsible for their own attorney's fee, if any.

SECTION 30

RECORDS AND REPORTS

30.1 Responsibility:

The City will establish and maintain comprehensive central personnel records of all City employees. These records shall be known as the official records on all employees.

30.2 Records:

All personnel records of employees of the City covered under the personnel management system and all other records and materials relating to the administration of personnel shall be considered the official records of the City. It shall be the decision of the City Manager/Designee as to the use, maintenance and disposition of such records and material and as to whether or not any information contained therein may be disclosed in accordance with applicable laws.

Employees should be aware of the importance of keeping their personnel records current.

This means immediately notifying the Human Resources Department of any changes - such as change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage, any change of status not previously reported, that was originally given at time of employment. This is the responsibility of the employee and failure to comply may result in loss of employee benefits.

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

30.3 Records Retention and Disposition:

The City Clerk determines the time limit in accordance with law that any personnel records shall be kept on file and the final disposition of such records in accordance with applicable laws.

30.4 Right to Review:

Any record or document relating to an employees job performance or any disciplinary action, whether proposed or imposed, shall not be placed in an employee's Personnel File, before the employee is given the opportunity to see the document and given the opportunity to sign a acknowledgment that an opportunity was given to review the record or document. In the event an employee given the opportunity to review a record or document refuses to sign the acknowledgment, such refusal shall be noted on the record or document prior to placement in the employee's File.

SECTION 31

DRUG-FREE WORKPLACE

The City is a drug-free workplace. The City's Drug-Free Workplace Policy is provided to each employee. Any employee with questions regarding the policy should address such questions to Human Resources.

The City's drug-free workplace policy allows for reasonable suspicion drug testing. An employee who is requested to submit to a reasonable suspicion drug test shall submit to testing without delay. An employee who submits to testing does not waive his/her right to challenge the order to submit or the test result. An employee who refuses to submit to a test when ordered, or delays the test is subject to dismissal.

SECTION 32

COMPUTER AND INTERNET USAGE

City computers, and the programs and applications loaded onto the computers, are solely the property of the City. The use of City computers and the Internet is limited to legitimate, ethical City business purposes only. This equipment is not to be used for personal use, and personal data is not to be stored on the hard drive of any City computer.

The City reserves the right to monitor all computer and Internet usage. Employees do not have a privacy interest in Internet usage or in any information stored on a City computer hard drive. Any information contained on the hard drive of a City computer is the property of the City and can be scanned and purged at the City's discretion in accordance with the law.

The City reserves the right to monitor Internet usage, including the amount of time spent on the Internet, as well as the content of information viewed or downloaded. Employees are not to use the Internet to access, view or download inappropriate materials, including harassing or offensive materials, or materials that disparage or demean persons based on sex, race, ethnicity, national origin, religion, disability, marital status, or age.

The City purchases and licenses the use of various computer software for business purposes only and does not own the copyright to the software or its related documentation; therefore, employees cannot share computer software among computers in the office, nor can they copy it for home use.

Violation of any of these policies is a basis for discipline, up to and including dismissal.

SECTION 33

E-MAIL

The e-mail system is solely the property of the City and may be used only for legitimate, ethical business purposes. Personal use of the City e-mail system is strictly prohibited. Employees do not have a privacy interest in the e-mail system, or in any messages sent via e-mail. The e-mail system and any messages in the system may be monitored by the City and are a matter of public law.

The City prohibits e-mail messages containing offensive material, remarks based on sex, race, ethnicity, national origin, religion, disability, marital status, or age, off-color remarks or jokes, or disparaging statements about any employee or supervisor. The e-mail system may not be used as a means to solicit for outside commercial ventures, or for religious or political causes, outside organizations or other non-business matters. The City is not responsible for the content of e-mail messages.

The City will only accept e-mail communications relating to absences, tardiness, personnel/personal issues, or financial matters in those departments that specifically authorize in writing receipt of e-mail communications.

Violation of any of these policies is a basis for discipline, up to and including dismissal.

SECTION 34

WORKPLACE VIOLENCE

34.1 Purpose:

The City does not tolerate acts of workplace violence committed by or against employees. The City strictly prohibits employees from making threats or engaging in violent acts.

NOTE: This is a zero-tolerance policy, meaning that the City disciplines or dismisses every employee found to have violated this policy.

34.2 Prohibited Conduct:

Prohibited conduct includes, but is not limited to:

Injuring another person physically;

Engaging in behavior that creates a reasonable fear of injury in another person;

Engaging in behavior that subjects another individual to extreme emotional distress;

Possessing, brandishing, or using a weapon while on City premises or engaged in City business;

Damaging property intentionally;

Threatening to injure an individual or damage property; and

Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

34.3 **Identifying And Responding to Risks:**

The City identifies and responds to workplace violence hazards as follows:

➤ **Threat assessment:**

The Department Director of Human Resources appoints a threat assessment team to assess the City's vulnerability to violence and determine the appropriate preventative measures. The team annually reviews the workplace to identify existing or potential violence hazards. The worksite review should include, but not be limited to, inspecting security measures, analyzing records of violent incidents and monitoring trends, and conducting screening surveys to learn about employees' security concerns.

The Human Resource Department maintains records of all threats and incidents of violence committed against employees. Access to such records is on a need-to-know basis only as provided under Chapter 119.

➤ **Security planning for at-risk employees:**

Some employees are known to be at risk for violence because of the nature of their jobs. Other employees can be at risk because they are subject to violence, threats, or harassment from a current or former spouse or partner or other non-employee. Human Resource and Security personnel work with at-risk employees and their supervisors to develop safety plans that address the specific risks the employees face while at work.

➤ **Pre-hire screening:**

The Human Resource Department will take reasonable steps to review job candidates' backgrounds to determine if they have a history of committing violent acts or making threats. Pre-hire screening generally consists of reference checks with prior employers, but the screening can include rigorous background investigations for safety-sensitive positions and positions involving extensive, unsupervised contact with the public.

34.4 **Guidelines for Handling Violent Situations:**

The Human Resource Department maintains and distributes to all employees detailed guidelines and procedures for handling workplace violence and threats. The Human Resource Department is responsible for periodically reviewing the guidelines to ensure that they are adequate and up-to-date.

34.5 **Support for Victims of Violence:**

Victims of violent incidents in the workplace might have to contend with a variety of medical, psychological, and legal consequences. The City accommodates victims of workplace violence by:

Referring victims to appropriate community resources, such as medical centers, counseling services, victim advocacy groups, legal aid, and domestic violence shelters;

Providing flexible work hours or short-term or extended leave;

Cooperating with law enforcement personnel in the investigation of the crime; and providing a debriefing for employees 24 to 48 hours after a serious violent occurrence to explain what happened and what steps are being taken by the City to support affected employees.

34.6 **Enforcement:**

Human Resource and Security personnel shall immediately investigate any reported violence, harassment, or threats committed on City premises.

All employees who commit violent acts or who otherwise violate this policy are subject to corrective action or discipline, up to and including termination of employment.

The City will seek the prosecution of all of those who engage in violence on its premises or against its employees while they are engaged in City business.

SECTION 35

RECOGNITION AND INCENTIVE COMPENSATION

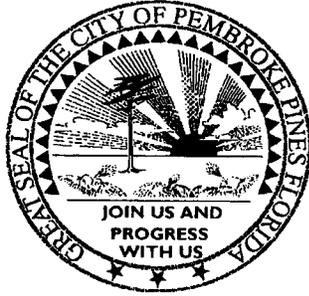
The City has and continues to plan and complete innovative programs and projects to best promote the health, safety and welfare of the citizens and residents of the City. In accordance with Section 166.021(7), Florida Statutes, as amended from time to time (the "Statute"), the City Manager, or his designee, is authorized to provide for additional compensation, which may be awarded to exempt employees of the City who demonstrate exceptional performance and extraordinary effort in initiating, implementing and in successfully completing certain projects and programs consistent with this section. The City Manager is further authorized to develop applicable administrative policies to promote such compensation in accordance with this section and the Statute.

CITY OF PEMBROKE PINES

CITY POLICIES

INDEX

SECTION	PAGE
Section 36 - CITY POLICIES	
COMPUTER & INTERNET POLICIES	56
DRUG FREE WORKPLACE POLICY	57
EMPLOYEE ASSISTANCE PROGRAM POLICY	58
FAMILY MEDICAL LEAVE POLICY	59
SAFETY ORDINANCE POLICY	60
SEXUAL HARASSMENT POLICY	61
WORKER'S COMPENSATION POLICY	62
WORKPLACE VIOLENCE POLICY	63



**CITY OF PEMBROKE PINES
COMPUTER & INTERNET POLICIES**

City of Pembroke Pines
General Policy on the Use of Computers and Data
Communications

I. PURPOSE

The City of Pembroke Pines provides computer access and capabilities through Information Technology Services. The City of Pembroke Pines relies heavily upon these systems to meet operational, financial, and informational needs. It is essential that the City's computer systems, and computer networks, as well as the data they store and process be operated and maintained in a secure environment and in a responsible manner. It is critical that these systems and machines be protected from misuse and unauthorized access. This policy applies to all City of Pembroke Pines computer systems and refers to all hardware, data, software, and communications networks associated with these computers. In particular, this policy covers computers ranging from server systems to single user personal computers, whether stand-alone or connected to the network. In addition to this computer policy, users of these computer systems are subject to applicable state and federal laws. Computer abuse will be referred to the Director of Information Technology Services, the City Manager's office and the appropriate Department Head. Computing resources are valuable, and their abuse can have a far reaching negative impact. Computer abuse affects everyone who uses computing facilities. The same morality and ethical behavior that applies in the non-computing environment applies in the computing environment.

II. DEFINITION OF TERMS

A. Computer Systems: Computer systems including any microcomputer (stand-alone or networked), workstation, min-computer, or mainframe computer used by this city or accessible by way of networks, at other locations, computer equipment, computer software, computer accounts, and computer data.

B. The term "computer equipment" will be defined as all electronic and mechanical devices and components connected to the City of Pembroke Pines computer network or connected to City-owned microcomputers.

C. The term "computer software" will be defined as all computer software, City-owned or otherwise.

D. The term "computer data" will be defined as all data residing on City-owned computer equipment.

E. The term "computer account" will be defined as user-IDs, passwords, and other related security information used to authorize access to the computer system.

F. Computer Networks: Computer networks include any local or wide area communications systems connecting computer systems as defined above.

G. Local Area Networking Media: Local area networking media may consist of copper wire, fiber optic cable, thin or thick cable which is used to connect one terminal, microcomputer, workstation, etc. to another or to network interface equipment.

H. Internet: A vast international computer network of many component networks. It contains the ability for electronic mail (e-mail), network news, file and image transfer and information browsing.

I. World Wide Web- (WWW): The more graphical based component of the internet that encompasses many thousands of text, graphic, audio and video files interlinked throughout the world.

III. COMMON FORMS OF COMPUTER ABUSE

Misuse or abuse of computers, computer systems, computer networks, programs and data are prohibited. The following topics are considered areas of abuse:

A. PRIVACY: Violations include, but are not limited to:

- (1) Attempting to access another user's computer files without permission;
- (2) Supplying or attempting to supply false or misleading information or identification in order to access another user's account;
- (3) Deliberate unauthorized attempts to access or use City of Pembroke Pines computers, computer facilities, network systems, programs, or data;
- (4) The unauthorized capturing of computer network data directly from network backbone or local area networking media;
- (5) Knowingly or carelessly running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network. This includes programs known as computer viruses and worms.
- (6) Attempting to circumvent data protection schemes or uncover security loopholes and/or decrypt intentionally secure data.

B. HARASSMENT: Harassment of other users may be sending of unwanted messages or files. Violations include, but are not limited to:

- (1) Interfering with the legitimate work of another user;
- (2) The sending of abusive or obscene messages via computers;
- (3) Displaying sexually explicit, graphically disturbing, or sexually harassing images or text in a public computer facility, or location that can potentially be in view of other individuals.

C. THEFT: Theft includes the stealing of any property of the City of Pembroke Pines. Violations include, but are not limited to:

- (1) Abusing specific computer resources, such the INTERNET or the World Wide Web (as described in other publications);
- (2) Attempting unauthorized access to computers outside the City of Pembroke Pines using the City of Pembroke Pines computers or communications facilities;

- (3) Removing any computer equipment (hardware, software, data, etc.) without written authorization;
- (4) Copying, or attempting to copy, data or software without proper authorization;
- (5) Violating terms of applicable software licensing agreements or copyright laws.

D. **VANDALISM:** Any user's account, as well as the operating system itself, is a possible target for vandalism. Attempted or detected alteration of user system software, data or other files, as well as equipment or resources disruption or destruction, is considered vandalism.

Violations include, but are not limited to:

- (1) Sending either mail or a program which will replicate itself or do damage to another user's account;
- (2) Tampering with or obstructing the operation of the City of Pembroke Pines computer systems (for example, attempting to "crash" the system);
- (3) Inspecting, modifying, or distributing data or software without proper authorization or attempting to do so;
- (4) Attempting to interfere with the performance of the system;
- (5) Damaging computer hardware or software;
- (6) Deliberately wasting/overloading computing resources. This includes, but is not limited to, printing multiple copies of a document or printing out large documents that may be available on-line, or that might impact significantly on other users printing resources.
- (7) Storing large files on the system which could compromise system integrity or preclude other user's right of access to disk storage. The IT staff may remove or compress disk files that are consuming large amounts of disk space, with or without prior notification.

E. **UNAUTHORIZED BUSINESS USAGE:** Unauthorized Business Usage includes any use of City of Pembroke Pines resources for promoting or conducting business for personal use. Violations include, but are not limited to:

- (1) Sending mass mailings
- (2) Using computer accounts for work not authorized for that account
- (3) Using your account for any activity that is commercial in nature. Commercial activities include, but are not limited to, consulting, typing services, and developing software for sale.

F. **COPYRIGHT ISSUES:** The City of Pembroke Pines owns licenses to a number of proprietary programs. Users who redistribute software from the computing break agreements with its software suppliers, as well as applicable federal copyright, patent and trade secret laws. Therefore, the redistribution of any software from computing systems is strictly prohibited except in the case of software, which is clearly marked as being in the public domain. Violations include, but are not limited to copying, transmitting, or disclosing data, software or documentation without proper authorization.

G. **MISCELLANEOUS:** Other users commonly considered unethical, such as:

- (1) Unauthorized and time consuming recreational game playing;
- (2) Using computer accounts for work not authorized for that account;
- (3) Sending chain letters or unauthorized mass mailings;
- (4) Using the computer for any illegal purposes.

IV. PROHIBITIONS

City of Pembroke Pines employees are prohibited from participation either directly or indirectly in the following activities:

- A. Use of any computer equipment, computer software, computer data, or computer accounts for unauthorized, illegal, or personal purposes.
- B. Unauthorized possession, duplication, distribution, or installation of computer equipment, computer software, computer data, or computer account information.
- C. Knowingly gaining access, attempting to gain access or circumvent security, or allowing unauthorized access to computer equipment, computer software, computer data, or computer accounts.
- D. Unauthorized addition, deletion, or alteration of computer software, or computer accounts.
- E. Knowingly introducing a set of instructions, programmatic or otherwise into computer equipment so as to cause damage to computer equipment, computer software, or computer data.
- F. Unauthorized connecting, disconnecting, tampering, or making changes to physical components of computer equipment.
- G. Unauthorized changes to computer equipment operating system settings.
- H. Failure to respect all copyrights, proprietary rights, or software licensing agreements of computer software or computer data.
- I. Using computer equipment or computer software for the purposes of eavesdropping.
- J. Sending electronic mail in such a way that it appears to be sent by another person.
- K. Anonymous use or use of pseudonyms on a computer system to escape responsibility for their actions or to escape from prosecution of laws and regulations.
- L. Sending obscene, harassing, threatening, or defamatory email.
- M. Failure to protect the confidentiality and privacy of computer data.
- N. Failure to retain computer data in accordance with Florida Public Records Law and State retention scheduled for public records.
- O. Failure to notify Data Processing if an employee suspects someone of violating this policy.

V. COMPUTER USAGE GUIDELINES

A. Users are to have valid, authorized accounts and may only use those computer resources which are specifically authorized. Users may only use their account in accordance with its authorized purpose. Users are responsible for safeguarding their own computer account. Users should not let another person use their account unless authorized by the system administrator for a specific purpose. Passwords should be changed often to ensure that private and secure files are kept secure.

B. Users may not change, copy, delete, read, or otherwise access files or software without permission of the custodian of the files or system administrator. Users may not bypass accounting or security mechanisms to circumvent data protection schemes. Users may not attempt to modify software except when intended to be user customized.

C. Users may neither prevent others from accessing the system nor unreasonably slow down the system by deliberately running wasteful jobs, playing games, engaging in non-productive or idle chatting, or sending mass mailings or chain letters.

D. Users shall assume that all software is copyrighted. They may neither distribute copyrighted material without the written consent of the copyright holder nor violate copyright or patent laws concerning computer software, documentation or other tangible assets.

E. Users must not use the computer systems to violate any regulations of the City of Pembroke Pines or any state or federal laws.

F. A user shall disclose to the appropriate authorities misuses of computing resources of potential loopholes in computer systems security and cooperate with the City of Pembroke Pines in the investigation of abuse. **In connection with inquiries into possible abuses, the City of Pembroke Pines reserves the right to examine files, programs, passwords, accounting information, printouts or other computing material without notice.**

VI. PENALTIES

Abuse or misuses of computing services may not only violate this policy, but it may also violate the criminal statutes. Therefore, the City of Pembroke Pines will take appropriate action on response to user abuse or misuse of computing services. Action may include, but not necessarily be limited to:

- (1) Disciplinary action of the offending computer user by the City of Pembroke Pines;
- (2) Reimbursement to the City of Pembroke Pines for resources consumed;
- (3) Other legal action including action to recover damages;
- (4) Referral to law enforcement authorities.

VII. DISTRIBUTION OF THIS POLICY

The City of Pembroke Pines will insure that all users are aware of the policy by publishing it in appropriate media designed to reach all employees of the City.

INTERNET POLICIES AND GUIDELINES

POLICIES AND GUIDELINES ON THE USE OF CITY INFORMATION SYSTEMS

I. Purpose/Scope

The City of Pembroke Pines ("City") is making every effort to provide its employees with the best technology available to conduct the City's official business. In this regard, the City has installed, at substantial expense, equipment such as computers and advanced technological systems such as electronic mail (e-mail) for use to conduct its official business. This document was created to advise all users regarding the access to and the disclosure of information created, transmitted, received and stored via the use of the Internet, City e-mail, and other Computer systems (collectively referred to as the "City's information systems"). For the purposes of these policies and guidelines, the City's information systems do not include those computer systems designed to be confidential, so long as they are not put on the Internet or Web.

The City's policy regarding the use of the Internet and e-mail, is amount other things, intended to guide you in the performance of your duties as a City employee. It is also intended to place you on notice that you should not expect the Internet or e-mail in your possession or those that you use from time to time, and their contents, to be confidential or private. All data, including any that is stored or data printed as a document is subject to audit and review. **THERE IS NO EXPECTATION OF PERSONAL PRIVACY IN THE USE OF THE INTERNET AND E-MAIL.** **No expectation of privacy- All computers and related equipment are property of the City. The City provides computers and related equipment to employees for use and performing their job functions and for business purposes. As such, employees shall have no expectation of privacy when using City computers and/or related equipment for any purpose. Employees shall not have any expectation that any material or data contained in any portion of the computer or related equipment, which includes email messages and history of Internet use, will be either private or confidential, and as a condition of employment, to the City's interception of all such material, data, and communications.**

Accordingly, the City reserves the right to monitor Internet use, all e-mail, and other computer transmissions, as well as any stored information, created or received by City employees with the City's information systems. The reservation of this right is to ensure that public resources are not being wasted and to ensure that public resources are not being wasted and to ensure that the City's information systems are operating as efficiently as possible in order to protect the public interest. All computer applications, programs, work-related information created or stored by employees on the City's information systems, are City property.

The use of public resources for personal gain and/or private use, such as but not limited to, outside employment, or for political campaign purposes by City employees is prohibited and punishable by disciplinary action. Such disciplinary action may include termination and/or criminal prosecution depending on the nature and severity of the transgression. The term public resource as used in this policy includes not only the unauthorized use of equipment, hardware, software or other tangible articles, but also the employee time spent engaging in the unauthorized use while on duty.

The Florida Public Records Act (FPRA) requires the City to make all public records available for inspection and to provide copies upon request. A public record is any writing (which includes electronic documents) relating to the conduct of the public's business prepared, owned, used, or retained by the City. The FPRA includes a number of exceptions from the disclosure requirement. Any information on the City's information system may be subject to disclosure under FPRA. If there is some doubt, the employee should contact his or her department management, or through proper channels, the City Attorney for advise as to whether the information is a public record.

This document addresses general Citywide Internet policies, specific issues related to appropriate content and use of departmental pages, and employee use of the Internet and e-mail. All departments and employees are required to follow these general policies and guidelines. Specific departments may have unique requirements and are encouraged to develop policies to cover those issues. The law and associated policy regarding the use of Internet, e-mail, and voice mail are continually evolving. Accordingly, review of the policies and guidelines will occur with regularity, and changes shall be made as required.

All Department Heads and Division Directors are responsible for their respective employees' use of the Internet and for contents if their department's information presented using these media. Department and Divisions are encouraged to actively pursue electronic means of presenting information and services to the public.

ALL CITY EMPLOYEES WITH ACCESS TO EMAIL AND/OR THE INTERNET ARE REQUIRED TO READ, UNDERSTAND AND ABIDE BY THE CITY'S POLICIES.

II. City-Wide Internet Policy

The City of Pembroke Pines (City) encourages its departments to use the Internet to disseminate information to the public and its employees (collectively called "users") to improve communications with the public, and to carry out official business when such business can be accomplished consistent with the following Internet policies and guidelines:

- **Official City Business-** Use the Internet to accomplish official City business consistent with the City's mission. Official City business conducted via the Internet shall comply with all statutory requirements as well as standards for integrity, accountability, and legal sufficiency. Thus, official City business conducted via the Internet should meet or exceed standards of performance for traditional methods (such as meetings, use of telephone, etc.). Internet access for all employees must be authorized through the City Manager's Office.
- **Reasons to use the Internet-** Departments should base decisions to use the Internet on sound business practices. The conduct of business via the Internet is particularly compelling where costs are reduced and/or the services provided to the City's constituents are improved in measurable ways.
- **Ease of Use-** Information and services presented via the Internet should emphasize ease of use to reach the broadest audience and impart a friendly manner which would include clear choices, easy navigation, on-screen instruction, etc.

- **Information Management-** Disseminate information that is current, accurate, complete, and consistent with City policy. Information released via the Internet is subject to the same official City policies for the release of information via other media (such as printed documents), so that the information disclosed avoids potential problems with copyrights, trademarks, and trade secrets. Information accuracy is particularly important on the Internet. Whether paper-based information is often not current, information presented electronically is much easier to keep current. Constituents expect this information to be not only current but often to be the first available.
- **Privacy and Security-** Protect confidential and proprietary information entrusted to the City. Questions regarding confidential and proprietary information should be directed to the department head or his/her designee. City Management has the right to monitor and log all transactions in or out of the system.
- **Professional Image-** Use the Internet to promote a professional image for the City.
- **Official Use-** Internet resources are made available to City employees to support and promote official City business. It is inappropriate for employees to use these resources for personal use, private gain, to state as "city positions" those which are not officially endorsed by the City, illegal purposes or for inappropriate use as defined in these policies and guidelines. The department heads will be held responsible for the content of their Departments' websites, for ensuring that the information provided relates to their Department's official duties and responsibilities, and that its use is for official and not for personal purposes.

Accordingly, all City Departments should conduct all existing City business using the above policies.

III. City-wide Web Site Policies

A. Purpose

The external (or public) City of Pembroke Pines World Wide Web site is a fundamental communication tool for providing critical City information to residents and the world. The goal of the City of Pembroke Pines Web site is to encourage increased "user" participation in City government and to help create a more vibrant community for residents and visitors alike. The internal (Intranet) web sites provide fundamental and critical information to all employees to assist in accomplishing the City's mission.

Toward that end, the development and use of the City's sites are guided by the Web Site Policy.

B. Policies

- (1) The City's Information Technology Division (IT) is responsible for advising City departments regarding the creation and implementation of their respective Web sites, helping City departments to comply with the City's Web policies, and maintaining and securing the City's Web servers and Web site. It is the responsibility of department heads to ensure that departmental staffs adhere to the Web Site Policies.

(2) To preserve the public nature of the City's Web site and to avoid any perception that the City endorses or provides favorable treatment to any private person or business enterprise (hereinafter collectively referred to as "vendor"), no corporate or commercial logos or links to vendor sites will be allowed on the City's external Web site. When a service has been donated by a vendor that enables the development or maintenance of a City department's initial page (subject to approval from the City Manager's Office) and must include the following statement: "Acknowledgement of (xxxxx) on this page does not constitute the City's support or endorsement of its products or services."

This requirement does not supersede any other policies or regulations regarding donations. Department heads will be responsible for complying with those policies and regulations and seek any required approval for accepting such donations.

(3) Vendors that create or maintain a home page for any City department must follow all policies established for the City's web site.

(4) It is the City's intent to provide electronic access to its information through a logical single point of entry. For the Internet, this logical point of entry is the City's officially registered domain name and each City department or City organization is defined as a sub-area within the official domain. The registration of an individual domain name for a City department or a City-related organization is discouraged because each separate domain name fragments the single logical point of entry, would lead to public confusion, and would contribute to administrative, maintenance, and mail delivery problems. In addition, statistics would be more difficult to compile.

If a specific domain name is required for a City department, a request should be submitted to the Information Technology Steering Committee for review and recommendation to the City Manager. Upon approval by the City Manager, IT will process the registration request.

(5) The City's Web site is for "official use" only. All information disseminated through the City's Web site must be related to the official duties and responsibilities of employees and City departments.

(6) The Florida Public Records Act applies to information processed, sent and stored on the Internet. Confidential information should not be posted on the City's external Website. Each department head must approve all posted information. Questions regarding the Florida Public Records Act shall be routed through appropriate channels to the City Attorney.

(7) In addition to the requirements of policy six (6) above, each department head is responsible for the acceptability of the content contained in their respective Web sites.

(8) No City official's web site may be used for campaign-related purposes. No City employee or official may use any other City departmental Web site for campaign-related purposes. Such campaign-related purposes include, but are not limited to, the following: statements in support or opposition to any candidate or ballot measure; requests for campaign

funds or references to any solicitations of campaign funds; and references to the campaign schedule or activities of any candidate. The City Attorney is available to provide guidance and assistance to elected officials and their staffs in complying with this guideline. No City official's web site may link directly to the home page of the Office of the City Clerk's election-related pages. Further, the City Attorney is available to provide similar guidance and assistance to the City's department heads.

(9) To encourage participation in and heighten voter interest regarding City elections, the Office of the City Clerk will be responsible for providing candidate, ballot and voter information on its web site and will seek ways to provide similar election-related information via that site.

III. Employee's Internet Usage Policy

The following rules require strict adherence. Any infraction thereof could result in disciplinary action. Disciplinary actions range from verbal warnings to termination, the severity of the disciplinary action will be governed by the nature of the offense, prior disciplinary action and any legitimate mitigating circumstances that may exist.

(1) The use of Internet is restricted to "official City business". ~~Personal use and/or time spent for personal gain is strictly prohibited.~~ Authorization for Internet access must be obtained through the City Manager's Office. Once authorization is approved you are responsible for the security of your account password and you will be held responsible for all use or misuse of your account. You must maintain secure passwords and never use an account assigned to another user.

(2) Personal Use of Computers and Related Equipment- Use of City computers and related equipment is limited to performing job functions and for business purposes. Subject to the requirements of this policy, incidental and occasional personal use of the City computers and related equipment is permitted. However, any use of City computers and related equipment that interferes with or causes a delay in the performance of the employee's responsibilities or work shall be a violation of this policy. Moreover, such personal use shall conform with the City's standards of conduct for City employees, not violate any other City policies, or cause added expense to the City.

(3) Hacking is the unauthorized attempt or entry into any computer. Never make an unauthorized attempt to enter any computer. Such an action is a violation of the Federal Electronic Communications Privacy Act (ECPA) 18 U.S.C. § 2510.

(4) Sending threatening, slanderous, racially and/or sexually harassing messages is strictly prohibited.

(5) The representation of you as someone else, real or fictional or a message sent anonymously is prohibited.

(6) Never copy or transfer electronic files without permission.

(7) Never send, post, or provide access to any confidential City materials or information.

(8) Almost all data and software is subject to the Federal copyright laws. Care should be exercised whenever accessing or copying any information that does not belong to you. Software that requires purchase or reimbursement for its use, such as shareware, requires

strict adherence to the terms and conditions specified by the owner unless written permission for unrestricted use was obtained. When in doubt consult your department head or designee.

(9) You are obliged to cooperate with any investigation regarding the use of your computer equipment.

(10) Chain letters are illegal and may not be transmitted through e-mail.

(11) E-mail requires extensive network capacity. Sending unnecessary e-mail, or not exercising constraint when sending very large files, or sending to a large number of recipients consumes network resources that are needed for critical City business. When the City grants an individual employee access to the network, it is the responsibility of the employee to be cognizant and respectful of network resources.

V. Employee's Internet Usage Guidelines

A. Internet Sites

(1) If you are using information from an Internet site for strategic City business decisions, you should verify the integrity of that information. You should verify whether the site is updated on a regular basis (the lack of revision date might indicate out-of-date information) and that is a valid provider of the information you are seeking. Just because it is there does not mean that it is accurate or valid.

(2) IT has not control or responsibility for content on an external server not under the control of the City of Pembroke Pines. Information may be offensive and/or unsuitable for dissemination.

B. Electronic Mail (E-mail)

The following guidelines apply to the use of e-mail:

(1) ***MAIL ON THE INTERNET IS NOT SECURE***- Never include anything in an e-mail message that you want to keep private and confidential. E-mail is sent unencrypted and is easily read.

(2) Management has the right to access all e-mail files created, received or stored on City-funded systems and such files can be accessed without prior notification.

(3) Be careful if you send anything but plain ASCII text as e-mail. Recipients may not have the ability to translate other documents, for example Word or Word Perfect documents, or encoding in UUENNCODE or MIME

(4) Be careful when sending replies- make sure you are sending to a group when you want to send to a group and to an individual when you want to send to an individual. It is best to address directly to a sender(s). Check carefully the "To" and "From" before sending mail. It can prevent unintentional errors.

(5) Include a signature (an identifier that automatically appends to your email message) that contains the method(s) by which others can contact you (usually your e-mail address, phone number, fax number, etc.).

(6) For important items, let senders know you have received their e-mail, even if you cannot respond in depth immediately. They need to know their e-mail is not lost.

(7) Watch punctuation and spelling. It can reflect on your professionalism. Use automatic checking programs if available.

C. Internet Mailing Lists and Usenet News Groups

The e-mail guidelines apply here as well:

- (1) Actively disclaim speaking for the City of Pembroke Pines unless you have authority to do so. Note that if you use a City of Pembroke Pines system to post an article, the City's name is carried along with what you post in (at least) the headers. The "standard" disclaimers attached to many articles are meaningless if the reader finds the article offensive.
- (2) Be sure to change your mailing address if you account changes. Do not simply forward your e-mail from your old account to your new one. This creates a burden on the City's information systems. Be careful when using auto-reply features in e-mail when you belong to mailing lists. Auto-reply replies are often sent to the entire list indiscriminately and your reply may not be important to all on the list; e.g. most do not care that you are on vacation, and worse, your message may have been intended for only one recipient.
- (3) As a new member of a *news group*, monitor the messages for a while to understand the history and personality of the group. Jumping right into the discussion may make you look foolish if you lack background information.
- (4) Do not re-post any messages without permission. Even messages may have copyright protection.
- (5) Do not post personal messages to a mailing list or news group.
- (6) If you survey the group, as a courtesy, post a summary of the results.
- (7) Be sure to properly acknowledge with quotations any material borrowed from others. Be careful of plagiarism.
- (8) Do not post any messages anonymously. The professional community views this practice as bad form. As a matter of policy the USENET community and systems managers are asked to track down offenders.
- (9) Be careful when you re-post and requests. Some requests are fraudulent.
- (10) State the subject of your message clearly in the subject line.
- (11) Before joining mailing lists and news groups give thought to how much time these activities require.
- (12) Be sure to read the Frequently Asked Questions (FAQs) for your group(s).
- (13) Never send angry messages (flames). If you receive a "flame", do not overreact. Remember that not everyone is as polite as you are.

D. FTP (File Transfer Protocol)

These guidelines cover use of FTP (or download) sites:

- (1) Do not FTP to any system on which you do not have an account, or which does not advertise anonymous FTP services.
- (2) Observe working hours or posted hours for FTP sites. Most sites request that you not FTP between their local hours of 8am-5pm.
- (3) Do not FTP during your site's prime hours due to network impact on other users. (IT is exempt)

- (4) Observe any posted restrictions on the FTP server.

E. TELNET

These guidelines cover the use of TELNET:

- (1) Do not TELNET to machines on which you have no account, or where there is no guest account. Do not attempt to TELNET deliberately into anonymous FTP servers.
- (2) When you TELNET observe any posted restrictions.
- (3) Do not attempt to TELNET into ports without authorization.

F. Netiquette

These are Netiquette (see Glossary) guidelines:

- (1) Be cognizant of system etiquette. The computer you may use may have limits regarding disk space usage. E-mail takes up space; therefore, you should regularly delete and/or archive any messages you wish to save.
- (2) Remember that the recipient is a person with feelings. Since they cannot see you, they may not know when you are joking. Be sure to include visual or verbal clues. Convention indicates the use of the smiley face. :) (Look sideways).
- (3) DO NOT SEND MESSAGES ALL IN CAPITALS. It looks as if you are shouting. Use initial capitals or some symbol for emphasis. For example: That IS what I meant. That "is" what I meant.
- (4) Remember that some people have to pay for each byte of data they receive. Please keep messages to the point without appearing terse or rude.

VI. GLOSSARY

Domain Name:

A domain name is the way to identify and locate an address on the Internet. The domain name, also called the fully-qualified domain name or FQDN, is a computer's name in text form, for example: ppines.com. The domain name is used to send e-mail, make FTP requests, etc. Before any message is sent on the Internet, the domain name is converted internally to a numerical address, an Internet protocol address, which is what computers on the Internet deal with directly.

Electronic Mail:

Electronic mail (e-mail) may include non-interactive communication of text, data, images, or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "e-mail", "facsimile", or "messaging" system; or voice messages transmitted and stored for later retrieval from a computer system.

FTP:

File transfer protocol; a program that allows you to transfer data between different computers on a network.

Guidelines:

Recommendations derived from experience and which should be used.

Hacking:

Attempting to break into system on which you have no account or authorization.

Internet:

A worldwide network or networks, connecting informational networks communicating through a common communications language or "protocol".

Mailing list:

A service that sends e-mail to everyone on a list whenever e-mail is sent to the service, permitting a group of users to exchange e-mail on a particular topic.

MIME:

A protocol which lets Internet users attach non-text files to e-mail messages. Stands for Multipurpose Internet Mail Extension, lets users send mail in any format including graphic images, formatted documents, and audio, video and compressed data files.

Netiquette:

A combination of "network" and "etiquette". It is the practice of good manners in a networked environment.

News groups:

Discussion groups with common themes on USENET.

Policy:

Primary objectives of the City of Pembroke Pines as contained in this document.

Standards:

Departmental directions or instructions describing how to achieve policy. A mandatory statement of direction.

TELNET:

A program that allows remote login to another computer.

TCP/IP:

Transmission Control Protocol/Internet Protocol; the communication protocol used by computers connected to the Internet.

USENET:

A collection of computer discussion (news) groups.

Users:

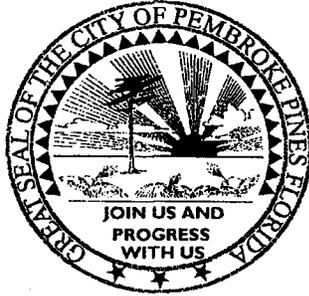
The public and City employees.

UUENCODE:

A utility that converts binary files on PC into ASCII files. Stands for Unix-to-Unix Encode and was first developed for use with UNIX computers.

Vendors:

Any private person or business enterprise.



**CITY OF PEMBROKE PINES
DRUG FREE WORKPLACE POLICY**

**AN OPEN LETTER TO THE EMPLOYEES OF
THE CITY OF PEMBROKE PINES**

WE HAVE COME TO RECOGNIZE THAT SUBSTANCE ABUSE IS AN ON THE JOB PROBLEM, AS WELL AS A SOCIAL PROBLEM FOR ALL OF US. WE BELIEVE ABUSE OF ALCOHOL AND USE OF ILLEGAL DRUGS ENDANGERS THE HEALTH AND SAFETY OF THE ABUSERS AND OF THE OTHERS AROUND THEM.

THE CITY OF PEMBROKE PINES HAS COMMITTED TO CREATING AND MAINTAINING A DRUG FREE WORKPLACE WITHOUT JEOPARDIZING THE JOB SECURITY OF VALUED, BUT TROUBLED EMPLOYEES, PROVIDED THEY ARE PREPARED TO HELP US HELP THEM.

OUR POLICY NOW FORMALLY STATES THAT SUBSTANCE ABUSE WILL NOT BE TOLERATED DURING WORKING HOURS OR ON THE PREMISES OF THE CITY OF PEMBROKE PINES, INCLUDING THE PARKING LOTS. THIS PROHIBITION INCLUDES THE POSSESSION, USE OR SALE OF ILLEGAL DRUGS OR ALCOHOL. (CITY SPONSORED ACTIVITIES DURING WHICH ALCOHOLIC BEVERAGES MAY BE SERVED ARE NOT INCLUDED IN THIS PROVISION.)

EMPLOYEES WHO ARE FOUND TO BE UNDER THE INFLUENCE OF ILLEGAL DRUGS OR ALCOHOL OR WHO VIOLATE THIS POLICY IN OTHER WAYS ARE SUBJECT TO DISCIPLINARY ACTION, WHICH MAY INCLUDE TERMINATION. BECAUSE OF THE SERIOUS NATURE OF THESE VIOLATIONS, EACH INDIVIDUAL CASE WILL BE THOROUGHLY INVESTIGATED TO DETERMINE THE APPROPRIATE COURSE OF ACTION.

PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

1 AN ORDINANCE OF THE CITY COMMISSION OF
2 THE CITY OF PEMBROKE PINES, FLORIDA,
3 AMENDING CHAPTER 34, EMPLOYMENT
4 POLICIES, BY CREATING A NEW SUBCHAPTER
5 ENTITLED "DRUG FREE WORKPLACE" AND
6 CREATING NEW SECTIONS 34.89 THROUGH 34.94
7 OF THE CODE OF ORDINANCES OF THE CITY OF
8 PEMBROKE PINES, FLORIDA, IN ORDER TO
9 ESTABLISH A DRUG FREE WORKPLACE
10 PROGRAM IN ACCORDANCE WITH SECTION
11 440.102 FLORIDA STATUTES; REVISING SECTIONS
12 34.90, 34.91(B), AND 34.91 (O)(6); PROVIDING FOR
13 CODIFICATION; PROVIDING FOR CONFLICTS;
14 PROVIDING FOR SEVERABILITY; PROVIDING FOR
15 AN EFFECTIVE DATE.
16

17 WHEREAS, in Sections 440.101 and 440.102 Florida Statutes (the "Act") the
18 Florida Legislature set forth its legislative intent to promote drug-free workplaces in order
19 that employers in the state be afforded the opportunity to maximize their levels of
20 productivity, and established program requirements; and

21 WHEREAS, on August 19, 1992, the City Commission enacted Permanent
22 Ordinance No. 1000 which established its Drug-Free Workplace Policy, which is referred
23 to as an Exhibit to the Ordinance; and

24 WHEREAS, the City's Drug Free Workplace Policy is not currently codified in
25 the City's Code of Ordinances; and

26 WHEREAS, the City of Pembroke Pines desires to officially codify Sections 34.90
27 through 34.94 said subchapter being entitled "Drug Free Workplace"; and

28 WHEREAS, the City Commission of the City of Pembroke Pines Florida, desire
29 to revise Sections 34.90, 34.91, and 34.92; and

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
2 THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

3 Section 1. The foregoing "WHEREAS" clauses are hereby ratified and
4 confirmed as being true and correct and are hereby made a specific part of this Ordinance.

5 Section 2. Chapter 34 of the Code of Ordinances of the City of
6 Pembroke Pines, Florida ("Code") is hereby amended to provide for the City of Pembroke
7 Pines officially codifying Sections 34.90 through 34.94 subchapter entitled "Drug Free
8 Workplace" revising Sections 34.90, 34.91, and 34.92 as set forth below:

9 **DRUG FREE WORK PLACE**

10 ~~§34.90 ADOPTION BY REFERENCE.~~

11 ~~This chapter is hereby amended to provide for this subchapter, providing~~
12 ~~for a drug free workplace. The policy, attached as Exhibit A to Ordinance 1000,~~
13 ~~passed 8-19-92, is hereby adopted by reference and is made a part hereof.~~

14 **SECTION 34.89 - POLICY STATEMENT**

15 The City of Pembroke Pines ("City") is committed to provide a safe work
16 environment for its employees, our community, and society. Substance
17 abuse is a national problem which impairs the health and safety of
18 employees, promotes crime, and harms our community. The City is
19 addressing this problem by instituting a drug free workplace program.

20 Substance abuse is a complex, yet treatable disease. The ultimate goal of
21 this policy is to balance our respect for individual privacy with our need to
22 keep a safe, productive drug free environment. Our Intention is to prevent
23 and treat substance abuse. We would like to encourage those who use
24 drugs or abuse alcohol to seek help in overcoming their problem. The City
25 considers substance abuse to be an unsafe and counter-productive work
26 practice.

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ORDINANCE NO. 1248

1 The City's policy is in accordance with the Florida drug free workplace
2 program as provided in Section 440.102, Florida Statutes and Rule 38F-
3 9.001, Florida Administrative Code.
4

5 To ensure a work place free from the influence of illegal drugs and alcohol
6 abuse, the following policy has been established.
7

8 It is the policy of the City that an employee found with the presence of
9 alcohol or illegal drugs in his/her system, in possession of, using, selling,
10 trading, or offering for sale illegal drugs or alcohol during working hours,
11 may be subject to disciplinary action up to and including termination. (City
12 sponsored activities which may include the service of alcoholic beverages
13 are not included in this provision).
14

15 An employee reporting for work visibly impaired is unable to properly
16 perform required duties and will not be allowed to work. If possible, the
17 supervisor should first seek another supervisor's opinion of the employees
18 status. Then the supervisor should consult privately with the employee with
19 the observation, to rule out any problem(s) that may have been caused by
20 prescription drugs.
21

22 If, in the opinion of the supervisor, the employee is considered impaired,
23 the employee should be sent home, after drug testing by a medical facility,
24 by taxi or other safe transportation alternative, depending on the
25 determination of the observed impairment, accompanied by the supervisor
26 or another employee, if necessary. An impaired employee should not be
27 allowed to drive. The prescribed test direction form shall be completed by
28 the supervisor.
29

30 Prescription drugs prescribed by the employee's physician may be taken
31 during working hours. The employee shall notify the supervisor if the use
32 of properly prescribed drugs will affect the employee's work performance.
33 Abuse of prescription drugs will not be tolerated.
34

35 It is the responsibility of the City's supervisors to counsel with an employee
36 whenever they see changes in performance that suggest an employee
37 problem. The supervisor may suggest that the employee voluntarily seek
38 help from the Employee Assistance Program ("EAP") or decide that the
39 severity of the observed problem is such that a formal referral to the EAP
40 should be made.
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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

SECTION 34.90 - DEFINITIONS

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- A. ALCOHOL means ethyl alcohol (ethanol) and includes distilled spirits, wine, malt beverages, and intoxicating liquors.
- B. ALCOHOL ABUSE - an employee shall be determined to be under the influence of alcohol if the employee's normal faculties are impaired due to the consumption of alcohol or the employee blood alcohol level is ~~0.04~~ 0.05 or higher.
- C. ILLEGAL DRUGS means any drug(s) which is not legally obtainable, which may be legally obtainable but has not been legally obtained or which is being used in a manner or for a purpose other than as prescribed.
- D. DRUGS means alcohol, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed above.
- E. LEGAL DRUG means 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.
- F. JOB APPLICANT means a person who has applied for a position with the City and has been offered employment conditioned upon successfully passing a drug test.
- G. EMPLOYEE means an individual who works for the City on a full-time basis and receives compensation.
- H. DRUG TESTING means any chemical, biological, or physical instrumental analysis for the purpose of determining the presence of an illegal drug or its metabolites, including alcohol.
- (1) DRUG TESTING may require the collection of blood, urine, breath, saliva, or hair of an employee or job applicant.
- I. INITIAL DRUG TEST means a screening procedure of the blood and urine of employees and job applicants for the presence of alcohol and illegal drugs in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative Rules.

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ORDINANCE NO. 1248

All levels equal to or exceeding the following shall be reported as positive:

<u>Alcohol</u>	<u>0.05 G%</u>
<u>Amphetamines</u>	<u>1,000 NG/ML</u>
<u>Cannabinoids</u>	<u>100 NG/ML</u>
<u>Cocaine</u>	<u>300 NG/ML</u>
<u>Phencyclidine</u>	<u>25 NG/ML</u>
<u>Methaqualone</u>	<u>300 NG/ML</u>
<u>Opiates</u>	<u>300 NG/ML</u>
<u>Barbiturates</u>	<u>300 NG/ML</u>
<u>Benzodiazepines</u>	<u>300 NG/ML</u>
<u>Synthetic Narcotics:</u>	
<u>Methadone</u>	<u>300 NG/ML</u>
<u>Propoxyphene</u>	<u>300 NG/ML</u>

J. CONFIRMATION TEST means a second test of all specimens identified as positive on an initial test in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative Rules. All levels equal to or exceeding the following shall be reported as positive:

<u>Alcohol</u>	<u>0.05 G%</u>
<u>Cannabinoids</u>	<u>15 NG/ML</u>
<u>Cocaine</u>	<u>150 NG/ML</u>
<u>Phencyclidine</u>	<u>25 NG/ML</u>
<u>Methaqualone</u>	<u>150 NG/ML</u>
<u>Opiates</u>	<u>300 NG/ML</u>
<u>Barbiturates</u>	<u>150 NG/ML</u>
<u>Benzodiazepines</u>	<u>150 NG/ML</u>
<u>Synthetic Narcotics:</u>	
<u>Methadone</u>	<u>150 NG/ML</u>
<u>Propoxyphene</u>	<u>150 NG/ML</u>

K. DRUG TESTING METHODOLOGY

SPECIMENS for drug testing will be collected, handled, maintained, and tested in accordance with the Florida Drug-Free Workplace Program and the appropriate Administrative Rules. Urine will be used for the initial and confirmation tests for all drugs

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

1 except alcohol. Blood will be used for the initial and confirmation
2 tests for alcohol.

3
4 **L. POSITIVE CONFIRMED TEST FOR CONFIRMATION TEST**
5 means a second procedure which confirms a positive result from an
6 initial drug test.

7
8 **M. MEDICAL REVIEW OFFICER (MRO)** means a licensed
9 physician with knowledge of prescription drugs, pharmacology, and
10 toxicology of drugs, who is responsible for receiving and reviewing
11 all positive confirmed test results and who is responsible for
12 contacting all individuals who test positive in a confirmation test to
13 inquire about possible medications which could have caused a
14 positive result.

15
16 **N. PRESCRIPTION OR NON-PRESCRIPTION MEDICATION**
17 means a drug or medication obtained pursuant to a prescription as
18 defined by Section 893.02, Florida Statutes, or a medication that is
19 authorized pursuant to a federal or state law for general distribution
20 and use without a prescription in the treatment of human diseases,
21 ailments, or injuries.

22
23 **O. REASONABLE SUSPICION DRUG TESTING** means drug
24 testing based on a belief that an employee is using or has used drugs
25 in violation of this policy drawn from specific objective and
26 documented facts and reasonable inferences drawn from those facts
27 in light of experience. Among other things, such facts and
28 inferences may be based upon:

29
30 (1) Observable phenomena while at work, such as direct observation of
31 drug use or of the physical symptoms or manifestations of being
32 under the influence of a drug.

33
34 (2) Abnormal conduct or erratic behavior while at work or a significant
35 deterioration of work performance, either or both of which are
36 recognized symptoms of alcohol or drug abuse and which are not
37 adequately explained by the employee or are not related to the
38 employee's working conditions.

39
40 (3) A report of drug use, provided by a reliable and credible source,
41 which has been independently corroborated (test direction form shall
42 be used).

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

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- (4) Evidence that an employee has tampered with a drug test during his employment with the current employer.
 - (5) Information that an employee has caused, or contributed to, an accident while at work.
 - (6) Evidence that an employee has ~~illegally~~ used, possessed, sold, solicited, or transferred drugs, while working or while on the City's premises or while operating a vehicle, machinery, or equipment of the City.

P. SPECIMEN means a tissue or product of the human body including blood, urine, saliva, hair, capable or revealing the presence of alcohol and/or illegal drugs or their metabolites.

SECTION 34.91 - GENERAL PROCEDURES

A. TYPES OF TESTING

In order to maintain a drug and alcohol free work environment, the City will test for the presence of alcohol and drugs in the following circumstances:

- (1) JOB APPLICANTS: All job applicants who have been offered a position of employment are required to take a drug and alcohol test.
- (2) REASONABLE SUSPICION: All employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein), are required to take a drug and alcohol test.
- (3) FITNESS FOR DUTY: All employees who are subject to a routine fitness for duty medical examinations are required to take a drug and alcohol test as part of their medical examination.
- (4) FOLLOW-UP: All employees who have been referred to an employee assistance program or rehabilitation program by the City for drug and/or alcohol abuse are required to take drug and alcohol tests on a quarterly, semi-annual, or annual basis for two (2) years after returning to work.
- (5) POST ACCIDENT OR INJURY: Employees who are involved in a job related accident or incident, and appear to be contributory,

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

which results or might have resulted in bodily injury or property loss or damage.

B. CONSEQUENCES OF REFUSING A DRUG TEST

(1) An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. An employee who refuses to submit to a drug test also will forfeit his eligibility for all worker's compensation medical and indemnity benefits.

(2) A job applicant who refuses to submit to a drug test will not be hired.

C. ACTIONS FOLLOWING A POSITIVE CONFIRMED TEST

The City may institute disciplinary action, up to and including termination, for any employee who has a positive, confirmed drug test.

D. CONFIDENTIALITY

Confidentiality of records concerning drug testing will be maintained except to the extent necessary to comply with this policy. All information, reports, memos, and drug test reports, written or otherwise, received by the City through the drug testing program will be kept confidential as provided by law.

The City, Employee Assistance Program, laboratories, drug and alcohol rehabilitation programs who receive or have access to information concerning drug test results shall keep all information confidential. No such information will be released unless there is a voluntary written consent, signed by an employee or job applicant, except where such release is compelled by a court pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

The City will maintain records concerning drug testing separate and apart from an employee's or job applicant's personnel file. Information n drug testing results shall not be released in any criminal hearing.

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

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E. REPORTING OF USE OF MEDICATION

Employees and job applicants may confidentially report the use of prescription or non-prescription medication both before and after having a drug test. A form for reporting medication use is attached.

F. NOTICE OF COMMON MEDICATIONS

A list 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 is attached. Employees and job applicants should review this list prior to submitting to a drug test.

G. MEDICATION INFORMATION

An employee or job applicant may consult with the testing laboratory for technical information regarding prescription and non-prescription medication.

H. EMPLOYEE ASSISTANCE PROGRAM

Refer to the Employee Assistance Program policy for the name, address, and telephone number of the current provider.

Other resources available are:

<u>1 800 - 356-9996</u>	<u>AL-Anon</u>
<u>1 800 - 527-5344</u>	<u>American Council of Alcoholism Helpline</u>
<u>1 800 - COCAINE</u>	<u>Cocaine Hotline</u>
<u>1 800 - NCA-CALL</u>	<u>National Council on Alcoholism</u>
<u>1 800 - 662-HELP</u>	<u>National Institute on Drug Abuse Hotline</u>
<u>1 800 - 843-4971</u>	<u>National Institute on Drug Abuse Hotline</u>

I. DRUGS TO BE TESTED

Drugs that will be tested are as follows:

- (1) Alcohol, including distilled spirits, wine, male beverages, and intoxicating liquors.
- (2) Amphetamines

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

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- (3) Cannabinoids
- (4) Cocaine
- (5) Phencyclidine (PCP)
- (6) Hallucinogens
- (7) Methaqualone
- (8) Opiates
- (9) Barbiturates
- (10) Benzodiazepines
- (11) Synthetic Narcotics
- (12) Designer Drugs
- (13) A metabolite of any substance listed herein.

(A List of drugs by brand names or common names is attached.)

The Cut off levels for reporting positive initial and confirmation drug tests are set forth in paragraph II. 9. and 10.

J. CHALLENGE OF TEST RESULTS

- (1) An employee or a job applicant who receives a positive confirmed test result may contest or explain the result in writing within five (5) days of receipt of notification of a positive confirmed test result.
- (2) If the explanation or challenge of the employee or job applicant is unsatisfactory to the City, the City within fifteen (15) days of receipt will provide a written explanation as to who the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results.
- (3) An employee may further challenge the results of the test in a court of competent jurisdiction or, if the drug test was administered due to a

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ORDINANCE NO. 1248

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workplace injury, by filing a claim for benefits with a judge of compensation claims, pursuant to Chapter 440, Florida Statutes.

(4) If an employee or job applicant contests the drug test results, he must notify the laboratory.

K. RIGHT UNDER COLLECTIVE BARGAINING AGREEMENTS

Employees who are covered under a collective bargaining agreement between the City and any collective bargaining unit, may have a right to file a grievance regarding discipline imposed by the City as a result of a violation of this policy.

SECTION 34.92 - POLICY REQUIREMENTS

A. CONDITIONS OF PRE-EMPLOYMENT

The City will conduct pre-employment screening examinations designed to prevent hiring individuals who use drugs.

(1) To determine the suitability of employees to work for the City the following pre-employment conditions are established:

(a) All job applicants will be tested prior to employment for drug use and alcohol use. Any job offer which a job applicant may receive from the City is contingent upon successfully completing a required physical examination.

(2) Any job applicant who refuses to submit to drug and alcohol testing as part of the pre-employment testing process will be refused employment.

(3) Any job applicant who tests positive for drugs or alcohol use will be refused employment at that time.

(4) Confidentiality will be maintained pursuant to this policy.

(5) The City will not discriminate against applications for employment because of the past abuse of drugs or alcohol. It is the current abuse of drugs or alcohol that the City will not tolerate.

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ORDINANCE NO. 1248

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B. CURRENT EMPLOYEE DRUG AND ALCOHOL ABUSE SCREENING

The City will maintain screening practices to identify employees who use illegal drug or abuse alcohol. It shall be a condition of continued employment for all employees to submit to drug screening under the following conditions:

- (1) REASONABLE SUSPICION: All employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein), are required to take a drug and alcohol test.
- (2) FITNESS FOR DUTY: All employees who are subject to a routine fitness for duty medical examinations are required to take a drug and alcohol test as part of their medical examination.
- (3) FOLLOW-UP: All employees who have bene referred to an employee assistance program or rehabilitation program by the City for drug and/or alcohol abuse are required to take drug and alcohol tests on a quarterly, semi-annual or annual basis for two (2) years after returning to work.
- (4) POST ACCIDENT OR INJURY: Employees who are involved in a job related accident or incident, and appear to be contributory, which results or might have resulted in bodily injury or property loss or damage.

C. EMPLOYEE ASSISTANCE PROGRAM

The City maintains an employee assistance program (EAP) which provides help to employees and their families who suffer from alcohol or drug abuse. (Refer to EAP Policy)

It is the Responsibility of each employee to seek assistance before drugs and alcohol lead to disciplinary problems.

- (1) Once a violation of this policy occurs, subsequent use of the employee assistance program, on a voluntary basis, will not affect the determination of appropriate disciplinary action.
- (2) An employee's decision to seek assistance from the Employee Assistance Program on a voluntary basis prior to any incident

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1 warranting disciplinary action will not be used as the basis for
2 disciplinary action or in any disciplinary proceeding.

3
4 On the other hand, using the EAP will not be a defense to the
5 imposition of disciplinary action where facts, providing violation of
6 this policy, are obtained outside of the EAP. Accordingly, the
7 purpose and practices of this policy and the EAP are not in conflict
8 but are distinctly separate in their applications.
9

10 (3) Through the EAP, the City will provide appropriate assessment,
11 referral to treatment and treatment of drug and alcohol abuse
12 (subject to the provisions of the City's health insurance plan). Such
13 employees may be granted leave with a conditional return to work
14 depending on successful completion of the agreed upon appropriate
15 treatment regimen and in accordance with the career services rules
16 and regulations and any departmental rules and regulations.
17

18 (4) Upon successful completion of a drug and/or alcohol treatment
19 program an employee may be released to resume work but will be
20 subject to drug testing on a random, periodic basis, at least
21 quarterly, for at least two years thereafter as a condition of
22 continued employment.
23

24 (5) An individual's participation in the program will not be made part
25 of any personnel records, and will remain confidential except to the
26 extent necessary to comply with this policy. Medical and insurance
27 records, if any, will be preserved in the same confidential manner
28 as all other medical records and be retained in a separate file as
29 provided by law.
30

31 **D. MANAGEMENT'S RESPONSIBILITY**

32 Supervisors are responsible for implementing the drug and alcohol free
33 work place policy. It is the responsibility of the supervisors to observe the
34 behavior of employees on the job as a precaution against unstable or
35 unreliable behavior which could threaten the safety and well-being of
36 employees and the community.
37

38
39 (1) Supervisors are responsible for maintaining a safe work environment
40 by determining employees fitness for duty.
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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

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- (2) In the event a supervisor has a reasonable suspicion that an employee may be affected by drugs or alcohol, the employee must be sent for drug testing. A form for reporting the reason(s) for drug testing is attached.
- (3) In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his superior at the earliest possible time.

10 E. EMPLOYEES RESPONSIBILITY

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- (1) It is each employee's responsibility to be fit for duty when reporting for work and to inform his supervisor if he is under prescription or non-prescription medication which may affect job performance.
- (2) In the event an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe, reliable, and trustworthy manner, the employee should report this behavior to his supervisor.
- (3) Employees who voluntarily enter a drug or alcohol treatment and/or rehabilitation program at the request or insistence of the City or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program are required to participate and complete recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment of the treatment and/or program. If the employee fails to comply with the treatment and/or the program, the employee will be subject to discipline, up to and including termination.

32 F. MEDICAL REVIEW OFFICER'S ("MRO") RESPONSIBILITIES

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- (1) The MRO will review all information from the testing laboratory in the event of a positive, confirmed test. The MRO will review any information from the employee or job applicant regarding the use of medication or other relevant medical information set forth in the form submitted prior to drug testing.
- (2) The MRO may request that the testing laboratory provide quantification of test results.

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

1 (3) The MRO will provide his interpretation of positive, confirmed test
2 results to the personnel director.

3
4 (4) The MRO will assist employee's in an employee assistance program,
5 monitor such employee's progress and confirm completion of the
6 treatment program.

7
8
9 **SECTION 34.93**

10 **LIST OF DRUGS BY TRADE OR COMMON NAMES**

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12

<u>DRUGS</u>	<u>TRADE OR COMMON NAME</u>
<u>OPIUM</u>	<u>DOVER'S POWDER, PAREGORIC,</u> <u>PAREPECTOLIN</u>
<u>MORPHINE</u>	<u>MORPHINE, PECTORAL SYRUP</u>
<u>CODEINE</u>	<u>TYLENOL WITH CODEINE,</u> <u>EMPIRIN COMPOUND WITH</u> <u>CODEINE, ROBITUSSAN A-C</u>
<u>HEROIN</u>	<u>DIACETYLMORPHINE, HORSE,</u> <u>SMACK</u>
<u>HYDROMORPHINE</u>	<u>DILAUDID</u>
<u>MEPERIDINE (PETHIDINE)</u>	<u>DEMEROL, MEPERGAN</u>
<u>METHADONE</u>	<u>DOLOPHINE, METHADONE,</u> <u>METHADOSE</u>
<u>OTHER NARCOTICS</u>	<u>LAAM, LERITINE, NUMORPHAN,</u> <u>PERCODAN, TUSSIONEX,</u> <u>FENTANYL, DARVON, TALWIN,</u> <u>LOMOTIL</u>
<u>DEPRESSANTS</u>	
<u>CHLORAL HYDRATE</u>	<u>NOCTEC, SOMNOS</u>
<u>BARBITURATES</u>	<u>PHENOBARBITAL, TUINAL,</u> <u>AMVTAL NEMBUTAL, SECONAL,</u> <u>LOTUSATE</u>

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

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<u>BENZODIAZEPINES</u>	<u>ATAVAN, AZENE, CLONOPIN, DALMANE DIAZEPAM, LIBRIUM, XANAX, SERAX, TRANXENE, VALIUM, VERSTRAN, HALCION, PAXIPAM, RESTORIL</u>
<u>METHAQUALONE</u>	<u>QUAALUDE</u>
<u>GLUTETHIMIDE</u>	<u>DORIDEN</u>
<u>OTHER DEPRESSANTS</u>	<u>EQUANIL, MILTOWN, NOLUDAR, PLACIDYL, VALMID</u>
<u>STIMULANTS</u>	
<u>COCAINE</u>	<u>COKE, FLAKE, SNOW, CRACK</u>
<u>AMPHETAMINES</u>	<u>BIPHETAMINE, DELCOBESE, DESOXYN DEXEDRENE, METIATRIC</u>
<u>PHENMETRAZINE</u>	<u>PRELUDIN</u>
<u>METHYLPHENIDATE</u>	<u>RITALIN</u>
<u>OTHER STIMULANTS</u>	<u>ADIPEX, BACARATE, CYLERT, DIDREX, IONAMIN, PLEGINE, PRE-SATE, SANOREX, TENUATE, TEPANIL, VORANIL</u>
<u>HALLUCINOGENS</u>	
<u>LSD</u>	<u>ACID, MICRODOT</u>
<u>MESCALINE AND PEYOTE</u>	<u>MESC, BUTTONS, CACTUS</u>
<u>AMPHETAMINE VARIANTS</u>	<u>2,5-DMA, PMA, STP, MDA, MDMA TMA, DOM, DOB</u>
<u>PHENCYCLIDINE</u>	<u>PCP, ANGEL DUST, HOG</u>
<u>PENCYCLIDINE ANALOGS</u>	<u>PCE, PCPY, TCP</u>
<u>OTHER HALLUCINOGENS</u>	<u>BUFOTENINE, IBOGAINE, DMT, DET, PSILOCYN</u>
<u>CANNABIS</u>	

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<u>MARIJUANA</u>	<u>POT. ACAPULCO GOLD. GRASS. REEFER. SINSEMOLLA. THAI STICKS</u>
<u>TETRAHYDROCANNABINOL</u>	<u>THC</u>
<u>HASHISH</u>	<u>HASH</u>
<u>HASHISH OIL</u>	<u>HASH OIL</u>

SECTION 34.94

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

ALCOHOL

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, vick's nyquil is 25% (50 PROOF) ethyl alcohol, comtrex is 20% (40 PROOF), contact severe cold formula night strength is 25% (50 PROOF) and listerine is 26.9% (55 PROOF).

AMPHETAMINES

Obetrol, bibhetamine, desoxyn, dexedrine, didrex

CANNABINOIDS

Marinol (dronabinol, THC)

COCAINE

Cocaine HCl Topical Solution

PHENCYCLIDINE

Not legal by prescription

METHAQUALONE

Not legal by prescription

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OPIATES

Paregoric, parepectolin, donnagel, PG, morphine, tylenol with codeine, empirin with codeine, APAP with codeine, aspirin with codeine, robitussin A-C, guiatuss AC, novahistine DH, novahistine expectorant, dilaudid (hydromorphine), M-S contin and roxanol (morphine sulfate), percodan, vicidin

BARBITURATES

phenobarbital, tuinal, amytal, nembutal, seconal, lotusate, fiorinal, fioricet, esgic, butisol, mebaril, butabarbital, butabital, phrenilin, triad

BENZODIAZEPHINES

Atavan, azene, clonopin, dalmene, diazepam, librium, xanax, serax, tranxene, valium, verstran, halcion, paxipam, restorial, centrax

METHADONE

Dolophine, methadose

PROPOXYPHENE

Darvocet, darvon N, dolene

Section 3. Codification.

It is the intention of the City Commission of the City of Pembroke Pines, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 4. Conflicting Ordinances.

All prior ordinances or resolutions or parts thereof in conflict herewith are to the extent of said conflict, hereby determined to be of no force and effect.

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PROPOSED ORDINANCE NO. 97-44

ORDINANCE NO. 1248

Section 5. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date.

This Ordinance shall become effective immediately.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 10 DAY OF DECEMBER, 1997.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 7 DAY OF JANUARY, 1998.

CITY OF PEMBROKE PINES, FLORIDA

By: *Alex G. Fekete*
MAYOR ALEX G. FEKETE

ATTEST:
Eileen M. Tesh
EILEEN M. TESH, CITY CLERK

FEKETE	<u>AYE</u>
ARMSTRONG	<u>AYE</u>
FIORENDINO	<u>AYE</u>
ORTIS	<u>AYE</u>
THIBAUT	<u>AYE</u>

Proposed by commission

I HEREBY CERTIFY THAT I have approved the form of this Ordinance.

Steven L. Josias, 1/7/98
STEVEN L. JOSIAS, CITY ATTORNEY

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**THE CITY OF PEMBROKE PINES
FORM FOR REPORTING THE USE OF PRESCRIPTION OR
NON- PRESCRIPTION MEDICATION**

NAME: _____

DATE: _____

PRESCRIPTION MEDICATION:

NON-PRESCRIPTION MEDICATION

SIGNATURE: _____

PRINT NAME: _____

SOCIAL SECURITY NUMBER: _____

PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

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AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF PEMBROKE PINES BY REVISING THAT PART ENTITLED "DRUG AND ALCOHOL POLICY FOR SAFETY SENSITIVE EMPLOYEES"; SPECIFICALLY ADOPTING A REVISED DRUG AND ALCOHOL POLICY IN ACCORDANCE WITH NEW REGULATIONS PROVIDED IN 49 CODE OF FEDERAL REGULATIONS PART 655; AMENDING SECTION 34.95 AND CREATING SECTIONS 34.96 THROUGH 34.105, INCLUSIVE, CODIFYING THE DRUG AND ALCOHOL POLICY WITHIN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 17, 1996, the City Commission of the City of Pembroke Pines passed and adopted Ordinance No. 1148 establishing a policy entitled "Drug and Alcohol Policy for Safety Sensitive Employees" ("Drug and Alcohol Policy") as mandated by the United States Department of Transportation and the Federal Transit Administration; and

WHEREAS, on June 19, 1996, the City Commission passed and adopted Ordinance No. 1168 amending the job classifications to which this Policy applied; and

WHEREAS, in accordance with new regulations provided in 49 Code of Federal Regulations Part 655 certain additional revisions to the Policy are required; and

WHEREAS, the City Commission of the City of Pembroke Pines has determined that it is in the best interests of the residents of the City of Pembroke Pines

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 to approve and adopt the revised Drug and Alcohol Policy for Safety Sensitive
2 Employees as provided herein;

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
4 **OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:**

5 **SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified as being
6 true and correct and incorporated herein by this reference. All exhibits attached hereto
7 are hereby incorporated as though fully set forth herein.

8 **SECTION 2.** The City Commission of the City of Pembroke Pines hereby
9 amends Chapter 34, Section 34.95 of the Code of Ordinances of the City of Pembroke
10 Pines, Florida, entitled "Drug and Alcohol Policy for Safety Sensitive Employees" as
11 follows:

12 **DRUG AND ALCOHOL POLICY FOR SAFETY**
13 **SENSITIVE EMPLOYEES**

14 **~~§ 34.95 ADOPTION BY REFERENCE.~~**

15 ~~(A)The United States Department of Transportation and the~~
16 ~~Federal Transit Administration have mandated the adoption of a drug~~
17 ~~and alcohol policy for safety sensitive employees under 49 CFR Parts~~
18 ~~653 and 654 and 49 CFR 40.~~

19 ~~(B)The purpose of the adoption and implementation of the~~
20 ~~policy is to deter the use of drugs and alcohol among safety sensitive~~
21 ~~employees who are involved in the transportation of passengers or who~~
22 ~~hold commercial driver's licenses.~~

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 of this policy shall be distributed to all current safety-sensitive transit
2 employees, posted on Division bulletin boards, available on-line via request,
3 and issued to each new safety-sensitive employee as part of a general
4 orientation procedure.

5
6 The policy and testing program described has been updated to include all FTA
7 and DOT rule changes, interpretations, and clarifications published through
8 September 30, 2001. We invite you to review and become familiar with this
9 document. Included is a receipt form that each employee must complete and
10 return to his or her supervisor.

11
12 The City of Pembroke Pines is dedicated to assuring equitable application of
13 this policy. Therefore, supervisors and managers are required to use and apply
14 all aspects of this policy in an unbiased and impartial manner. Any
15 supervisor/manager who knowingly disregards the requirements, or is found to
16 deliberately misuse the policy in regard to employees, will be subject to
17 disciplinary action, up to an including termination.

18
19 The FTA regulation requires each employer to give each employee subject to
20 this policy at least sixty (60) minutes of training on the effects and
21 consequences of prohibited drug use on his or her personal health, safety, and
22 the work environment, and the signs and symptoms that may indicate
23 prohibited drug use. Additionally, each employer must provide to every
24 supervisor who may make reasonable suspicion determinations at least sixty
25 (60) minutes of training on the physical, behavioral, and performance indicators
26 of probable drug use and at least sixty (60) minutes of training on the physical,
27 behavioral, speech, and performance indications of alcohol misuse.

28
29 **§34.96 PURPOSE**

30
31 The purpose of this policy is to assure worker fitness for duty and to protect our
32 employees and passengers from the risk posed by use of alcohol and prohibited
33 drugs. This policy complies with applicable law, including the Drug-Free
34 Workplace Act of 1988, Omnibus Transportation Employee Testing Act of
35 1991, and associated U.S. Department of Transportation and Federal Transit
36 Administration regulations.

37
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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 (A) ~~Signs and Symptoms (except for odor, these are the general~~
2 ~~signs and symptoms of any depressant substance):~~

- 3
4 1. Dulled mental processes; lack of coordination.
5 2. Odor of alcohol on breath.
6 3. Slurred speech.
7 4. Possible constricted pupils.
8 5. Slowed reaction time.
9 6. Sleepy or stuporous condition.

10
11 (B) ~~Health Effects. The chronic consumption of alcohol (average of~~
12 ~~three servings per day of beer [12 ounces], whiskey [1 ounce], or~~
13 ~~wine [6-ounce glass] over time may result in the following~~
14 ~~associated health hazards:~~

- 15
16 1. Fatal liver disease.
17 2. Kidney disease, pancreatitis, ulcers.
18 3. Increased cancers of the mouth, tongue, pharynx, esophagus,
19 rectum, breast, and malignant melanoma.
20 4. Spontaneous abortion and neonatal mortality.
21 5. Birth defects (up to fifty-four percent (54%) of all birth defects
22 are alcohol related).
23 6. Decreased sexual functioning.
24 7. Dependency (up to ten percent (10%) of people who drink
25 alcohol become physically and/or mentally dependent upon
26 alcohol and can be termed "alcoholic").

27
28 (C) ~~The Annual Toll~~

- 29
30 1. 24,000 people will die on the highway due to the legally-
31 impaired driver.
32 2. 12,000 more will die on the highway due to an alcohol-affected
33 driver.
34 3. 15,800 will die in non-highway accident.
35 4. 30,000 will die due to alcohol-caused liver damage.
36 5. 10,000 will die due to alcohol-induced brain disease or suicide.

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 6. Up to another 125,000 die due to alcohol-related conditions or
2 accidents.

3
4 (D) Social Issues

5
6 1. Two-thirds of all homicides are committed by people who drink
7 prior to the crime.

8 2. Alcoholics are fifteen (15) times more likely to commit suicide
9 than other segments of the population.

10 3. Two to three percent (2-3%) of the driving population is legally
11 drunk at one time (this rate is doubled at night and on
12 weekends).

13 4. Two-thirds of all Americans will be involved in an alcohol-
14 related vehicle accident during their lifetime.

15 5. The rate of separation and divorce is seven times the average in
16 families with alcohol dependency problems.

17 6. Forty percent (40%) of family court cases are alcohol problem-
18 related.

19 7. More than sixty percent (60%) of burns, forty percent (40%) of
20 falls, sixty-nine percent (69%) of boating accidents, and seventy-
21 six percent (76%) of private aircraft accidents are alcohol-
22 related.

23
24 (E) Workplace Issues

25
26 1. It takes one (1) hour for the average person (150 pounds) to
27 process one (1) serving of an alcoholic beverage from the body.

28 2. Impairment in coordination and in judgment can be objectively
29 measured with as little as two (2) drinks in the body.

30 3. A person who is legally intoxicated is six (6) times more likely
31 to have an accident than a sober one.

32
33 If you suspect a problem involving alcohol or drugs, you may request
34 confidential, professional help by calling the Employee Assistance Program
35 (EAP) office at 954-435-6582 or by visiting the EAP at 501 NW 103 Avenue,
36 Pembroke Pines.

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 You may also call a substance abuse "hotline" number, such as the American
2 Council on Alcoholism, 800-356-9996; National Institute on Drug Abuse, 800-
3 662-HELP; National Council on Alcoholism and Drug Dependence, 800-NCA-
4 CALL; Alcoholics Anonymous, 800-870-3795; United Way of Broward
5 County, 954-467-6333; or any state or local substance abuse clearinghouse.

6
7 **34.97 APPLICABILITY**

8
9 This policy applies to all safety-sensitive employees, volunteers and
10 contractors, and other employees when they are on transit property or
11 performing transit-related business. This policy applies to off-site lunch
12 periods or breaks when the employee is scheduled to return to duty. A safety-
13 sensitive function is any duty related to the safe operation of transportation
14 services including the operation, dispatch, and maintenance or repair of a
15 revenue service vehicle, whether or not the vehicle is in revenue service, and
16 other employees whose job functions require they hold a commercial driver's
17 license or provide armed security.

18
19 Listed below are the City of Pembroke Pines positions determined to be safety-
20 sensitive. The City of Pembroke Pines may modify the list as required under
21 Federal, State or local regulation, or as needed to ensure continued vitality of a
22 comprehensive drug and alcohol testing program.

- 23
24 1. A/C Mechanic I, II, III
25 2. Carpenter I, II, III
26 3. Electrician I, II, III
27 4. Plumber I, II, III
28 5. Irrigation Workers
29 6. Maintenance Workers
30 7. Maintenance Crew Laborer
31 8. Communications Technician
32 9. Recreation Laborer
33 10. Recreation Supervisor
34 11. Special Events Coordinator
35 12. Recreation Laborer/Heavy Equipment
36 13. Painter
37 14. Aquatic Specialist

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

15. Utility Service Worker I, II

16. Van Driver

Employees included in the above-listed labor classifications must participate in a drug and alcohol testing program as a condition of employment.

This policy is effective upon receipt, and continues in effect until superseded or canceled by competent authority.

34.98 PROHIBITED SUBSTANCES

(A) Illegally-Used Controlled Substances or Drugs: Controlled substances are any illegal drug or substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812) and as further defined in 21 CFR 1300. These substances include, but are not limited to, marijuana, amphetamines, opiates, phencyclidine, and cocaine, as well as any drug not approved for medical use by the Drug Enforcement Administration or the Food and Drug Administration. Illegal use includes use of illegally-obtained prescription drugs.

(B) Legal Drugs: The use of legally-prescribed drugs or nonprescription medications is not prohibited. A legally-prescribed drug means that the individual has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. It must include the patient's name, the substance, quantity/amount to be taken, and the period of authorized use. However, the use of any substance that carries a warning label that mental functioning, motor skill, or judgment may be affected adversely should be reported to supervisory personnel, and medical advice should be sought, as applicable, before performing work-related duties. The misuse or abuse of legal drugs while performing transit business is prohibited.

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 (C) Alcohol: The use of products containing alcohol or substances
2 including any medication, mouthwash, food, candy, or any other
3 substance such that alcohol is present in the body while
4 performing transit business is prohibited.
5

6 **34.99 PROHIBITED CONDUCT**
7

8 No person covered by this policy shall engage in the manufacture, distribution,
9 dispensing, possession, or use of prohibited substances on transit property, in
10 transit vehicles, in uniform, or while on transit business. Law enforcement
11 officials shall be notified when criminal activity is suspected.
12

13 Employees found to be under the influence of a prohibited substance, or who
14 test positive for a prohibited drug or alcohol concentration shall be immediately
15 removed from duty. Any safety-sensitive employee who is reasonably
16 suspected of being intoxicated, impaired, under the influence of a prohibited
17 substance, or not fit for duty shall be removed from duty pending verification of
18 condition.
19

20 A drug or alcohol test is considered positive if the individual is found to have a
21 quantifiable presence of a prohibited substance in the body above minimum
22 thresholds defined in 49 CFR Part 40.
23

24 No safety-sensitive employee should report for duty or remain on duty when his
25 or her ability to function could be adversely affected by alcohol. No employee
26 shall be permitted to perform assigned safety-sensitive duties when his or her
27 breath alcohol concentration is 0.02 or greater. No safety-sensitive employee
28 shall use alcohol within four (4) hours of reporting for duty, while on call, or
29 while on duty.
30

31 All safety-sensitive employees will be subject to urine drug testing and breath
32 alcohol testing at any time while on duty. Any safety-sensitive employee who
33 refuses to comply with a request for testing, who provides false information in
34 connection with a test, or who attempts to falsify test results through tampering,
35 contamination, adulteration, or substitution shall be immediately removed from
36 duty. Refusal can include an inability to provide a urine specimen or breath
37 sample without valid medical explanation, as well as a verbal declaration.

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 obstructive behavior, or physical absence resulting in an inability to conduct a
2 test. Such refusal constitutes a positive result.

3
4 Pursuant to the Drug-Free Workplace Act of 1988, employees must notify the
5 transit system within five (5) days of a criminal drug statute conviction. Failure
6 to comply constitutes a violation of this policy.

7
8 **34.100 TESTING FOR PROHIBITED SUBSTANCES**

9
10 The specific drugs that will be tested for are marijuana, cocaine, opiates,
11 amphetamines, and phencyclidine. An initial drug screen using immunoassay
12 techniques will be conducted on each specimen. For those specimens, which
13 indicate one or more prohibited substances present, a confirmatory gas
14 chromatography/mass spectrometry (GC/MS) test will be performed. The test
15 will be considered positive if the amount present is equal to or above the
16 minimum threshold established in 49 CFR Part 40.

17
18 Alcohol testing will be conducted using a National Highway Traffic Safety
19 Administration (NHTSA)-approved evidential breath testing (EBT) device
20 operated by a trained breath alcohol technician (BAT). Breath alcohol
21 concentration (BAC) is expressed in terms of grams of alcohol per 210 liters of
22 breath. If any initial test indicates a BAC of 0.02 or greater, a second test will
23 be performed to confirm the result. It is the City of Pembroke Pines policy that
24 any employee whose BAC is confirmed at 0.02 or greater, but less than 0.04,
25 will be suspended from duty for the remainder of his or her shift, which period
26 shall be not less than eight (8) hours. A BAC of 0.04 or greater will be
27 considered a positive alcohol test result.

28
29 The testing described in this policy will be independent and separate from all
30 other testing performed on behalf of the City of Pembroke Pines and/or
31 prevailing Federal, State, and Local requirements. All covered employees are
32 subject to testing for prohibited drug use and misuse of alcohol in the following
33 situation and/or circumstances:

34
35 (A) Pre-Employment. All applicants for employment must first pass
36 a pre-employment drug test before being permitted to perform
37 any safety-sensitive job function. Also, an employee absent 90

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

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(ninety) consecutive days or longer, regardless of reason, who has not been subject to random testing during that time will be required to undergo pre-employment drug testing prior to resuming safety-sensitive duties.

Employees or applicants must undergo pre-employment drug testing before assignment to any position, which requires the performance of safety-sensitive duties. Only urine drug testing is required, and the result of pre-employment drug testing must be a verified negative. Failure of a pre-employment drug test will disqualify the applicant for employment or transfer. Evidence of the absence of dependency from an accredited substance abuse professional is required prior to further consideration for possible employment in a safety-sensitive position.

Applicants to safety-sensitive positions will be asked if they have failed or refused to submit to pre-employment testing at any other DOT-regulated employer in the past two (2) years, regardless of hiring action, and will be required to authorize the release of information regarding past drug and alcohol testing during the past two (2) years.

(B) Random. All safety-sensitive employees are subject to random drug and/or alcohol testing at any time they are on duty and during all time periods that safety-sensitive functions are being performed. Testing must be unannounced and unpredictable. Once notified of a random testing requirement, the employee must proceed directly to the testing site.

At least fifty percent (50%) of the total number of covered employees must be tested each year for the use of prohibited drugs, and at least ten percent (10%) tested for alcohol. To satisfy this quota, all City of Pembroke Pines safety-sensitive employees are enrolled in a random testing pool, which may include a number of contractor employees who perform safety-

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

sensitive functions for or on behalf of the City of Pembroke Pines.

The frequency of testing is based upon the number of employees in the pool and spread throughout the year. The odds of being selected in any given selection cycle for a random drug and/or alcohol test are equal to the number of employees enrolled in the pool at the time.

An Occu-Med computer configured with a random number generator selects employees for testing. It is possible that an employee could be selected more than once during the year or even in consecutive selection cycles.

(C) Reasonable Suspicion. All safety-sensitive employees are subject to drug and/or alcohol testing when there is reason to believe that drug or alcohol use is adversely affecting job performance. Such determination will be made on the basis of specific, contemporaneous, articulable observation concerning the appearance, behavior, speech, or body odor of a covered employee. The referral determination will be made by a supervisor trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that the employee may be adversely affected or impaired in his or her work performance due to prohibited drug use or alcohol misuse.

(D) Post-Accident Testing. The operator of a transit vehicle is required to undergo drug and alcohol testing if involved in any "occurrence" associated with the operation of the vehicle, whether or not the vehicle is in revenue service, that results in the loss of human life. Testing shall also be required for other safety-sensitive employees on duty in the vehicle at the time as well as any other employee whose performance of duty could have contributed to the accident.

Post-accident testing also must be conducted if any non-fatal accident results in injuries requiring a person or persons being

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 transported to a medical treatment facility or if one or more
2 vehicles incurs disabling damage that requires towing from the
3 site, unless the employee's performance can be completely
4 discounted as a contributing factor to the accident. Employees
5 tested under this provision include not only the vehicle operator,
6 but any other covered employee whose performance could be a
7 contributing factor, as determined by the City of Pembroke Pines
8 and upon review and approval of the Director or his or her
9 designee.

10
11 Post-accident testing must be conducted as soon as possible for
12 alcohol (within two (2) hours of the time of accident, not to
13 exceed eight (8) hours), and within thirty-two (32) hours for
14 drugs.

15
16 Any safety-sensitive employee involved in an accident must
17 refrain from alcohol use for eight (8) hours following the
18 accident or until completion of a post-accident test or upon
19 release by a supervisor. A safety-sensitive employee who leaves
20 the scene of an accident without justifiable explanation prior to
21 submitting to drug and alcohol testing or who fails to report to
22 the collection facility within a reasonable time frame will be
23 considered to have refused to test.

24
25 **34.101 SAFEGUARDS AND ASSURANCES**

26
27 Testing shall be conducted in such a manner to assure the highest degree of
28 accuracy and reliability, and using techniques, equipment, and laboratory
29 facilities certified by the U.S. Department of Health and Human Services
30 (DHHS). All testing will be conducted consistent with the procedures set forth
31 in DOT regulation 49 CFR Part 40.

32
33 All test results for prohibited drugs must be verified by a Medical Review
34 Officer (MRO). The MRO is a licensed physician functioning independent of
35 the City of Pembroke Pines whose qualifications include a demonstrated
36 knowledge of substance abuse disorders and who has appropriate medical
37 training to interpret and evaluate an individual's confirmed positive drug result

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Words in underlined type are additions.

PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 together with his or her medical history and any other relevant biomedical
2 information. All test results for alcohol must be verified by a qualified Breath
3 Alcohol Technician (BAT).

4
5 Any employee may request that a representative be present in certain activities
6 related to the collection of specimens and during administrative review and/or
7 counseling, subject to the conditions imposed by 49 CFR Part 40. The absence
8 of such representation does not, by itself, negate or mitigate the requirement to
9 provide specimens and/or attend such review and counsel in response to
10 required drug and alcohol testing.

11
12 Federal regulations impose strict procedural controls and accounting
13 mechanisms upon the collection site, processing laboratory, the MRO, and the
14 transit system with respect to testing for prohibited drugs and alcohol. These
15 procedures require the use of tamper-proof specimen containers for urine
16 samples, employee certification of "ownership," use of chain-of-custody
17 documentation, regimented quality control standards, including blank-air
18 testing for EBT devices and blind samples for urine testing, equipment
19 calibration testing, and specific certification and training standards.

20
21 Only confirmatory test results will be used as evidence of prohibited drug use
22 or alcohol misuse. Testing which does not follow criteria outlined in 49 CFR
23 Part 40 must be invalidated, or canceled, and reported as a negative result. As a
24 matter of policy, any urine specimen reported to the MRO as a negative dilute
25 will necessitate a retest. As a further safeguard, any employee who questions a
26 positive result of a required drug test may request the MRO to perform a
27 second, separate test of the original specimen. The test must be conducted at a
28 different DHHS-certified laboratory and must utilize a split sample that was
29 provided at the same time as the original specimen. All costs for such testing
30 are paid by the employee unless the second test produces a negative result.
31 Inability to pay the cost of split specimen testing will not, however, deny
32 anyone the right to request such testing.

33
34 The employee's request for split specimen testing must be made in writing
35 within seventy-two (72) hours of notice of the initial test result. Requests after
36 seventy-two (72) hours will be accepted if the delay was beyond the control of
37 the employee and reason for such delay is acceptable to the MRO.

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1
2 All test results are treated as confidential medical information, and are handled
3 only by designated personnel within the City of Pembroke Pines who have a
4 specific need to know. Test results are not releasable except as authorized by
5 the employee concerned, as required by the National Transportation Safety
6 Board during an accident investigation, as directed by the U.S. Department of
7 Transportation or a DOT agency with regulatory authority over the City of
8 Pembroke Pines, or to the decision maker in a lawsuit, grievance, or other
9 proceeding initiated by or on behalf of the employee.

10
11 The employee has the right to review his/her drug and/or alcohol testing
12 records, provide information to dispute the results, and shall have access to any
13 pertinent records such as equipment calibration records and records of
14 laboratory certifications. Copies of such records shall be made available to the
15 employee upon his or her written request.

16
17 The application of this policy with respect to drug and alcohol testing does not
18 abridge anything included in a labor agreement, nor does it infringe upon an
19 employee's right to redress under grievance, administrative, or judicial
20 proceedings.

21
22 **34.102 EMPLOYEE ASSESSMENT**

23
24 Any safety-sensitive employee who tests positive for the presence of a
25 prohibited drug or alcohol must be evaluated by a Substance Abuse
26 Professional (SAP) before returning to duty. A SAP is a licensed or certified
27 physician, psychologist, social worker, employee assistance professional, or
28 addiction counselor with knowledge of and clinical experience in the diagnosis
29 and treatment of drug and/or alcohol related disorders. The SAP will evaluate
30 each employee to determine what assistance, if any, the employee needs in
31 resolving associated problems. Assessment by a SAP does not shield an
32 employee from disciplinary action or guarantee employment or reinstatement
33 with the City of Pembroke Pines.

34
35 If after a positive test result a safety-sensitive employee is allowed to return to
36 duty, the employee must properly follow the rehabilitation program prescribed
37 by the SAP, pass a return-to-duty drug and alcohol test, and agree to be subject

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 to a minimum of six (6) unannounced follow-up tests for a period of at least
2 twelve (12) months, and up to five (5) years, from date of return to duty.

3
4 If unavailable for follow-up testing due to approved leave of absence, seasonal
5 layoff, out or reassigned for worker's compensation, temporary assignment to
6 nonsafety-sensitive duties or combination thereof for thirty (30) consecutive
7 days or longer, the employee shall be reevaluated by the SAP to determine if
8 the requirement/term of treatment and return to work agreement shall be
9 extended accordingly. The cost of treatment or rehabilitation services is the
10 responsibility of the employee or insurance provider.

11
12 No employee who has tested positive may reenter the workforce without
13 agreeing to a last chance/rehabilitation agreement. However, such an
14 agreement is not an entitlement. This agreement may include, but is not limited
15 to, the following:

- 16
17 (A) A release to work statement from the Substance Abuse
18 Professional, together with satisfactory evidence of a verified
19 negative test for drugs and/or alcohol.
20 (B) A statement of agreement to comply with Federal and City
21 requirements for treatment, aftercare, and specified follow-up
22 testing.
23 (C) A statement of expected work-related behaviors.
24 (D) An agreement that any violation of the last chance/rehabilitation
25 agreement will result in separation from employment.

26
27 **34.103 CONSEQUENCES, PENALTIES, AND SANCTIONS**

28
29 Irrespective of possible criminal and/or civil proceedings which may arise as a
30 result of prohibited drug use or alcohol misuse, the City of Pembroke Pines
31 reserves the right to apply administrative penalties and sanctions against an
32 employee who violates any rule encompassed by this policy.

33
34 Minimum associated consequences of prohibited drug use and/or alcohol
35 misuse are as follows:
36

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 (A) ~~Removal from duty (remainder of the day or work shift-~~
2 ~~minimum eight (8) consecutive hours):~~

- 3
4 1. Reporting for or remaining on duty with a BAC (breath
5 alcohol concentration) of 0.02 or greater.
6 2. Consumption of alcohol within four (4) hours of
7 reporting or returning to duty.

8
9 (B) ~~Referral to a SAP: A positive drug test result for a prohibited~~
10 ~~drug or a BAC of 0.04 or greater.~~

11
12 (C) ~~Dismissal: Violation under one (1) or more of the following~~
13 ~~circumstances or conditions constitutes a severe affront to the~~
14 ~~safety and well-being of other employees and the general public,~~
15 ~~and is punishable as a major infraction of policy under "due~~
16 ~~cause" proceedings:~~

- 17
18 1. Engaging in the manufacture, distribution, dispensing,
19 possession, and/or use of a prohibited substance on
20 transit division property, in transit vehicles, in uniform,
21 or while on transit division business.
22 2. Refusal to submit to drug and/or alcohol testing,
23 including the inability to provide an adequate specimen
24 or breath sample without valid medical explanation.
25 3. Leaving the scene of an accident without proper
26 authority, resulting in the inability to conduct drug and/or
27 alcohol testing.
28 4. Obstructive behavior, providing false information in
29 connection with a test, or attempting to falsify test results
30 through tampering, contamination, adulteration, or
31 substitution of specimen samples.
32 5. Failure to comply with transit system requirement for
33 treatment or with a prescribed aftercare program.
34 6. Failure to notify the City of Pembroke Pines within five
35 (5) days of any criminal drug statute conviction.
36
37

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

34.104 SYSTEM CONTACT

Employees who have any questions regarding this policy or any other aspect of the City of Pembroke Pines prohibited drug and alcohol testing program should contact the City's staff representative.

If you have a question concerning specimen collection, laboratory analysis, or any other procedural aspect of drug and/or alcohol testing, you should contact the MRO.

The City of Pembroke Pines employees and for employees of contractors participating in the City of Pembroke Pines testing program may contact a SAP by calling or visiting the City's designated SAP.

The City's Human Resources Department should be contacted to obtain the current representatives and providers referenced herein.

34.105 EMPLOYEE RECEIPT

Each City employee subject to this Policy shall receive a copy of this Policy and sign and return a receipt to the City acknowledging the employee's receipt thereof.

SECTION 3. The City Commission of the City of Pembroke Pines hereby amends Chapter 34, Section 34.95 of the Code of Ordinances of the City of Pembroke Pines, Florida, entitled "Drug and Alcohol Policy for Safety Sensitive Employees" to include a revised Drug and Alcohol Policy, attached hereto as **Exhibit "A"** and shall be incorporated into Section 34.95 as **Exhibit "A"** referenced therein. Copies of the Drug and Alcohol Policy will be kept by the City Clerk and available for inspection.

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 Words in underlined type are additions.

PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

1 **SECTION 4.** It is the intention of the City Commission of the City of
2 Pembroke Pines that the provisions of this Ordinance shall become and be made a part
3 of the Code of Ordinances of the City of Pembroke Pines, Florida. The Sections of this
4 ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed
5 to "Section", "Article" or such other word or phrase in order to accomplish such
6 intention.

7 **SECTION 5.** All Ordinances or parts of Ordinances, Resolutions or parts of
8 Resolutions in conflict herewith be and the same are hereby repealed to the extent of
9 such conflict.

10 **SECTION 6.** If any clause, section, or other part or application of this
11 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or
12 invalid, such unconstitutional or invalid part or application shall be considered as
13 eliminated and so not effecting the validity of the remaining portions or applications
14 remaining in full force and effect.

15 **SECTION 7.** This Ordinance shall become effective immediately upon passage
16 and adoption.

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PROPOSED ORDINANCE NO. 2002-04

ORDINANCE NO. 1399

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 20 DAY OF FEBRUARY, 2002.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 20 DAY OF MARCH, 2002.

CITY OF PEMBROKE PINES,
FLORIDA

By: *Alex G. Fekete*
MAYOR ALEX G. FEKETE

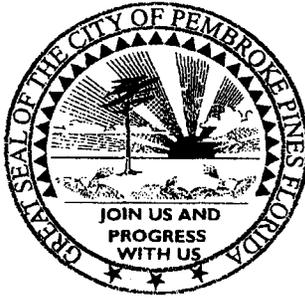
ATTEST:

Eileen M. Tesh
EILEEN M. TESH, CITY CLERK

Samuel J. ... 3/20/02
OFFICE OF THE CITY ATTORNEY

FEKETE	<u>AYE</u>
ARMSTRONG	<u>AYE</u>
FIORENDINO	<u>AYE</u>
KATZ	<u>AYE</u>
ORTIS	<u>AYE</u>

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**CITY OF PEMBROKE PINES
EMPLOYEE ASSISTANCE PROGRAM POLICY**



Aetna Resources For LivingSM

Benefits Overview

Employees and household members can confidentially address and resolve personal and workplace challenges through the Employee Assistance Program (EAP). The EAP offers short-term counseling on all aspects of life at no cost to you, including:

- Relationship difficulties
- Emotional/psychological concerns
- Work or family stress and anxiety
- Alcohol and drug abuse
- Personal and life improvement
- Legal or financial topics
- Depression
- Childcare
- Eldercare issues
- Grief issues

Legal / Financial Services

Your EAP benefit offers legal and financial guidance from qualified professionals, including an initial consultation for each issue.* Typical financial matters include credit counseling, debt and budgeting assistance, tax planning, and retirement and college planning.

- Free online will valid in 49 states
- Telephonic tax consultation
- Services beyond initial consult provided at a reduced rate
- Detailed wills and trust preparation
- Identity theft consultation
- Mediation services
- Website forms and information
- Legal and financial library

Online Worklife Resources

With online worklife services, employees and their households can find resources for a variety of concerns including childcare, eldercare, adoption, daily living issues and other issues they may encounter.

- Monthly webinars on various topics
- Childcare and eldercare searches
- Public and private school searches
- Adoption resources
- Health assessments and tools
- Health and wellness resources
- Household services
- College search and financing tools

- Veterinarian and pet care searches
- Over one million worklife providers

Free, confidential support any time, day or night. Call toll-free or visit us online.

1-800-865-3200

www.mylifevalues.com

Log In: Pembroke Pines FL

Password: EAP

* The EAP services described above are provided at no charge.

Note: Legal and financial services beyond initial consults are provided at a reduced rate.

Aetna Resources for LivingSM is the brand name used for products and services offered through the Aetna group of subsidiary companies. The EAP is administered by Aetna Behavioral Health, LLC and Aetna Life Insurance Company (Aetna)

All calls are confidential, except as required by law (i.e., when a person's emotional condition is a threat to himself/herself or others, or there is suspected abuse of a minor child, and in some areas, spousal or elder abuse).

Information is believed to be accurate as of the production date; however, it is subject to change. For more information about Aetna plans, refer to www.aetna.com.

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74.03.107.1-OnWL-ARFL (2/12)

Aetna[®]

CITY OF PEMBROKE PINES

EMPLOYEE ASSISTANCE PROGRAM POLICY

I. PURPOSE:

The City Commission and the City of Pembroke Pines recognize that personal and health problems can adversely affect the quality of life of its employees.

These problems may include emotional and mental illnesses, family and marital stress, abuse of alcohol and drugs and many others.

Employees whose job performance problems are not related to lack of skills and who do not respond satisfactorily to the usual disciplinary procedures are usually in need of the attention from professionals. With proper treatment, many troubled employees can be restored to a satisfactory level of job performance. However, if the underlying problems or illnesses are ignored, they may worsen with time.

In an effort to provide assistance to our employees, the City of Pembroke Pines offers an Employee Assistance Program (EAP) for the employees and their dependents as part of its employee services. The EAP provides confidential assessment, referral and counseling at no cost to employees whose personal or health problems are interfering with their job performance.

II. PROGRAM INFORMATION:

1. **CONFIDENTIALITY** is the basis of the program and is assured. No information regarding the nature of an employee's use of the program will be made available to management or will in any way be reflected in the personnel files.
2. Participation in the EAP will not affect an employee's future career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues.
3. The EAP may be used in conjunction with **DISCIPLINE** and is not a substitute for discipline.
4. The EAP can be accessed by an employee through self-referral or a referral by a supervisor.
5. If a referral to a provider outside the EAP is necessary, costs may be covered by the employee's medical insurance benefits¹ if not, the costs of such outside services are the employee's responsibility.

III. THE REFERRAL PROCESS:

The EAP program can be accessed by any full- time permanent employee or eligible dependent in the following ways:

1. SELF REFERRAL

The employee or eligible dependent contacts the EAP directly. **TOTAL CONFIDENTIALITY IS ASSURED.** No one from the City will receive any notice of the visits or any reports.

2. SUPERVISORY REFERRAL

It is the responsibility of the City's supervisors to appropriately confront an employee wherever they observe changes in performance that suggest a problem. The supervisor may suggest that the employee voluntarily seek help (informal referral) from the City's EAP, or decide that the complexity of the observed problem is such that an involuntary referral to the EAP should be made (formal referral).

A. INFORMAL REFERRAL

1. In order to provide the employee with a means of receiving help with problems that become apparent either through knowledge or observation, the supervisor can inform the employee of the benefits provided by the EAP and give the name of the service and the telephone number.
2. When appropriate, the supervisor should contact and inform the EAP counselor of the informal referral and the circumstances leading to such referral.
3. Informal referrals can take place at any time in the disciplinary process, or if an employee confides in the supervisor that he/she is having problems of a personal nature.

***** NOTE *****

IN AN INFORMAL REFERRAL THE COUNSELOR WILL NOT REVEAL TO THE SUPERVISOR WHETHER THE EMPLOYEE USED THE SERVICE OR DIVULGE ANY INFORMATION ABOUT THE VISIT.

B. FORMAL REFERRAL

Through a formal referral, the supervisor directs the employee to make use of the EAP. Failure to use the EAP may result in a recommendation for disciplinary action up to and including termination.

In a formal referral:

1. The supervisor or any other manager designated by the City should contact the EAP provider to discuss the referral prior to the visit.
2. The EAP provider will request the employee to sign a waiver allowing the provider to call the supervisor or designee to advise whether the employee saw the provider and followed recommendations.

***** NOTE *****

NO OTHER DETAILED INFORMATION IS REVEALED TO THE SUPERVISOR.

In extreme circumstances, where termination can occur, the supervisor may opt to give the employee another opportunity to improve performance by a formal referral to the EAP. In these cases, the employee may be asked to sign an acknowledgement letter indicating that failure to go to the EAP and follow recommendations will result in termination.

Supervisors should not attempt to diagnose the nature of the employee's problem. However, they should be alert to changes in behavior such as:

- Absenteeism
- Chronic lateness
- Personality change
- Decline in work quality
- Unusual behavior that may signal a problem

IV. LEAVE OF ABSENCE

The rules as stated in the Career Service System Rules and Regulations and/or applicable bargaining agreement will apply to any request for a leave without pay.



**CITY OF PEMBROKE PINES
FAMILY MEDICAL LEAVE POLICY**

1 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
2 PEMBROKE PINES, FLORIDA, AMENDING THE CAREER SERVICE
3 SYSTEM RULES AND REGULATIONS TO INCLUDE A FAMILY AND
4 MEDICAL LEAVE POLICY IN ACCORDANCE WITH THE FAMILY AND
5 MEDICAL LEAVE ACT OF 1993, AS SET FORTH IN ATTACHED
6 EXHIBIT "A"; PROVIDING FOR CONFLICTS; PROVIDING FOR
7 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

8 WHEREAS, earlier this year President Clinton signed into law
9 the Family and Medical Leave Act of 1993 (P.L. 103-3),
10 hereinafter referred to as the "Act" or "FMLA"; and

11 WHEREAS, the City is covered under the Act and is subject to
12 its provisions which requires the City to post certain notices
13 and to provide written guidance to employees concerning their
14 rights under the Act; and

15 WHEREAS, the City Commission of the City of Pembroke Pines,
16 Florida, desires to comply with the requirements of the Act and
17 deems it to be in the best interest of the citizens and residents
18 of the City to amend the Career Service System Rules and
19 Regulations to adopt a Family and Medical Leave Policy;

20 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
21 CITY OF PEMBROKE PINES, FLORIDA, THAT:

22 Section 1. The foregoing "WHEREAS" clauses are true and
23 correct and are hereby ratified and confirmed by the City
24 Commission.

25 Section 2. The City's Career Service System Rules and
26 Regulations are hereby amended to include the Family and Medical
27 Leave Policy attached hereto as Exhibit "A" and by this reference
28 made a part hereof.

Proposed Resolution No. 93-R-77

RESOLUTION NO. 2222

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

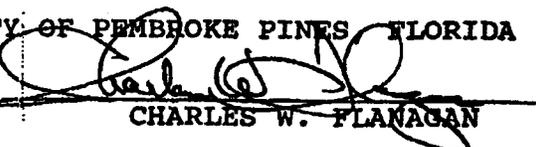
Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS 19 DAY OF JANUARY, 1993.

ATTEST:

CITY OF PEMBROKE PINES, FLORIDA

BY: 
CHARLES W. FLANAGAN


EILEEN M. TESH
CITY CLERK

FLANAGAN AYE

THIBAUT AYE

Proposed by Commission

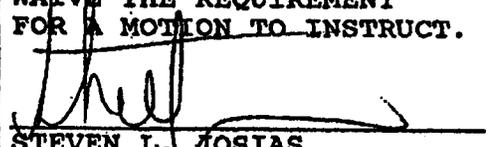
ARMSTRONG AYE

LEG NOTE

FEKETE AYE

I HEREBY CERTIFY that I have approved the form of this resolution and WAIVE THE REQUIREMENT FOR A MOTION TO INSTRUCT.

NELSON AYE


STEVEN L. JOSIAS
CITY ATTORNEY

CITY OF PEMBROKE PINES
FAMILY AND MEDICAL LEAVE

THE FEDERAL GOVERNMENT'S FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA AN ACT) IS EFFECTIVE ON AUGUST 5, 1993 FOR ELIGIBLE EMPLOYEES. THE ACT WILL BECOME EFFECTIVE FOR BARGAINING UNIT MEMBERS ON FEBRUARY 5, 1994, OR SOONER IF A CONTRACT EXPIRES.

PREVAILING LAW

NEITHER THE FAMILY AND MEDICAL LEAVE ACT OR THIS POLICY IMPLEMENTING THE ACT, SUPERSEDE THE PROVISIONS OF ANY STATE OR LOCAL LAW, OR COLLECTIVE BARGAINING AGREEMENT PROVIDING GREATER FAMILY AND MEDICAL LEAVE RIGHTS.

DEFINITIONS

ELIGIBLE EMPLOYEE'S

EMPLOYEES OF THE CITY WHO HAVE WORKED FOR THE CITY FOR AT LEAST 12 MONTHS AND HAVE WORKED AT LEAST 1,250 HOURS DURING THAT TIME MAY BE ENTITLED TO A TOTAL OF 12 WEEKS OF UNPAID MEDICAL LEAVE DURING ANY 12 MONTH PERIOD, COMMENCING FROM THE FIRST DATE OF THE LEAVE PERIOD, WHEN LEAVE IS TAKEN FOR ONE OR MORE OF THE CIRCUMSTANCES AS STATED UNDER LEAVE ENTITLEMENT. INCLUDES KEY EMPLOYEE'S, AS HEREAFTER DEFINED, EXCEPT WHERE EXPRESSLY EXCLUDED.

KEY EMPLOYEE'S

MEANS SALARIED EMPLOYEES WHO ARE AMONG THE HIGHEST PAID 10% OF ALL EMPLOYEES.

FAMILY MEMBER

FAMILY MEMBER INCLUDES SPOUSE, PARENTS , SON AND DAUGHTER. THE TERM SPOUSE MEANS CURRENT HUSBAND OR WIFE AS RECOGNIZED UNDER STATE LAW FOR PURPOSES OF MARRIAGE, INCLUDING COMMON LAW MARRIAGE IN STATES WHERE IT IS RECOGNIZED. THE TERM PARENT MEANS THE BIOLOGICAL PARENT OR INDIVIDUAL WHO STANDS OR STOOD IN LOCO PARENTIS (IN THE PLACE OF A PARENT) TO AN EMPLOYEE WHEN THE EMPLOYEE WAS A CHILD. THIS TERM DOES NOT INCLUDE PARENTS "IN LAW". THE TERMS SON OR DAUGHTER MEANS BIOLOGICAL, ADOPTED, OR FOSTER CHILD, A STEPCHILD, A LEGAL WARD, OR A CHILD OF A PERSON STANDING IN LOCO PARENTIS, WHO IS EITHER UNDER AGE 18, OR AGE 18, OR OLDER AND INCAPABLE OF SELF CARE BECAUSE OF A MENTAL OR PHYSICAL DISABILITY.

LEAVE ENTITLEMENT

ELIGIBLE EMPLOYEES MAY BE ENTITLED TO FMLA LEAVE WHEN SUCH LEAVE IS TAKEN FOR ONE OR MORE OF THE FOLLOWING CIRCUMSTANCES:

1. THE BIRTH OF A CHILD OF AN EMPLOYEE AND TO CARE FOR THE CHILD;
2. THE PLACEMENT OF A CHILD WITH AN EMPLOYEE FOR ADOPTION OR FOSTER CARE. FOSTER CARE REQUIRES STATE ACTION.
3. TO CARE FOR THE SPOUSE, CHILD, OR PARENT OF AN EMPLOYEE, BUT NOT A PARENT "IN LAW", IF THE FAMILY MEMBER HAS A SERIOUS HEALTH CONDITION; OR
4. THE EMPLOYEE IS UNABLE TO PERFORM THE FUNCTIONS OF THE POSITION, BECAUSE OF THE EMPLOYEE'S OWN SERIOUS HEALTH CONDITION.

SPOUSES EMPLOYED BY THE CITY ARE JOINTLY ENTITLED TO A COMBINED TOTAL OF 12 WEEKS OF FAMILY LEAVE FOR THE BIRTH, ADOPTION OR FOSTER CARE OF A CHILD OR FOR THE CARE OF A CHILD OR PARENT WHO HAS A SERIOUS HEALTH CONDITION.

THE EMPLOYEE'S ENTITLEMENT TO LEAVE FOR BIRTH, ADOPTION OR FOSTER CARE, EXPIRES AT THE END OF THE 12 MONTH PERIOD BEGINNING ON THE DATE OF THE BIRTH OR PLACEMENT.

A SERIOUS HEALTH CONDITION IS AN ILLNESS, INJURY, IMPAIRMENT, PHYSICAL OR MENTAL CONDITION THAT INVOLVES:

1. INCAPACITY OR TREATMENT CONNECTED WITH INPATIENT CARE AT A HOSPITAL, HOSPICE OR RESIDENTIAL MEDICAL CARE FACILITY INVOLVING AN OVERNIGHT STAY.
2. INCAPACITY REQUIRING ABSENCE OF THREE CALENDAR DAYS FROM WORK THAT INVOLVES CONTINUING TREATMENT OR SUPERVISION OF A HEALTH CARE PROVIDER.
3. CONTINUING TREATMENT BY A HEALTH CARE PROVIDER FOR A CHRONIC LONG TERM HEALTH CONDITION THAT IF NOT TREATED WOULD LIKELY RESULT IN A PERIOD OF INCAPACITY OF MORE THAN 3 CALENDAR DAYS.

AN EMPLOYEE REQUESTING UNPAID FMLA LEAVE SHALL EXPLAIN, IN WRITING, TO THE PERSONNEL DIRECTOR THE REASONS FOR THE NEED FOR SUCH LEAVE. THE EMPLOYEE SHALL GIVE, WHEN FORESEEABLE, 30 DAYS ADVANCE NOTICE OF THE NEED FOR FMLA LEAVE. THE CITY MAY REQUEST AS MUCH SUBSTANTIATING DOCUMENTATION FROM THE EMPLOYEE AS IT FEELS NECESSARY TO MAKE A DETERMINATION AS TO WHETHER THE REASON FOR THE REQUEST QUALIFIES UNDER THE ACT. THE PERSONNEL DIRECTOR AND THE DEPARTMENT DIRECTOR, AFTER CAREFUL REVIEW, SHALL FORWARD A RECOMMENDATION TO THE CITY MANAGER.

A CERTIFICATE OF PHYSICIAN OR PRACTITIONER FORM WH-380 SHALL BE REQUIRED FROM A QUALIFIED HEALTH CARE PROVIDER FOR ANY MEDICAL REASON CITED BY THE EMPLOYEE. THE CITY MAY NOT REQUEST ADDITIONAL INFORMATION FROM SUCH PROVIDER BUT MAY REQUIRE THE EMPLOYEE TO OBTAIN, AT THE CITY'S EXPENSE, A SECOND OPINION. THE CITY SHALL DESIGNATE THE HEALTH CARE PROVIDER TO FURNISH SUCH SECOND OPINION. IF THE TWO OPINIONS CONFLICT, THE CITY MAY REQUIRE THE EMPLOYEE, AT THE CITY'S EXPENSE, TO OBTAIN CERTIFICATION FROM A MUTUALLY AGREED UPON THIRD HEALTH CARE PROVIDER WHO'S OPINION WILL BE FINAL.

INTERMITTENT OR REDUCED SCHEDULE LEAVE

WHEN MEDICALLY NECESSARY, INTERMITTENT OR REDUCED SCHEDULE LEAVE MAY BE TAKEN DUE TO AN EMPLOYEE'S OWN SERIOUS HEALTH CONDITION OR THAT OF A FAMILY MEMBER.

INTERMITTENT OR REDUCED SCHEDULE LEAVE IS NOT AVAILABLE FOR THE BIRTH OR PLACEMENT OF A CHILD.

EMPLOYEES SEEKING INTERMITTENT OR REDUCED SCHEDULE LEAVE BASED ON PLANNED MEDICAL TREATMENT ARE REQUIRED TO PRODUCE CERTIFICATION OUTLINING THE DATES ON WHICH TREATMENT IS EXPECTED AND THE DURATION OF THE TREATMENT. EMPLOYEES ARE EXPECTED TO MAKE A REASONABLE EFFORT, SUBJECT TO THE HEALTH CARE PROVIDER'S APPROVAL, TO SCHEDULE TREATMENT SO AS TO NOT UNDULY DISRUPT THE CITY'S OPERATIONS. EMPLOYEES ARE REQUIRED TO GIVE THE CITY, THROUGH THE PERSONNEL DEPARTMENT, THIRTY (30) DAYS NOTICE OR AS MUCH NOTICE AS IS PRACTICABLE OF THEIR INTENTIONS.

IN THE EVENT AN EMPLOYEE REQUESTS INTERMITTENT OR REDUCED SCHEDULE LEAVE DUE TO A FAMILY MEMBER'S OR THE EMPLOYEE'S OWN SERIOUS HEALTH CONDITION, THE CITY MAY ELECT TO TEMPORARILY TRANSFER THE EMPLOYEE TO AN AVAILABLE ALTERNATIVE POSITION, WITH EQUIVALENT PAY AND BENEFITS, FOR WHICH THE EMPLOYEE IS QUALIFIED AND WHICH BETTER ACCOMMODATES THE CITY'S NEEDS AND THAT OF THE EMPLOYEE.

NOTICE FROM ELIGIBLE AND KEY EMPLOYEES

A MINIMUM OF THIRTY (30) DAYS ADVANCE NOTICE OF AN EMPLOYEE'S INTENT TO TAKE LEAVE IS REQUIRED WHEN IT IS FORESEEABLE DUE TO:

1. THE EXPECTED BIRTH OF A CHILD.
2. THE EXPECTED PLACEMENT OF A CHILD FOR ADOPTION OR FOSTER CARE.
3. PLANNED MEDICAL TREATMENT FOR A CHILD, SPOUSE OR PARENT WITH A SERIOUS HEALTH CONDITION.
4. PLANNED MEDICAL TREATMENT IN THE CASE OF THE EMPLOYEE'S OWN SERIOUS HEALTH CONDITION

IF LEAVE HAS TO BEGIN IN LESS THAN THIRTY (30) DAYS AS A RESULT OF ONE OF THE ABOVE REFERENCED CIRCUMSTANCES, THE EMPLOYEE MUST PROVIDE THE CITY, THROUGH ITS PERSONNEL DEPARTMENT, WITH AS MUCH ADVANCE NOTICE AS IS PRACTICABLE.

NOTICE MUST BE PROVIDED, IN WRITING, TO THE PERSONNEL DEPARTMENT OF THE CITY. IN THE EVENT NOTICE IS NOT GIVEN IN THESE CIRCUMSTANCES, THE EMPLOYEE WILL BE CONSIDERED TO HAVE TAKEN "UNAUTHORIZED LEAVE" AND WILL BE SUBJECT TO APPROPRIATE DISCIPLINARY ACTION AS SET FORTH IN THE CITY'S CAREER SERVICE RULES AND REGULATIONS.

NOTICE FROM CITY TO KEY EMPLOYEES

THE CITY SHALL NOTIFY A KEY EMPLOYEE BEFORE LEAVE IS TAKEN IF ECONOMIC INJURY IS FORESEEN AT THE TIME.

CERTIFICATION

WHEN LEAVE IS REQUESTED BASED ON A FAMILY MEMBER'S OR EMPLOYEE'S OWN SERIOUS HEALTH CONDITION, THE EMPLOYEE MUST PROVIDE, IN WRITING, A MEDICAL CERTIFICATE STATING THE CONDITION AND THE NEED FOR LEAVE FROM THE EMPLOYEE'S OR FAMILY MEMBERS HEALTH CARE PROVIDER WITHIN TEN (10) DAYS OF THE WRITTEN REQUEST FOR LEAVE. THE CERTIFICATE MUST CONTAIN THE FOLLOWING:

1. THE DATE THE SERIOUS HEALTH CONDITION BEGAN.
2. THE PROBABLE DURATION OF THE CONDITION.
3. THE APPROPRIATE MEDICAL FACTS REGARDING THE CONDITION WHICH ARE WITHIN THE KNOWLEDGE OF THE HEALTH CARE PROVIDER.
4. WHEN THE REQUEST FOR LEAVE IS BASED UPON THE NEED TO CARE FOR A CHILD, SPOUSE OR PARENT, A STATEMENT THAT THE EMPLOYEE IS NEEDED TO PROVIDE THE CARE AND AN ESTIMATE OF THE AMOUNT OF TIME THAT THE NEED WILL CONTINUE.
5. WHEN LEAVE IS BASED UPON THE EMPLOYEE'S OWN SERIOUS HEALTH CONDITION, A STATEMENT THAT EMPLOYEE IS UNABLE TO PERFORM THE FUNCTIONS OF HIS OR HER JOB.
6. WHEN INTERMITTENT OR REDUCED SCHEDULE LEAVE IS REQUESTED FOR PLANNED MEDICAL TREATMENT, A STATEMENT FROM THE HEALTH CARE PROVIDER STATING THAT THE LEAVE IS MEDICALLY NECESSARY, THE DATES THE TREATMENT IS EXPECTED TO BE GIVEN AND THE DURATION OF THE TREATMENT.

THIS CERTIFICATION WILL BE TREATED AS A CONFIDENTIAL MEDICAL RECORD AND THE INFORMATION WILL BE DISCLOSED ONLY AS REQUIRED BY LAW.

USE OF PAID LEAVE - DESIGNATION OF PAID LEAVE AS FMLA LEAVE

EMPLOYEES WHO ARE GRANTED FMLA LEAVE ARE REQUIRED TO USE ALL ACCRUED PAID LEAVE, VACATION, SICK, PERSONAL DAYS AND COMPENSATION TIME, PRIOR TO FMLA LEAVE WITHOUT PAY. SUCH ACCRUED TIME SHALL BE INCLUDED IN THE TOTAL OF THE MAXIMUM LEAVE IN THE DESIGNATED YEAR.

CONTINUATION OF BENEFITS

THE CITY SHALL CONTINUE GROUP HEALTH PLAN COVERAGE FOR EMPLOYEES ON FMLA LEAVE FOR THE DURATION OF THE ELIGIBLE EMPLOYEE'S LEAVE. COVERAGE SHALL BE PROVIDED ON THE SAME LEVEL AND UNDER THE SAME CONDITIONS THAT COVERAGE WOULD HAVE BEEN PROVIDED IF NO LEAVE HAD BEEN TAKEN. AN EMPLOYEE ON FMLA LEAVE WITHOUT PAY SHALL PAY ANY DEPENDENT COVERAGE AND OTHER PREMIUMS NORMALLY PAID. SUCH PAYMENT IS DUE IN THE PERSONNEL DEPARTMENT BY THE 25TH OF EACH MONTH.

IN THE EVENT AN EMPLOYEE FAILS TO RETURN TO WORK AFTER THE PERIOD OF LEAVE EXPIRES, THE CITY MAY RECOVER ANY PREMIUMS THE CITY PAID FOR COVERAGE DURING THE LEAVE PERIOD. SUCH RECOVERY CAN BE TAKEN FROM ANY BENEFITS OR WAGES OWED BY THE CITY TO THE EMPLOYEE.

SHOULD THE EMPLOYEE FAIL TO RETURN DUE TO THE FOLLOWING CIRCUMSTANCES THE CITY WILL NOT ATTEMPT TO RECOVER SUCH PREMIUMS:

1. CONTINUATION, REOCCURRENCE OR ONSET OF AN EMPLOYEE'S OWN SERIOUS HEALTH CONDITION OR THAT OF A FAMILY MEMBER;
2. DUE TO OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE EMPLOYEE

THE EMPLOYEE IS REQUIRED TO PROVIDE THE PERSONNEL DEPARTMENT WITH WRITTEN CERTIFICATION, FROM THE EMPLOYEE'S OR FAMILY MEMBER'S HEALTH CARE PROVIDER, SUBSTANTIATING 1 AND/OR 2 ABOVE. FAILURE TO RETURN WITHIN 30 CALENDAR DAYS OF THE AGREED UPON DATE AND PROVIDE THE ABOVE CERTIFICATION MAY RESULT IN TERMINATION AND THE CITY MAY RECOVER PREMIUMS PAID.

RECERTIFICATION

AN EMPLOYEE WHO HAS TAKEN LEAVE BECAUSE OF THE EMPLOYEE'S OWN SERIOUS HEALTH CONDITION OR THAT OF A FAMILY MEMBER IS REQUIRED BY THE CITY TO OBTAIN SUBSEQUENT WRITTEN RECERTIFICATION OF THAT MEDICAL CONDITION EVERY FIVE (5) WEEKS DURING THE DURATION OF THE CONDITION. IN ADDITION, EMPLOYEES ON FMLA LEAVE ARE REQUIRED TO REPORT EVERY 2 WEEKS, IN WRITING, ON THEIR STATUS AND THE INTENTION OF THE EMPLOYEE TO RETURN TO WORK. FAILURE TO REPORT AS STATED ABOVE MAY SUBJECT THE EMPLOYEE TO DISCIPLINARY ACTION FOR UNEXCUSED ABSENCES.

REINSTATEMENT

ELIGIBLE EMPLOYEES OTHER THAN KEY EMPLOYEES, WHO COMPLY WITH ALL PROVISIONS OF THIS POLICY AND WHO RETURN FROM FMLA LEAVE WILL BE RETURNED TO THE JOB POSITION HELD PRIOR TO THE LEAVE, OR MAY BE PLACED, AT THE DISCRETION OF THE CITY, IN AN EQUIVALENT POSITION WITH EQUIVALENT BENEFITS, PAY AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT. IF AN EMPLOYEE IS NO LONGER QUALIFIED FOR A POSITION BECAUSE OF FAILURE TO RENEW A LICENSE OR ATTEND A CLASS THE EMPLOYEE WILL BE AFFORDED A REASONABLE OPPORTUNITY TO FULFILL THE REQUIRED CONDITIONS.

THE CITY MAY DENY RESTORATION TO A KEY EMPLOYEE IF:

1. DENIAL IS NECESSARY TO PREVENT "SUBSTANTIAL AND GRIEVOUS ECONOMIC INJURY" TO THE EMPLOYER'S BUSINESS; AND
2. THE CITY NOTIFIES EMPLOYEE OF ITS INTENT TO DENY RESTORATION ON THAT BASIS AT THE TIME THE CITY DETERMINES THAT SUCH "INJURY" WOULD OCCUR AND AFTER BEING NOTIFIED, THE EMPLOYEE ELECTS NOT TO RETURN. THE CITY SHALL NOT DENY THE EMPLOYEE THE OPPORTUNITY TO TAKE LEAVE (I.E., MUST NOTIFY THE EMPLOYEE AFTER THE LEAVE IS REQUESTED BUT BEFORE THE LEAVE IS TAKEN, IF ECONOMIC INJURY IS FORESEEN AT THAT TIME) AND, IF THE EMPLOYEE ALREADY IS ON LEAVE WHEN THE NOTICE IS GIVEN, THE CITY SHALL GIVE THE EMPLOYEE AN OPPORTUNITY TO RETURN TO WORK.

WHILE ON LEAVE ELIGIBLE EMPLOYEES WILL RETAIN ALL ACCRUED BENEFITS. AN EMPLOYEE WILL NOT ACCRUE ANY ADDITIONAL BENEFITS DURING FMLA LEAVE (E.G. VACATION, LONGEVITY, SENIORITY, SICK ETC.). REINSTATED EMPLOYEES ARE NOT ENTITLED TO ANY RIGHT, BENEFIT OR POSITION OF EMPLOYMENT OTHER THAN ANY TO WHICH THEY WOULD HAVE BEEN ENTITLED HAD THEY NOT TAKEN THE LEAVE.

PRIOR TO REINSTATEMENT AN EMPLOYEE WHOSE LEAVE WAS BASED ON THE EMPLOYEE'S OWN SERIOUS HEALTH CONDITION IS REQUIRED TO PROVIDE, IN WRITING, TO THE PERSONNEL DEPARTMENT A CERTIFICATION FROM THE EMPLOYEE'S HEALTH CARE PROVIDER THAT THE EMPLOYEE IS ABLE TO RETURN TO WORK.



CITY OF PEMBROKE PINES SAFETY PROGRAM POLICY

PROPOSED ORDINANCE NO. 95-34

ORDINANCE NO. 1131

1 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
2 PEMBROKE PINES, FLORIDA, AMENDING THE ATTACHMENT TO
3 SECTION 33.30 OF THE CODE OF ORDINANCES OF THE CITY OF
4 PEMBROKE PINES, FLORIDA, TO AMEND THE "SAFETY PROGRAM"
5 TO COMPLY WITH RULE 38I-74.001 OF THE DEPARTMENT OF
6 LABOR AND EMPLOYMENT SECURITY; PROVIDING FOR
7 CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
8 AN EFFECTIVE DATE.

9 BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
10 PEMBROKE PINES, FLORIDA, THAT:

11 Section 1. The attachment to Section 30.30 of the Code
12 of Ordinances of the City of Pembroke Pines, Florida, ("Code")
13 is amended to read as set forth in Exhibit "A" attached hereto
14 and by this reference made a part hereof.

15 Section 2. If any clause, section, or other part or
16 application of this Ordinance shall be held by any court of
17 competent jurisdiction to be unconstitutional or invalid, such
18 unconstitutional or invalid part or application shall be
19 considered as eliminated and so not effecting the validity of
20 the remaining portions or applications remaining in full force
21 and effect.

22 Section 3. All Ordinances or parts of Ordinances,
23 Resolutions or parts of Resolutions in conflict herewith be and
24 the same are hereby repealed to the extent of such conflict.

CODING: Words in ~~struck-through~~ type are deletion from
existing law;
Words in underscoring type are additions.

6-26-95c:95-34
ccm6-21-95#22
file#76185

Proposed Ordinance No. 95-34
EXHIBIT "A"

SAFETY PROGRAM

CITY OF PEMBROKE PINES

ARTICLE I 1
OBJECTIVE

The objective of this Program is to obtain the highest possible degree of accident free operation in order that the best interests of the employees and the City may be served.

ARTICLE II 2
AUTHORIZATION OF SAFETY PROGRAM

Upon approval of the Safety Program by the City Council Commission it shall become effective immediately upon passage and adoption of the enabling ordinance, and it shall then become the responsibility of each department head to see that the plan is followed.

ARTICLE III 3
SUMMARY STATEMENT

Accidents do not "just happen" - they are caused. Accidents are the results of faulty planning or operation. Unsafe acts and/or unsafe conditions do not automatically correct themselves. Therefore, a safety control program is essential. Safety is a part of efficiency and must be made a part of every activity and phase of operations.

ARTICLE IV 4
PURPOSE

The purpose of the Safety Program is to establish within the City's departments, safety procedures for both the administrators and the employees. By establishing and teaching safety procedures, everyone will become aware of and correct unsafe conditions and practices.

ARTICLE V 5
ORGANIZATION

There shall be ~~Safety Committee~~ a Safety Review Board composed of the department heads of all departments of the City. Each department head will appoint a Safety Supervisor from the department. Each department head shall request volunteers from their department to serve as Safety Supervisors and represent the

Proposed Ordinance No. 95-34
EXHIBIT "A"

~~department on the Safety Committee.~~ There shall be prepared a Safety Manual which shall be distributed to all employees of the City. There shall be ~~an Accident Review Board~~ a Safety Committee.

ARTICLE VI 6
~~Safety Committee~~ SAFETY REVIEW BOARD RESPONSIBILITIES

The ~~Safety Committee~~ Safety Review Board shall:

A. Review & Make Determinations as Follows:

1. Review monthly, all job related personal injuries or property damage.
2. Determine if the employee's actions contributed to the injury.
3. Determine if unsafe conditions existed that caused the employee's injury.
4. Review the findings of the ~~Accident Review Board~~ Safety Committee on employee's vehicular accidents.

B. Appeal & Hearings

1. Upon the ~~Committee Board~~ making a determination which is adverse to the employee, the ~~Committee Board~~ shall notify the employee in writing of their determination and of his/her right to request a hearing before the ~~Safety Committee~~ Safety Review Board.
2. Hearings before the ~~Committee Board~~ shall be conducted informally in accordance with the procedures established by the ~~Committee Board~~ and shall not be bound by formal rules of evidence.
3. All parties, including the ~~Committee Board~~, shall have the opportunity to call witnesses, produce books, records, documents or other materials, and to present evidence pertinent to the hearing. Furthermore, each party shall have the opportunity to ask questions and cross examine witnesses..

C. Determinations & Recommendations

1. At the conclusion of each hearing the ~~Committee~~

Proposed Ordinance No. 95-34
EXHIBIT "A"

Board shall communicate to the employee its determination orally and direct the secretary to transmit its recommendations to the City Manager.

2. Make recommendations to the City Manager and/or the individual department head pertaining to safety procedures of unsafe conditions.
3. Recommend action to be taken if any employee is found to be negligent or contributory to personal accidents or vehicular accidents or property damage.
4. Recommend standards for safety equipment for use by employees.

D. General Responsibilities

1. Help plan safety program activities and conduct safety training.
2. Train employee in safe work methods and advise of any hazards in their assigned jobs.
3. Schedule regular departmental safety meetings for a review of safety practices discussion to maintain interest and awareness of safety on the job.
- ~~4. Issue a monthly accident report to the City Council Commission and City Manager.~~
5. Establish standards for job safety and driver performance.
- ~~6. Issue safety certificates to all employees who are accident free for the year.~~

ARTICLE VII 7
SAFETY SUPERVISORS RESPONSIBILITIES

The Safety Supervisors shall:

1. Be responsible to inspect their department's work area(s) and equipment and report and have corrected any existing hazardous conditions.
2. Investigate all injuries and accidents within their

Proposed Ordinance No. 95-34
EXHIBIT "A"

department and make a full written report to the department head which will be submitted to the ~~Safety Committee~~ Safety Review Board.

3. Help plan and conduct safety program activities within their departments.
4. Report to the department head any unsafe equipment or conditions whether within the department or in another department.
5. Help train employees in safety working habits.
6. Suggest corrective measures with the department.

ARTICLE VIII B
ACCIDENT REVIEW BOARD SAFETY COMMITTEE COMPOSITION AND RESPONSIBILITIES

The Accident Review Board The Safety Committee shall be composed of different department a volunteer from each of the different department (safety supervisors) and three (3) City representatives. All committee members shall serve one (1) year terms. The City shall compensate each committee member at their regular hourly rate when the member is engaged in committee activities.

The City shall is responsible to ensure that the safety committee convene in accordance with the following protocol:

1. The committee shall convene its first scheduled meeting not more than forty-five (45) days after the date of its inception.
2. Thereafter, the committee shall convene its scheduled meetings at least once each quarter during the calendar year and such other times as a majority of the committee membership agrees or the City requires.
3. Review all job related vehicular accidents.
4. Determine the fault and responsibility of said accident.
5. Determine the preventability of each accident.
6. Forward their findings to the Safety Committee Review Board along with their recommended action to be taken.

Proposed Ordinance No. 95-34
EXHIBIT "A"

The duties and functions of the safety committee, under the direction of the City, are as follows:

1. Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the City, those procedures shall be used to evaluate the effectiveness of engineering, administrative and personnel protective control measures provided by the City to protect employees from recognized hazards.
2. Establish and communicate procedures, approved by the City, by which the City shall investigate all workplace accidents, safety related incidents, injuries, illnesses, diseases and fatalities.
3. Evaluate the effectiveness of and recommend improvements to the City's safety rules, policies and procedures for accident and illness prevention programs in the workplace and, when approved by the City, ensure that written updates and changes to rules, policies and procedures of the safety programs are completed.
4. Establish and communicate guidelines for the training of members on the requirements of this rule.
5. Post the scheduled date, time and location of the committee meetings in a conspicuous place where employees normally gather.
6. Provide minutes of the committee meetings in a conspicuous place where employees normally gather and provide a copy thereof to individual employees upon written request.
7. Retain in the workplace all original written communications between the City and the committee, or true copies thereof, for a period of not less than three (3) calendar years.

A quorum of the membership of a committee is required before official business may be transacted at a meeting.

ARTICLE IX 9
GENERAL RESPONSIBILITIES

General responsibilities are as follows:

Proposed Ordinance No. 95-34
EXHIBIT "A"

1. Management - Department Head shall:
 - A. ~~Assign a person~~ Request a volunteer to serve as safety supervisor who will help administer the Safety Program.
 - B. Provide example, leadership and direction.
 - C. Conduct periodic safety inspections.
 - D. Enforce safety rules.
 - E. Insure that all accidents are investigated and reported.
 - F. Insure that preventative and correction action is taken.
2. Safety Supervisors shall:
 - A. Promote safety awareness.
 - B. Investigate thoroughly the causes of all accidents and report to the department head.
 - C. See that all accidents are reported promptly regardless of nature.
 - D. Advise all employees the policy for the violation of safety rules.
3. Employee shall:
 - A. Follow all safety rules and regulations.
 - B. Report to your immediate supervisor and/or department head any and all unsafe conditions within the department or in another department.
 - C. Keep work areas orderly and clean.
 - D. Use ~~a safe manner~~ all tools and equipment in a safe manner.
 - E. Report all accidents immediately to supervisor and/or department head. If injured, get medical treatment.

Proposed Ordinance No. 95-34
EXHIBIT "A"

- F. Operate only the equipment authorized and only the equipment in which you have been instructed.
- G. Wear protective equipment issued and dress safely.
- H. Do not engage in "horse-play."
- I. Obey all safety rules and practices.
- J. Take an active part in the Safety Program.
- K. Offer suggestions for safety improvement.

ARTICLE X 10
MOTOR VEHICLE RESPONSIBILITIES

Vehicular accidents are probably the most costly accident to the City and the employees. Therefore, this article is being presented in a supplementary manner.

The general responsibilities are:

- 1. Management - Department Head shall:
 - A. Provide leadership, example, and direction.
 - B. Establish driver training programs.
 - C. Routinely inspect the driver's licenses and driving records of those employees using City vehicles.
 - D. Periodically ride with a driver for the evaluation of his driving performance.
 - E. Acquaint all drivers with rules and regulations of vehicle operations.
 - F. See that all rules and regulations are enforced and followed.
- 2. Safety Supervisors shall:
 - A. Investigate all vehicle accidents and report findings in writing to the department head.
 - B. Be alert to observe unsafe driving practices and see to immediate correction.

Proposed Ordinance No. 95-34
EXHIBIT "A"

- C. Assist in the administering of the Safety Program.
3. Employees shall:
- A. Inspect the vehicle they are assigned on a daily basis before driving. Any defects are to be reported immediately to the department head and/or supervisor.
 - B. Insure any City vehicles used by employee shall be parked in such a manner as not to require that they must back up to exit a parked position, whenever possible or practicable.
 - C. Report any defects occurring during the operation immediately to the supervisor and/or department head.
 - D. Inspect the vehicle they are assigned on a daily basis at end of work shift and report any defects immediately to the supervisor and/or department head.
 - E. Fill out driver's accident report form if involved in an accident.
 - F. Practice safe driving habits.

~~ARTICLE XI 11~~
~~SAFETY COMMITTEE~~ SAFETY REVIEW BOARD MEETINGS

The ~~Safety Committee~~ Safety Review Board shall meet no less than once each month. ~~Safety Committee~~ Safety Review Board meetings shall be for the following purposes:

- 1. To review and discuss accident reports and determine if the employee is nonchargeable or chargeable for the accident.
- 2. To conduct hearings as more particularly described in Article VI hereof.
- 3. Evaluate all hazards and make recommendations to the City Manager for corrections for the safety of the employees.
- 4. Recommend safety rules and regulations to the City Manager to be presented to the ~~City Council~~ City

Proposed Ordinance No. 95-34
EXHIBIT "A"

Commission for approval and final adoption.

5. Assist in planning seminars to stimulate and maintain the interest of the employees in the Safety Program.
6. Discuss violations of the Safety rules, unsafe working conditions, unsafe work practices, use of hazardous equipment and make recommendations regarding same.
7. Report to the City Manager the discussions of the ~~Safety Committee~~ Safety Review Board and their findings.
8. Recommend to the City Manager any disciplinary action which should be taken by the City Manager.

ARTICLE ~~XII~~ 12
DEPARTMENTAL SAFETY MEETINGS

Each department head will be responsible for conducting short, periodic safety meetings within their department. The meetings will be held on a regular work day and should not last more than fifteen to twenty minutes. The following should be presented to the employees:

1. Advise of all accidents within the department which resulted in personal injury or damage to property.
2. Discuss violations, of safety rules, unsafe working conditions, and unsafe work practices.
3. Remind the employees of the City's position and standing on safety.

ARTICLE ~~XIII~~ 13
SAFETY INSPECTIONS

Periodic inspections of work areas will be conducted by the department head and safety supervisor for any potential accident areas. This will enable corrections to be made before an accident occurs and will also encourage the employees to maintain ~~employees~~ ~~safe,~~ clean working areas, which will further insure all employees safety. All findings will be reported in writing to the City Manager and the ~~Safety Committee~~ Safety Review Board along with recommendations for any needed corrections.

Proposed Ordinance No. 95-34
EXHIBIT "A"

ARTICLE XIV 14
ACCIDENT INVESTIGATIONS

It shall be the responsibility of the Safety Supervisor of each department to investigate every accident in their respective department where personal injury to an employee involves medical treatment and/or lost time, the report shall be completed and submitted no later than twenty-four (24) hours after the time of the accident.

~~ARTICLE XV~~
~~ACCIDENT SUMMARY REPORTS~~

~~Monthly accident and property damage summary reports shall be prepared and submitted to the City Manager, the City Council and the Safety Review Board. Said report shall reflect the number and type of injuries and property damage, where they occurred, number of days lost, the frequency and severity of these accidents. Analysis of this report shall be made by the Safety Review Board each month to determine what corrective steps should be taken and these recommendations submitted to the City Manager and City Council.~~

ARTICLE XVI 15
SAFETY TRAINING

Safety training on a continual basis is the key to a successful safety program. The safety training shall include the following:

1. The safety supervisor for each department shall conduct a safety orientation interview with each new employee.
2. Defensive driving courses shall be conducted during the year and mandatory attendance required.
3. First aid classes shall be conducted during the year with mandatory attendance required.
4. Periodic safety films shall be shown with mandatory attendance required.

ARTICLE XVII 16
PROMOTIONAL CAMPAIGNS

Appropriate safety signs and posters should be supplied and displayed in the applicable locations.

Proposed Ordinance No. 95-34
EXHIBIT "A"

Where possible, safety bulletin boards should be provided for each department and all matters pertaining to safety will be posted.

~~The Safety Committee Safety Review Board shall encourage employees to submit safety suggestions and the Committee Board shall evaluate each suggestion, determine the best suggestion submitted each month and recommend some form of recognition for the employee.~~

~~The Safety Committee Safety Review Board shall devise a plan under which the department or departments making the greatest improvements in accident control shall receive recognition awards.~~

ARTICLE XVIII 17
DISCIPLINARY ACTION

When it is found that an employee, by his own record and/or actions, has willfully disregarded the safety rules and regulations and disregarded his own personal safety and/or the safety of others, there shall be a hearing conducted by the ~~Safety Committee~~ Safety Review Board and recommendations made to the City Manager for disciplinary action against the employee.

ARTICLE XVIII 18
VEHICULAR ACCIDENTS
REPORTING PROCEDURE

Any accident, regardless of how minor, involving City motor vehicle equipment shall be reported as a vehicular accident. Such accidents may or may not involve other vehicles or property. If a City vehicle causes personal injury it should be reported as a vehicle accident. If a City employee is injured, it should also be reported as a vehicular accident.

All employees operating City motor vehicles, regardless of type, shall be instructed that City vehicles are not to be moved after they are involved in an accident regardless to location or how minor the accident may be until the Police Department has arrived on the scene and given permission for the vehicle to be moved.

All vehicular accidents are to be reported to the Police Department immediately.

All vehicular accidents are to be reported to the department head immediately.

City employees should never make any statements or admit liability

Proposed Ordinance No. 95-34
EXHIBIT "A"

to any party involved in the accident. This determination shall be made by the insurance company.

It is required that a police agency fill out an accident report.

Repairs for property damage may be undertaken only after the accident has been properly reported except in cases involving emergency repairs such as water lines, sewer lines, fire hydrants, traffic lights, etc.

ARTICLE ~~XX~~ 19
EMPLOYEE ACCIDENTS
REPORTING PROCEDURE

All accidents in which a City employee is injured while on the job shall be reported as an employee injury.

Employees First Report of Injury Forms must be completed and submitted within twenty-four (24) hours following the accident, or sooner.

All injuries to City employees shall be reported immediately to the employee's department head and/or supervisor.

A written report by the safety supervisor of the employee's department shall be made within forty-eight (48) hours following the accident or sooner.

ARTICLE ~~XXI~~ 20
OTHER ACCIDENTS
REPORTING PROCEDURE

Any accident not involving a City employee or City vehicle or property are to be reported immediately. These are usually accidents whereby someone is injured while on City property. The cooperation of every City employee is needed to insure proper reporting of these accidents which are usually the most difficult ones on which to obtain information. All City employees should be instructed to report these accidents immediately to their department head or supervisor since these types of accidents usually result in claims being filed against the City.

Proposed Ordinance No. 95-34
EXHIBIT "A"

ARTICLE ~~XXII~~ 21
INCENTIVES

To determine the value of good safety practices and habits, the City of Pembroke Pines awards one day a year to any employee having no industrial or vehicular accidents or to those who are found non-chargeable or negligent for an accident or injury.

ARTICLE ~~XXIII~~ 22
GUIDELINES FOR
DISCIPLINARY ACTION

1. First preventable accident or injury within a one-year progressive period - loss of the year's safety day.
2. Second preventable accident or injury within a one-year progressive period - suspension of one (1) to ten (10) days without pay.
3. Third preventable accident or injury within a one-year progressive period - suspension of two (2) to fifteen (15) days without pay.
4. Due to extenuating and extraordinary circumstances, the safety supervisor and/or the ~~Safety Committee~~ Safety Review Board, may recommend that an accident or injury be deemed preventable with no disciplinary action to be taken.
5. The department head may order that a City employee who has demonstrated poor driving abilities or habits shall not be allowed to operate any City vehicle or motor equipment.
6. A higher penalty may be recommended by the safety supervisor and/or the ~~Safety Committee~~ Safety Review Board due to related circumstances. Such factors as gross negligence or the severity of the accident shall be taken into consideration. Said penalty, if necessary, could be a recommendation for termination of employment.



**CITY OF PEMBROKE PINES
SEXUAL HARASSMENT POLICY**

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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA; AMENDING THE CAREER SERVICE SYSTEM RULES AND REGULATIONS TO INCLUDE A SEXUAL HARASSMENT POLICY, AS SET FORTH AND ATTACHED HERETO IN EXHIBIT "A"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pembroke Pines is strongly opposed to sexual harassment in the work place; and

WHEREAS, the City Commission of the City of Pembroke Pines deems it to be in the best interest of citizens and residents of Pembroke Pines to amend the Career Service System Rules and Regulations to adopt a Sexual Harassment Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

Section 2. The Career Service System Rules and Regulations are amended to include a Sexual Harassment Policy as set forth and attached hereto in Exhibit "A".

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

Proposed Resolution No. 91-R-42

RESOLUTION NO. 2030

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, THIS 19th DAY OF June,
1991.

CITY OF PEMBROKE PINES, FLORIDA

BY: *Charles W. Flanagan*
CHARLES W. FLANAGAN, MAYOR

ATTEST:

Eileen M. Tesh
EILEEN M. TESH
CITY CLERK

FLANAGAN	<u>AYE</u>
BOSARGE	<u>AYE</u>
ARMSTRONG	<u>AYE</u>
FEKETE	<u>AYE</u>
THIBAULT	<u>AYE</u>

Proposed by Commission

LEG. NOTE

I HEREBY CERTIFY that I
have approved the form
of this RESOLUTION.

Steven L. Josias
STEVEN L. JOSIAS
CITY ATTORNEY

SLJ/MSK:sll
resos\shpolicy
06/12/91

§ 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of section 703 of title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) Applying general title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

(e) An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

(f) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of

their right to raise and how to raise the issue of harassment under title VII, and developing methods to sensitize all concerned.

(g) Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

(Title VII, Pub. L. 88-352, 78 Stat. 253 (42 U.S.C. 2000e *et seq.*)

(45 FR 74677, Nov. 10, 1980)

The principles involved here continue to apply to race, color, religion or national origin.

CITY OF PEMBROKE PINES

OVERVIEW OF SEXUAL HARASSMENT LAW

Title VII of the 1964 Civil Rights Act as amended requires that men and women must be treated equally in all job matters. In other words, discrimination in employment (such as hiring, firing, pay, promotion, benefits) based on sex is illegal. This law is enforced by the Equal Employment Opportunity Commission (EEOC), which is a federal agency.

On November 10, 1980, the new EEOC Guidelines on sexual harassment became effective. These amended Guidelines reaffirmed EEOC's position that sexual harassment is a form of sex discrimination and therefore is an "unlawful employment practice" under Title VII of the Civil Rights Act. In short, sexual harassment is illegal.

Equal Employment Opportunity Commission's Amended Guidelines on Sexual Harassment.

(For the purpose of the following discussion, the term "Guidelines" refers specifically to 1604.11 of the Commission's Amended Guidelines on Discrimination Because of Sex)

The Guidelines establish the criteria for determining when unwelcome sexual conduct, whether verbal or physical, constitutes sexual harassment and defines the circumstances under which an employer is liable for such conduct. The provisions of each of the seven sections of the Guidelines are examined in the following section.

1. Section 1604.11(a) The first section of the Guidelines states that harassment on the basis of sex is a violation of 703 of Title VII. Sexual harassment is sex discrimination. This section states that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any one of the following three criteria is met:

A. Submission to Such Conduct is Made Either Explicitly or Implicitly a Term or Condition of an Individual's Employment.

Example: If a laborer complains to the foreman that the workers on the job direct sexually suggestive remarks and gestures to the laborer and the foreman tells the laborer that such conduct is to be expected as part of the job, then submission to the sexually harassing conduct is made an explicit term or condition of employment.

Because submission to such sexual conduct is an additional term or condition of employment, one not imposed on employees of the opposite sex, it is sex discrimination and, specifically, sexual harassment.

B. Submission to or Rejection of Such Conduct by an Individual is Used as the Basis for Employment Decisions Affecting Such Individual.

Example: If an employee's promotion depends on his or her granting certain sexual favors and the promotion is denied because the employee refuses to do so, then the employee is the victim of sexual harassment. The same result is reached if the employee does submit and consequently receives the promotion.

Basing any employment decision on whether the affected individual submits to or rejects unwelcome sexual conduct is sexual harassment.

C. Such Conduct Has the Purpose or Effect of Unreasonably Interfering With an Individual's Work Performance or Creating an Intimidating, Hostile, or Offensive Work Environment.

Example: If certain employees make sexual remarks, jokes, or gestures in the presence of or directed toward other employees, that conduct may make the work atmosphere intimidating or threatening for the other employees.

In the example, the objectionable conduct may not be such that submission to it constitutes a term or condition of employment, and submission to or rejection of the conduct may not be the basis of an employment decision. Nonetheless, the conduct is sexual harassment. It unreasonably interferes with an employee's work performance or creates a negative work environment.

2. Section 1604.11(b) This section recognizes that an action which is sexual harassment in one set of circumstances may, in another context, not be.

Example: A secretary works for two supervisors, and each invites the secretary on repeated but separate occasions to go out for a drink or dinner after work. The first supervisor indicates that the secretary's job depends on the secretary having a sexual relationship with the supervisor, and the secretary considers the invitation to be unwelcome and does not accept it. However, she gladly accepts the invitations of the second supervisor, with whom the secretary has an outside social relationship unrelated to their business relationship in the office. The first action may be sexual harassment while the second is not.

Submission to a specific form of sexual conduct may be an unlawful condition of continued employment in one case. In another case, similar submission may be part of a voluntary personal relationship having no employment consequences.

3. Section 1604.11(c) This section imposes strict liability on the employer for sexual harassment committed by it, its agents, or supervisory employees. The strict liability standard applied here is in keeping with Title VII principles and the general standard of employer responsibility for acts of agents and supervisors.

An employer is responsible for harassment by its supervisory personnel whether or not it knew about the actions, and whether or not it approved or disapproved of such behavior.

4. Section 1604.11(d) This section defines an employer's liability for sexual harassment of an employee by a fellow worker. This section provides that the employer is responsible for the unlawful conduct where the employer, or its agents, or its supervisory employees knew or should have known of the conduct, unless the employer can show that it took immediate and appropriate corrective action. In contrast to the provisions of the preceding section holding an employer strictly liable for sexual harassment committed by it, its agents, or supervisory employees, this section does not impose strict liability on the employer for co-worker sexual harassment.

5. Section 1604.11(e) This section provides that an employer may also be responsible for the sexual harassment of an employee by a non-employee, when the harassment occurs in the line of work and where the employer knows or should have known about it and fails to take immediate and appropriate action.

Example: An employer contracted to have the office duplicating machine serviced, which was frequently necessary. The employee who was responsible for operating the machine dreaded service calls because the service representative who repaired and maintained the machine made sexual advances toward the employee whenever the service representative was in the office and the employee found the service representative's unwelcome behavior increasingly disturbing. When the service representative told the employee that the service representative would be unable to make a rush repair unless the employee "cooperated" by going out with the service representative, the employee complained to the supervisor. The employer may be responsible in such circumstances if he/she failed to take corrective measures within their control once the employer knew or had reason to know of the sexual harassment.

6. Section 1604.11(f) This section emphasizes the Commission's position that the best means of eliminating sexual harassment is preventing its occurrence. Toward that end, the section provides that an employer should take all necessary steps to prevent sexual harassment and suggests several kinds of action an employer can take, including: affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, and informing employees how to pursue their Title VII right to be free from sexual harassment.

7. Section 1604.11(g) This section states that an employer may be liable for unlawful sex discrimination against persons who were qualified for but denied an employment opportunity or benefit which was granted to another person because that individual submitted to the employer's sexual advances.

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**CITY OF PEMBROKE PINES
SEXUAL HARASSMENT POLICY**

I. POLICY STATEMENT

It is the policy of the City of Pembroke Pines that no employee be harassed by another employee or supervisor on the basis of sex and that no personnel action be taken affecting an employee (either favorably or unfavorably) on the basis of conduct that is not related to work performance. Such conduct may include submitting to sexual advances, refusing to submit to sexual advances, protesting sexual overtures, or raising a complaint concerning the alleged violation of this policy.

II. THE REASON FOR THIS POLICY

The purpose of this policy is not to regulate our employee's personal lives or morality. The policy was formulated to protect our employees - both males and females - against unsolicited and unwelcomed sexual overtures or conduct, either physical or verbal. It prohibits employee misconduct that may upset employee morale and interfere with employee's work and efficiency. Some forms of misconduct may even constitute a violation of equal employment opportunity law.

III. THE TYPE OF CONDUCT COVERED BY THIS POLICY

- A. Sexual harassment does not refer to occasional compliments of a socially acceptable nature or welcome social relationships.
- B. The policy prohibits any demand for sexual favors that is accompanied by a promise of favorable job treatment or a threat concerning the employee's employment.
- C. The policy prohibits subtle pressure for sexual favors, including implying or threatening that an applicant's or employee's cooperation of a sexual nature (or refusal thereof) will have any effect on the person's employment, job assignment, wages, promotion, or on any other conditions of employment or future job opportunities.
- D. The policy prohibits behavior that is not welcomed by the employee and is personally offensive such as, but not limited to:
 - 1. Sexual flirtations, advances, or propositions.

EXHIBIT 11A

2. Verbal abuse of a sexual nature, sexually related comments and joking, graphic, or degrading comments about an employee's appearance, or the display of sexual objects or pictures.
3. Any uninvited physical contact or touching, such as patting, pinching, or brushing against another's body.

IV. VIOLATIONS OF THIS POLICY

Violations of this policy will not be permitted. Any employee or supervisor who violates this policy will be subject to discipline up to and including discharge.

V. COMPLAINTS

There are two (2) methods for filing a Complaint under this Policy:

A. INFORMAL PROCEDURE

1. When an employee perceives that sexual harassment has occurred, that employee may choose to hold an informal discussion with their immediate supervisor or with their supervisor's boss to attempt to resolve the situation at that level. However, choosing this procedure does not preclude an employee from initiating the Formal Procedures outlined below.
2. Upon the supervisor gaining knowledge of possible sexual harassment, the supervisor shall review the situation and implement corrective actions if necessary. A report outlining all facts of the situation and corrective action implemented, if any, shall be submitted through the Department Head to the Director of Personnel in all cases.
3. The employee perceiving the sexual harassment or the individual accused of sexual harassment may informally appeal the decision with their Department Head.

B. FORMAL PROCEDURE

1. Formal procedures may be initiated:
 - a) Through the employee's immediate supervisor. This avenue should be used unless the Complaint is against that supervisor. If this is the case, then,

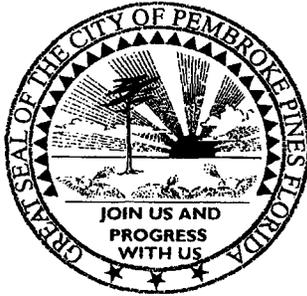
EXHIBIT "A"

- b) Through supervisor's boss. If the Complaint is against the Department Head, then Formal Procedures may be initiated through the Director of Personnel.
2. When an employee perceives that sexual harassment has occurred, a written complaint must be completed by the employee. Complaints of sexual harassment must be in writing in order to initiate these procedures. Each complaint is handled on a case by case basis. An employee desiring to discuss the situation in informal discussions prior to formally filing a complaint may do so through the channels outlined above.
 3. The City shall respond to a written complaint of sexual harassment in a timely and reasonable manner. If possible, the City will provide an administrative response within thirty (30) days from receipt of the written Complaint. Administrative responses shall indicate subsequent corrective actions, if any, to the employee filing the Complaint and to the individual(s) involved in the sexual harassment.
 4. The person accepting the written Complaint shall assist the employee in regaining their composure, if necessary, and then promptly:
 - a. Provide information on these procedures to the employee filing the Complaint.
 - b. Notify their Department Head of the Complaint.
 - c. Notify the Director of Personnel of the Complaint.
 - d. Begin coordinating and conducting the investigation process in a timely manner.
 5. The investigation process shall begin with an interview with the employee filing the Complaint. The employee's immediate supervisor (or next level of supervision if the complaint is against the Supervisor) shall conduct the interview. The employee's Department Head and the Director of Personnel, or designees, shall also be present. The purpose of the interview is to clarify all points of the written Complaint, to collect additional information from the employee, and to determine if immediate action is necessary. All interviews shall be tape recorded.

EXHIBIT "A"

6. If the employee perceives the situation to be threatening, that employee may request authorization to use accrued Annual Leave or Leave Without Pay or a job transfer. Approvals will be determined on a case by case basis.
7. The investigation shall conclude after evidence from all parties involved is obtained and a decision can be made to confirm or deny the allegations. A written report of findings and a recommendation will be submitted from the supervisor through the Department Director to the Director of Personnel.
8. If an individual is found to have violated the City's Sexual Harassment Policy, a recommendation shall be made for corrective action by the Department Head of the employee who filed a Complaint. Corrective action, up to and including discharge, shall be based upon the severity of the situation and shall be authorized swiftly and fairly by the City Manager.
9. The information regarding the Complaint shall be maintained in confidence to the extent allowed by law.
10. The employee who filed the Complaint and the individual against whom the Complaint was filed shall be notified in writing by the Director of Personnel of the results of the investigation and the administrative response and any subsequent actions taken.
11. If either person is not satisfied with the decision, they may appeal the decision to the City Manager within five (5) working days from receipt of the written decision. All appeals shall be in writing. In such instances, the City Manager shall review the information and respond with a final decision.

EXHIBIT "A"



CITY OF PEMBROKE PINES WORKERS' COMPENSATION POLICY

A. COVERAGE

1. The employer shall pay compensation or furnish benefits required by this chapter if the employee suffers an accidental injury or death arising out of work performed in the course and scope of employment.
2. No compensation shall be payable if the injury was occasioned primarily by the intoxication of the employee; by the influence of any drugs, barbiturates, or other stimulants not prescribed by a physician, which affected the employee to such extent that the employee's normal faculties were impaired.
3. No compensation shall be payable if the injury was caused by the willful intention of the employee to injure or kill himself or another.
4. No compensation shall be payable if any administrative hearing officer, court or jury convened in this state determines that the employee knowingly or intentionally engaged in any of the acts described in § 440.105.
5. Where injury was caused by the willful refusal of the employee to use a safety appliance or observe a safety rule required by statute and brought prior to the accident to his knowledge, the compensation as provided will be reduced by 25%.

B. LIABILITY FOR COMPENSATION

1. The employer shall be liable for and shall secure the payment to his employees, or any physician, surgeon, or pharmacist.
2. Compensation shall be payable irrespective of fault as a cause for the injury.
3. Employees must use a physician selected by employer.

C. TIME FOR COMMENCEMENT AND LIMITS ON WEEKLY AND MONTHLY RATE OF COMPENSATION

1. No compensation shall be allowed for the first 7 days of the disability, except benefits for medical services.
2. If the injury results in disability of more than 21 days, compensation shall be allowed from the commencement of the disability.
3. All weekly compensation payments, except for the first payment, shall be paid by check.

4. If wages at the time of injury exceed \$20.00 per week, compensation shall not exceed an amount per week, which is:
 - a. Equal to 100% of the state-wide average weekly wage; and
 - b. Adjusted to the nearest dollar.

D. PERMANENT TOTAL DISABILITY

1. In case of total disability adjudged to be permanent, 66 2/3% of the average weekly wages shall be paid to the employee during the continuance of such total disability.
2. Only a catastrophic injury as defined in § 440.02 shall, in the absence of conclusive proof of a substantial earning capacity, constitute permanent total disability. Only claimants with catastrophic injuries are eligible for permanent total benefits. In no other case may permanent total disability be awarded.
3. If an employee who is being paid compensation for Penn-ament total disability shall become rehabilitated to the extent that he shall establish an earning capacity, he shall be paid, instead of the compensation provided in paragraph 1, benefits pursuant to subsection (3) of § 440.15.
4. The division of workers' compensation has the right to conduct vocational evaluations/testing even after employee has been accepted/adjudicated entitled to permanent total compensation. This right may not be exercised more than once a year.

E. TEMPORARY TOTAL DISABILITY

1. In the case of disability total in character but temporary in quality, 66 2/3% of the average weekly wages shall be paid to the employee during the continuance thereof, not to exceed 104 weeks except as provided in this subsection, § 440.12(1) and s 440.14(3). Once employee reaches the maximum number of weeks allowed, or the employee reaches the date of maximum medical improvement, whichever occurs earlier, temporary disability benefits shall cease and the injured worker's permanent impairment shall be determined.
2. Employee who sustains the loss of an arm, leg, hand, or foot, has been rendered a paraplegic, paraparetic, quadriplegic or quadriparetic, or has lost the sight of both eyes shall be paid temporary total disability of 80% of his average weekly wage, not to exceed a period of six months from the date of the accident. Said compensation is subject only to the maximum weekly compensation rate of \$700.

Said increased compensation shall be counted as part of and not in addition to the maximum periods of time for which the employee is entitled to compensation under paragraph 1, above, but not paragraph 3, below.

3. Temporary total disability benefits shall include such period as reasonably necessary for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training and education under a program pursuant to 440.49(1).
4. The division shall provide by rule for the periodic reporting to the division, employer or carrier of all earned income, including from social security, by the injured employee who is entitled to or claiming benefits for temporary total disability. The employer or carrier is not required to make any payment of benefits for said disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by the rules. The rule must require the claimant to personally sign the claim form and attest that he has reviewed, understands and acknowledges the foregoing.

F. PERMANENT IMPAIRMENT AND SUPPLEMENTAL BENEFITS

1. Impairment benefits
 - a. Once the employee has reached the date of maximum medical improvement impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.
 - b. The panel and the division shall establish a uniform permanent impairment rating schedule which shall be based on objective findings, the AMA, and other guides.
 - c. Permanent impairment must be made by a physician, doctor of osteopathy, chiropractor, podiatrist, optometrist, or dentist.
 - d. Impairment benefits are paid weekly at the rate of 50% of the employee's average weekly temporary total disability benefit not to exceed the maximum. These benefits begin the day after the employee reaches MMI or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:
 - i. The expiration of time computed at the rate of 3 weeks for each percentage point of impairment; or
 - ii. The death of the employee.

2. Supplemental benefits

- a. An employee is entitled to supplemental benefits if employee has an impairment rating of 20% or more, the employee has not returned to work or has returned to work earning less than 80% of the employee's average weekly wage; and employee has attempted to locate employment.
- b. Employee may become entitled to supplemental benefits within one year after impairment benefit period ends if employee earns less than 80% of average weekly wage for a period of 90 days, employee has 20% or more impairment rating, attempted to locate employment, and decrease in earnings is a result of impairment from injury.
- c. Supplemental benefits become due not later than the seventh day after the expiration date of the impairment income benefit period. Calculated quarterly and paid monthly.
- d. Eligibility terminates 401 weeks after the date of injury.

G. TEMPORARY PARTIAL DISABILITY

1. In case of temporary partial disability, compensation shall be equal to 80% of the difference between 80% of the employee's average weekly wage and the salary, etc. employee is able to earn (compared weekly).
2. The weekly benefits may not exceed an amount equal to 66 2/3% of the employee's average weekly wage at the time of the injury.
3. Temporary benefits shall not exceed 104 weeks. Once this time is reached, benefits cease and permanent impairment must be determined.

H. EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED OR IS ENTITLED TO RECEIVE UNEMPLOYMENT COMPENSATION.

1. No compensation benefits shall be payable for temporary total disability or permanent total disability under this chapter for any week in which the injured employee has received or is receiving unemployment compensation benefits.
2. If the employee is entitled to temporary partial benefits and unemployment benefits, such unemployment compensation benefits shall be primary and temporary partial benefits shall be supplemental only. The sum of the two benefits not to exceed the amount of temporary partial benefits which would otherwise be payable.

3. If an insured employee refuses suitable employment, such employee shall not be entitled to any compensation at any time during the continuance of such refusal.

I. COMPENSATION FOR DEATH

If death results from the accident within 1 year thereafter or follows continuous disability and results from the accident within 5 years thereafter the employer shall pay:

1. Actual funeral expenses not to exceed \$5,000;

J. NOTICE OF INJURY OR DEATH: REPORTS, PENALTIES FOR VIOLATION

1. Within 30 days after the date of or initial manifestation of the injury, the employee shall advise his employer of the injury. Failure to so advise will bar a petition under this chapter unless employer has actual knowledge of the injury or injury could not be identified without a medical opinion.
2. Within 7 days of actual knowledge of the injury or death, the employer shall report same to its carrier and provide a copy of the report to the employee.
3. Within 14 days after the employer's receipt of the notice of injury, the carrier shall file the necessary information with the division.
4. Within 3 days after employer/employee informs the carrier, the carrier shall mail to the injured worker an information brochure.

K. EMPLOYEE ASSISTANCE AND OMBUDSMAN OFFICE

1. An employee may not file a petition requesting any benefit unless the employee has exhausted the informal dispute resolution procedures.
2. If the dispute is not resolved within 30 days, petition may be filed.

L. PAYMENT OF COMPENSATION

First installment shall become due no later than the 14th day after the employer has knowledge of the injury or death; thereafter compensation shall be paid biweekly.

M. MEDIATION/PRETRIAL

1. Within 21 days after a petition for benefits is filed, a mediation conference shall be held,
2. Within 7 days after petition is filed, judge shall notify parties that mediation conference will be held.

3. Three days prior to mediation, all parties must submit any applicable motions.
4. If the questions in dispute have not been resolved on the 10th day following commencement of mediation, court shall hold a pretrial hearing.
5. The judge shall give the parties at least 7 days advance notice of the pretrial by mail.
6. At the pretrial, the judge will set a final hearing, which gives parties at least 30 days for discovery.

N. ATTORNEY FEES

1. A claimant shall be responsible for the payment of his own attorney fees except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier:
 - a. Against whom he successfully asserts a claim for medical benefits only;
 - b. In any case in which the employer or carrier files a notice of denial with the division, and claimant employs an attorney in the successful prosecution of his claim;
 - c. In a proceeding where a carrier or employer denies that an injury occurred for which compensation benefits are payable, and claimant prevails on the issue of compensability.
 - d. In cases where claimant successfully prevails in proceedings under § 440.24 or § 440.28.
 - e. No attorney's fees are due any employee for services rendered in connection with the Employee Assistance and Ombudsman procedures.

O. SUBSEQUENT INJURY

The fact that an employee has suffered previous disability, impairment, anomaly, or disease or received compensation therefore, shall not preclude him from benefits for a subsequent injury nor preclude him from benefits for death resulting therefrom. However, the employer/carrier is responsible only to the extent that the employment-related injury is and remains the major contributing cause of the disability or need for treatment.

**CITY PROCEDURES FOR
EMPLOYEE RESPONSIBILITIES:**

1. Report accidents immediately to your supervisor.
2. If injury is of a minor nature (cut, burn, pulled muscle, bug bite, etc.) and medical attention is indicated, upon authorization from your supervisor, Department Head or the Comp Office at City Hall, seek treatment from the Initial Care Facility on Douglas Road.
3. If injury is of a serious nature call the City Paramedics, who will transport you to a major hospital.
5. Think - SAFETY FIRST!!!



**CITY OF PEMBROKE PINES
WORKPLACE VIOLENCE POLICY**

HUMAN RESOURCES DIVISION

To: All Employees

From: Daniel Rotstein
Human Resources/Risk Management Director

Subject: **WORKPLACE VIOLENCE POLICY**
RESOLUTION No. 2395

The City of Pembroke Pines is concerned and committed to our employee's safety and health. We refuse to tolerate violence in the workplace and will make every effort to prevent incidents from occurring by implementation of the attached Workplace violence Policy. We will provide adequate authority to responsible parties so that our goals and responsibilities can be met.

All managers and supervisors are responsible for implementing and maintaining our Workplace Violence Policy. We require prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. We will not discriminate against victims of workplace violence.

Our program ensures that all employees, including supervisors and managers, adhere to work practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace.

Attached please find the above captioned policy, Resolution No. 2395, adopted by the Pembroke Pines City Commission.

PLEASE CAREFULLY READ THE POLICY, sign and return the Confirmation of Receipt form to the Personnel Department. This form will become a permanent part of your Personnel files.

CITY OF PEMBROKE PINES
WORKPLACE VIOLENCE POLICY

1.0. PURPOSE

The City of Pembroke Pines maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the City. It is the intent of the City to provide a workplace which is free from the physical attacks, harassment, property crimes, threats, or any other violent acts.

2.0 DEFINITIONS

Workplace violence includes, but is not limited to, physical attacks, harassment or property damage.

1. **PHYSICAL ATTACKS** - physical attack is unwanted or hostile physical contact with another person such as shoving, pushing, hitting, fighting, throwing objects or worse, or any other aggressive or unsolicited and unwanted contact occurring between two more parties. By their nature, physical attacks often involve breaking criminal laws.
2. **THREATS** - a threat is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Threats are significant because they may precede actual acts of violence. By their nature threats, which include incidents of stalking, often involve breaking criminal laws.
3. **HARASSMENT** - harassment, often involving verbal abuse, including unwanted telephone calls, involves acts or language by a party designed to damage or harm a second party. Often this practice is initiated with the purpose of testing a person's "boundaries" but can evolve into more serious abuses. This behavior causes emotional harm or distress to another.
4. **PROPERTY DAMAGE** - property damage is intentional damage to property which includes property owned by the City, employees or others. Violent people sometimes express their aggression in acts of property damage, crime, sabotage, theft or destruction.

3.0 PREVENTION OF WORKPLACE VIOLENCE

The City strongly subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy and providing a reporting hierarchy within which to report incidents of violence, or threats of violence, without fear of reprisal.

The Department Head or his/her designee will orient all new employees to department procedures regarding reporting incidents of violence, what to do if the employee is threatened or if an incidence of violence actually takes place, and dealing with the after effects of an act of violence.

4.0 REPORTING THREATS - INTERNAL AND EXTERNAL

Any employee who becomes aware of an incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor or citizen, must:

1. INTERNAL

- A. Report such incident to the Department Head. Management will assess and investigate the incident and determine the appropriate action to be taken. Department Heads will inform the Personnel Department of all reported incidents of workplace violence.
- B. In critical incidents in which serious threats or injury occurs, call 911 immediately to obtain emergency responders such as Police, Fire and/or Ambulance personnel.

2. EXTERNAL

City employees may sometimes be involved in personal disputes with family members, friends or neighbors that can sometimes escalate to the point that injunctions, restraining orders, and other court orders are sought. We therefore, request that employees include their work locations, as well as their place of residence, in that court order. To provide for the safety of the employee and others we suggest that employees notify their supervisor and the Police Department of the issuance of such a court order and provide a description of the individual cited in the court order.

In the case wherein an employee has not secured a court order but fears for his/her safety, we ask the employee to notify his/her supervisor and the Police Department as stated above.

5.0 THREAT MANAGEMENT TEAM

As necessitated by the seriousness of the incident the Personnel Department may assemble a Threat Management Team that may consist of staff from the Personnel Department, Risk Management, Police and the Employee Assistance Provider. The Threat Management Team will investigate reported incidents and recommend to the City Manager any actions to be taken as a result of the investigation.

The Threat Management Team is responsible for establishing the protocol in the event of a threat or violent incident that may include, but is not limited to:

1. Evaluating potential violence problems.
2. Assessing an employee's fitness for duty through medical professionals.
3. Selecting intervention techniques.
4. Establishing a plan for protection of co-workers and other potential targets.
5. Coordinating with affected parties, such as victims, families, employees, or law enforcement personnel.
6. Referring victims to appropriate assistance and community service programs.
7. Assuring that immediate, within 24 hours, and on-going counseling is available to traumatized individuals.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subject to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

6.0 EARLY WARNING SIGNALS

Based upon the application of the following indicators and behavior, any individual perceived to be a potential risk should be reported to the Department Head/Supervisor who in turn will report to the Personnel Department.

1. A potentially violent intruder who could or might appear at the workplace.
2. Employee behavior which may indicate a potential for violence:

Statements that support irrationality.
Comments that suggest little regard or concern for the future.
Description and knowledge of violence at work.
Fascination with weapons and their capabilities to harm.
Emotional outbursts.
Continually blaming others for problems and failures.
Delusional statements.
Abusive or derisive talk about co-workers and others.
Expressions of feelings of being persecuted.
Statements that reflect exceptional anger and hostility.
Increased frequency of aggressive acts or veiled conditional threats.
Signs of impairment by drugs or alcohol.
Withdrawal or signs of a hostile attitude.
Deteriorating or strained relationships with co-workers.
Uncooperative or defensive.
Irritable or depressed.
Stealing or destroying of City property.
Demonstrated acts of low level acts of violence and aggression.

3. Known risk factors that can trigger violence:

Relationship friction or failure (separation/divorce).
Not receiving a promotion or raise.
Deteriorating financial condition.
Being shunned or ostracized by co-workers.
Forthcoming formal disciplinary action.

7. SANCTIONS

All alleged violations will be investigated. It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined to be in violation of this policy will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

8. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Should an employee violate this policy and it is determined in the investigation that the employee did, in fact, commit a violent act, he/she may be formally referred to the EAP by the Threat Management Team or other authorized City management representative. In these cases, failure by the employee to keep any appointments with the EAP may result in disciplinary action up to and including termination.

Should an employee become the victim of an incident of workplace violence, the Threat Management Team or other authorized City management representative may offer the services of the EAP to assist in coping with any effects of the incident.

Proposed Resolution No. 96-R-54

RESOLUTION NO. 2395

1 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
2 PEMBROKE PINES, FLORIDA, ADOPTING THE WORKPLACE
3 VIOLENCE POLICY, ATTACHED HERETO AND MADE A PART
4 HEREOF AS EXHIBIT "A"; PROVIDING FOR CONFLICTS;
5 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
6 EFFECTIVE DATE.

7 WHEREAS, City Commission of the City of Pembroke Pines
8 desire to maintain a zero tolerance policy towards workplace
9 violence, or the threat of violence, by and of its employees,
10 customers, the general public, and/or anyone who conducts
11 business with the City; and

12 WHEREAS, the City Commission of the City of Pembroke
13 Pines desires to provide a workplace which is free from the
14 physical attacks, harassment, property crimes, threats, or any
15 other violent acts; and

16 WHEREAS, based upon the current climate in today's
17 society , it is essential that the City adopt a policy to
18 provide a structure to aid our employees in the reporting and
19 investigating of possible problems in the workplace;

20 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
21 THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

22 Section 1. The foregoing "WHEREAS" clauses are true
23 and correct and hereby ratified and confirmed by the City
24 Commission.

25 Section 2. The City Commission of the City of
26 Pembroke Pines, Florida, hereby adopts the Workplace Violence

Proposed Resolution No. 96-R-54

RESOLUTION NO. 2395

1 Policy, attached hereto and by this reference made a part
2 hereof as Exhibit "A."

3 Section 3. All resolutions or parts of resolutions in
4 conflict herewith are hereby repealed to the extent of such
5 conflict.

6 Section 4. If any clause, section, other part or
7 application of this Resolution is held by any court of
8 competent jurisdiction to be unconstitutional or invalid, in
9 part or application, it shall not affect the validity of the
10 remaining portions or applications of this Resolution.

11 Section 5. This Resolution shall become effective
12 immediately upon its passage and adoption.

13 PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
14 PEMBROKE PINES, FLORIDA, THIS 21 DAY OF AUGUST, 1996.

CITY OF PEMBROKE PINES, FLORIDA

15
16 ATTEST:

BY: Alex G. Fekete
MAYOR ALEX G. FEKETE

17
18 Eileen M. Tesh
19 EILEEN M. TESH
20 CITY CLERK
21

FEKETE AYE

ARMSTRONG AYE

22 Proposed by Commission

FIORENDINO AYE

ORTIS AYE

23
24 I HEREBY CERTIFY THAT I
25 have approved the form
26 of this RESOLUTION.

THIBault AYE

27
28 Steven L. Josias
29 STEVEN L. JOSIAS
CITY ATTORNEY

WORKPLACE VIOLENCE PREVENTION PROGRAM-THREAT ASSESSMENT TEAM

A Threat Management Team has been established.

The Threat Management Team will consist of the following:

Department Representative from the Human Resources Department

Department Representatives from the Police Department

Department Head as Designated by the City Manager

The Team is responsible for employee training programs in violence prevention and for responding to acts of violence.

INCIDENT REPORTING AND INVESTIGATION

All incidents must be reported within 8 hours. An "Incident Report form" (attached) will be completed for all incidents. One copy will be forwarded to the Threat Management Team, through the Human Resources Division, for review and a copy will be filed with the Risk Manager. Each incident will be investigated and evaluated by the Threat Management Team. The Team will discuss the circumstances and causes of the incident and will make recommendations to the City Manager on any actions to be taken.

RECORDKEEPING

We will maintain an accurate record of all workplace violence incidents. All incident report forms will be kept for a minimum of 4 years.

Any injury which requires more than first aid, is a lost time injury or requires modified duty will be recorded on the workers compensation OSHA 200 log maintained in the Risk Management Division. Doctor's reports and supervisors reports will be kept of each reported incident, if applicable. Incidents of verbal abuse, verbal attack or aggressive behavior which may be threatening to the employee, but not resulting in injury, will be recorded on a separate log maintained in the Risk Management Division.

Minutes of the Threat management Team meetings shall be kept for 4 years. Records of training program contents and the sign in sheets of all attendees shall be kept 4 years.

INCIDENT REPORT FORM

1. VICTIM'S NAME: _____

2. DEPARTMENT AND JOB TITLE: _____

3. HOME PHONE NUMBER: _____ WORK PHONE NUMBER _____

4. INCIDENT DATE: _____ TIME: _____

5. INCIDENT LOCATION: _____

6. DESCRIPTION OF INCIDENT: _____

7. NAME OF PERSON CAUSING INCIDENT: _____

EMPLOYEE: YES _____ NO _____ OTHER (SPECIFY, INTRUDER
VISITOR, FAMILY, FRIEND, ETC.)

8. WAS ANYONE INJURED: YES _____ NO _____ IF YES PLEASE SPECIFY
WHO, INJURIES SUSTAINED AND LOCATION OF TREATMENT.

9. DID POLICE RESPOND TO INCIDENT: YES _____ NO _____

OFFICERS NAME: _____

POLICE REPORT NUMBER (IF KNOWN): _____

10. WAS SUPERVISOR NOTIFIED: YES _____ NO _____

11. SUPERVISOR NOTIFIED: _____

12. DID INCIDENT INVOLVE A WEAPON: YES _____ NO _____

IF YES SPECIFY: _____

13. ANY WITNESS(S): YES _____ NO _____ EMPLOYEE(S): YES _____ NO _____

NAMES AND ADDRESSES OF WITNESSES OF WITNESSES:

14. WERE YOU SINGLED OUT OR WAS THE VIOLENCE DIRECTED AT MORE THAN ONE INDIVIDUAL:

NAME ANY OTHER INDIVIDUAL VIOLENCE DIRECTED AT:

15. COMMENTS:

SIGNATURE

DATE

PRINT NAME