



**AGENDA**  
**Regular City Council Meeting**  
**Monday, November 7, 2022, 6:00 PM**  
**Council Chambers, 116 First Street, Neptune Beach, Florida**

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE
3. APPROVAL OF MINUTES p. 3
  - A. **September 7, 2022, Regular City Council Meeting**  
**September 19, 2022, Special City Council Meeting**  
**September 19, 2022, Workshop City Council Meeting**  
**September 27, 2022, Special City Council Meeting (Hurricane Ian)**  
**October 3, 2022, Regular City Council Meeting**  
**October 17, 2022, Special City Council Meeting**  
**October 17, 2022, Workshop City Council Meeting**
4. COMMENTS FROM THE PUBLIC
5. COMMUNICATION / CORRESPONDENCE / REPORTS
  - Mayor
  - City Council
  - City Manager
  - City Attorney
  - City Clerk
  - Police Chief
6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS
8. ORDINANCES / NONE
9. OLD BUSINESS
  - A. RESOLUTION NO. 2022-07, A Resolution of the City of Neptune Beach, Florida, Adopting a Schedule of Fees to be Instituted for Various City Services; Providing for Severability and Providing an Effective Date. p. 32
  - B. RESOLUTION NO. 2022-08, A Resolution of the City of Neptune Beach, Florida, Adopting An Employee Handbook; and Providing an Effective Date. p. 60
10. NEW BUSINESS
  - A. Consideration of Approval of Pete's Giving Thanksgiving Day Event - November 24, 2022 p. 266
  - B. Consideration of Approval of Anheuser-Busch Clydesdale Thanksgiving Day Event - November 24, 2022 p. 280

11. COUNCIL COMMENTS

12. ADJOURN

To view the meeting live: Go to <https://www.nbfl.gov/> and click on the CivicClerk LiveStream tab on the home page when the meeting starts at 6:00 p.m.



Residents attending public meetings can use the code **79KT** to validate their parking session at no cost. After 5:30 on the date of the meeting, follow these steps:

Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.

- **To use a kiosk:** Using a nearby kiosk, press the Start button and then select 2 to enter your plate and the validation code.
- **To use the Flowbird app:** Tap the nearest yellow balloon and tap "Park here." From the payment screen, select "Redeem a code" at the top. Confirm your information and tap "Purchase" – the price will show "Free."





**MINUTES  
REGULAR CITY COUNCIL MEETING  
WEDNESDAY, SEPTEMBER 7, 2022, 6:00 P.M.  
NEPTUNE BEACH CITY HALL  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Wednesday, September 7, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

**IN ATTENDANCE:**  
Mayor Elaine Brown  
Vice Mayor Kerry Chin  
Councilor Lauren Key  
Councilor Nia Livingston  
Councilor Josh Messinger

**STAFF:**  
City Manager Stefen Wynn  
Chief Financial Officer Danielle Dyer-Tyler  
Police Chief Richard Pike  
Public Works Director Jim French  
Community Development Director Samantha Brisolaro  
Grants and Resiliency Coordinator Colin Moore  
Mobility Management Director Leslie Lyne  
City Attorney Representative Rhett Perret  
Mobility Management Director Megan Steward  
City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m., and Vice Mayor Chin led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Minutes

Made by Messinger, seconded by Key .

**MOTION: TO APPROVE THE FOLLOWING, AS AMENDED:**

**August 1, 2022, Regular City Council Meeting**  
**August 15, 2022, Special City Council Meeting**  
**August 15, 2022, Workshop City Council Meeting**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown.

Noes: 0

**MOTION CARRIED**

**PUBLIC COMMENTS**

Public Comments

Rick Sauls, 126 Cedar Street, Neptune Beach, stated the City could do better. He questioned where the money from the stormwater increase went. We should finish one project before starting another project. He added that we get very little of our property tax back from the City of Jacksonville;

**COMMUNICATIONS / CORRESPONDENCE / REPORTS**

- Police Chief Report      Police Chief Richard Pike reported the Police Department is continuing to watch the Atlantic Ocean.
- Scout Recognition      Mayor Brown recognized and welcomed Scout Troop 15 member Fin Miller. He was attending the meeting to earn his Citizenship in the Community merit badge.

**VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE**

**ORDINANCES**

Ord. No. 2022-04, Millage Rate      Ordinance No. 2022-04, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Adopting Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023; Setting Forth Certain Information Regarding "RolledBack Rate"; Directing the City Manager to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date.

TRIM Notice      Mayor Brown read into the record the Truth in Millage (TRIM) notice.

“This is the millage public hearing for the City of Neptune Beach, Florida. The “Rolled-back” rate for the City of Neptune Beach is 3.0727 mills. The rate to be adopted reflects a 14.53% increase over the “Rolled-back” rate. The rate that is to be levied in this ordinance by the City Council is 3.5193. This rate is higher than the rate levied by the City last year.

City Manager Stefen Wynn reported that this is the proposed millage rate that had been discussed at the August 1, 2022, Council meeting. The City has built the proposed budget on this rate. There had been discussion with Council Members since then regarding what this millage rate could look like.

Public Hearing      Mayor Brown opened the public hearing.

Scott Wiley, 723 Davis Street, Neptune Beach, stated he does not feel like there is a need for the millage increase. It has been referred to as a small or slight increase, however, it stays and can increase more. He does not think it is necessary right now.

Leslie Lyne, 501 Hopkins Street, Neptune Beach, stated, speaking as a resident, the City has not had a tax increase or gone above the rolled back rate in over 30 years. Everything else we have incurred, there has been an increase. There are \$110 million in infrastructure work that needs to be done. She does not know how else we can do this without the proposed increase.

There being no comments from the public, the public hearing was closed.

Discussion      Mr. Wynn advised that this would be the time to propose a different millage rate. There have been internal discussions regarding what it would look like if the proposed millage rate is not adopted. If Council chooses to keep the 3.3656, things have been identified that would be cut.

Vice Mayor Chin stated that the real key question is what does this mean for people in a real-world consequence. He commented that at the last meeting, a table was presented showing the monthly effect for different assessed values with this increase. He asked if that included the change with the County’s rolled back rate.

Mr. Wynn advised that the table Vice Mayor Chin was referring to did not include the County’s increase or decrease. It was specific to Neptune Beach.

Vice Mayor Chin stated that at the last meeting, it was stated that because of the decrease at the county level, there might be a net effect of a tax decrease overall.

Mr. Wynn advised that he had attended the last meeting virtually. The proposal from COJ Mayor Lenny Curry was 1/8 millage rate decrease which would come to a .125. Our millage increase is .1537. In order to come to a no net gain, based on the County and the City, that's the millage rate came from.

Councilor Key asked if there was an average assessed value in Neptune Beach.

Mr. Wynn explained that a scenario was based on three different home values. These were assessed values. The highest one was \$680,000, which means total tax to Neptune Beach of \$2,393.12 per year, a monthly payment of \$199.43, or an increase of \$8.71 per month.

Councilor Livingston questioned that in looking at how much it would be per month, what projects would this money be used for.

Mr. Wynn reported that the budget would be discussed later. Some of the high-level things this would go towards would be positions at Public Works. We would try to bridge the gap with some of our staff that has been lost through attrition. It would also go towards balancing different funds in each department. We did a deep dive into our Florida Municipal Insurance Trust Rate (FMIT) renewal rate. It is now broken up appropriately by department.

Mr. Wynn continued that the proceeds from the proposed millage rate increase that we would see is \$495,012. It would be difficult to apply that entire amount to some of our capital projects

Councilor Messinger stated that as brought up in public comments, a significant amount of our revenue goes to Duval County.

Mr. Wynn then confirmed Councilor Messinger's inquiry that for every dollar raised, 44 cents goes to COJ, 37 cents goes to Duval County Schools. The City essentially receives about 19 cents.

Mayor Brown asked Chief Financial Officer Danielle Dyer-Tyler what the increase would be in the budget.

Ms. Dyer-Tyler answered that the budget would increase by about \$450,000.00.

Mayor Brown asked what would be cut from the budget without the millage rate increase.

Mr. Wynn responded that there have been committee meetings where significant infrastructure projects have been discussed and will happen in the near future. This can be taxing on the Public Works Department. Two positions had been proposed, a project manager and project engineer. The project engineer would be cut for a savings of about \$140,000.00.

Ms. Dyer-Tyler remarked that mobility management had been discussed including renegotiating the City's share as well as the potential to increase revenue by increasing the parking rate, but not to Neptune Beach residents.

Councilor Livingston questioned why we couldn't pass the millage rate and still discuss renegotiating the interlocal agreement to increase revenue and look at the new positions.

Mr. Wynn noted that the City is working on implementing the free parking for residents. There is an acquisition that has held up a work ticket with the vendor. Once that is in place, we can start looking at ways to increase the way we charge visitors, not residents, to the Beaches Town Center (BTC).

Mr. Wynn stated that the City can keep trying to bring the Interlocal Agreement with Atlantic Beach to the table.

Councilor Livingston commented that it was shocking to see that the increase would only bring \$450,000. She added that we need to get creative about other ways to create revenue.

Mr. Wynn reported that the actual number based on the Department of Revenue Form 420 worksheet for the revenue from the increased millage rate is \$495,000.

Councilor Messinger stated that his comment is two-fold. He remarked that before we raise the millage rate, we should look at these other solutions to increase revenues into the City without taxing our residents further. He would see paid parking as low-hanging fruit, including offering additional free hours to residents, while at the same time, increasing the rate to visitors.

Councilor Messinger pointed out that we have a lot of individuals from Duval County growth coming out to the beach. This goes into his second point of the Interlocal Agreement with Duval County. We haven't negotiated that in an incredibly long time and a significant amount of our tax dollars go to the County. The people are coming out here on the weekends and our Police Department have to deal with that. He reiterated that before we consider raising the millage rate to our residents, we should look at the paid parking program and the rates with Duval County.

Councilor Key remarked that taxing residents should be a last resort. She is not quite sure we have exhausted all avenues. There are grants and federal funds to help our monumental infrastructure improvements. She agreed with Councilor Messinger that we are the playground for Duval County and added that an increase of individuals visiting our town, puts a strain on our Public Safety Department, lifeguards, and infrastructure. She thinks it is more than fair to consider opening up our Interlocal Agreement to try and see if we can keep more than 18 cents for every dollar we take in.

Councilor Key also stated that she is a big fan of increasing parking revenue. She said it a great way to "tax," individuals who come to our City who don't pay taxes here, but utilize our resources. She expressed that raising the millage rate, given the state of the economy, is something she can get behind right now.

Vice Mayor Chin expressed that his fellow councilors raised some interesting questions. He asked if the parking revenues are limited in scope as to what they can be spent on? He agreed about renegotiating the Interlocal Agreement with Duval County but how realistic is that going to be to expect the County to be receptive to us asking for a greater share? This is something we need to think about.

Mr. Wynn answered that the parking ordinance is silent about what the parking revenue can be spent on. It does not contemplate what it can and can't be spent on.

Councilor Livingston asked if a new ordinance allocating the funds would help the budget?

Councilor Key reported she had a conversation with City Attorney Zachary Roth and she did not want to quote him, however it was okay that we had not defined or specified what to spend the funds on.

Councilor Livingston commented that she would like to see possibly ideas of where we could make up the revenue and how much money that would look like before implementing a tax increase. She also wonders at the same time how much we would get from renegotiating the Interlocal Agreement.

Councilor Messinger stated we are in a unique position where we have three individuals running for Mayor in Duval County. One of those will replac the current administration. We also have a supportive Beaches representative. When it comes to reopening the Interlocal Agreement and negotiating with Jacksonville, this is an opportune time to start that process.

Councilor Messinger stated that looking at the budget, the paid parking revenues are going to come in at \$162,000 above the projected amount. The fees for what we charge people from out of town are still below what Jacksonville Beach is charging, so there is ample opportunity. We can also increase the amount of time given to residents if we are increasing the parking rate to visitors. This is the path he would advocate before we look at a millage rate increase.

Mayor Brown commented that everything has gone up for everyone. Many budgets are strained. She communicated that the will of the Council seems to be to keep the millage rate the same at 3.3656. She requested a motion to that effect.

Made by Messinger, seconded by Key.

**MOTION:                    TO KEEP THE MILLAGE RATE UNCHANGED AT 3.3656 FOR NO TAX INCREASE IN KEEPING IT THE SAME**

Roll Call Vote:

Ayes:     5-Livingston, Messinger, Key, Chin, and Brown.

Noes:     0

**MOTION CARRIED**

Ord. No. 2022-05, FY23 Budget     Ordinance No. 2022-05, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Adopting a Final Budget and Appropriating Funds for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023; Providing an Effective Date.

Public Hearing             Mayor Brown opened the public hearing

Diana Kelly, 1700 1st Street, Neptune Beach, spoke regarding where the parking revenue would be spent and taxing the visitors. She added that we need to band with the other beach communities and leverage a position with COJ.

Shellie Thole, 124 Margaret Street, Neptune Beach, spoke regarding the importance of getting grants and finding federal money.

Rick Sauls, 126 Cedar Street, Neptune Beach, commented that the Interlocal Agreement is a very touchy subject. We should be very careful about how we approach that. He added that people visit come from other places not just Jacksonville.

There being no further comments from the public, the public hearing was closed.

Budget Review             City Manager Stefen Wynn reviewed the FY2023 Budget. He stated that previous years are included to help to forecast better. He also stated there are things we can control such as some court funds and parking tickets. We can make sure we bill for code enforcement violations and not just have them come into compliance. The enterprise funds are guided by our leases.

Mr. Wynn advised that the amounts would be adjusted for the next meeting based on the 3.3656 millage rate as that is what encompasses the millage rate. The total general revenue fund seems high due to the \$3.6 million received in ARPA funding that haven't been expended this year. We will be using those again next year for capital projects.

Vice Mayor Chin questioned a cellular lease for the water tower being underpaid.

Mr. Wynn explained those leases have merged. We are still working to negotiate that amount.

Mr. Wynn reported each departmental budget, including Mayor and Council, City Manager, Finance, Legal, Community Development, City Clerk, Non-Departmental, Police, Ocean Rescue/Beach Cleanup, Public Works, and Mobility Management.

Chief Financial Officer Danielle Dyer-Tyler reminded everyone that the 2021 amounts are unaudited numbers and are subject to change once that audit is final.

Brief Recess

Mayor Brown called for a recess at 7:22 p.m.

Mayor Brown resumed the meeting at 7:28 p.m.

Budget Review Continuation

Mr. Wynn continued the FY23 budget review. He also reviewed each department's positions and vacancies. He explained that there are fixed allocations for certain positions which means different positions are paid from different departmental funds. He pointed out that the sanitation fund has historically operated in a deficit. The City discovered that we have charged ourselves the 10% franchise fee and we did not take into account the fuel surcharge that was imposed. We are working to try and see what can be recovered.

Vice Mayor Chin commented that Jacksonville Beach went through an analysis to look at bringing the waste collection service in-house. Their numbers did not work out. It would be interesting to see what those numbers were to have a comparison. Atlantic Beach has just signed with a new hauling company. Our contract expires in October, 2023. By then, we can see how it is working with Atlantic Beach. He added maybe we could get a better rate by combining both cities.

Councilor Messinger asked Mr. Wynn to extrapolate on bringing sanitation services in-house and how an RFP with our sister city would look like.

Mr. Wynn explained that the path of least resistance would be an RFP for a third-party vendor. Doing that with another community would present challenges that could be worked through. He cautions about the level of service. To bring it internally, we would have to look at costs of truck providers and costs of personnel services. He has not put anything together for the FY23 budget. That is something we could look at. It would be helpful if we could get recover some of the overpayment to WastePro.

Mayor Brown thanked Department Heads for being at the meeting and recognized the City Manager and CFO for their efforts in organizing the budget.

Made by Key.

**MOTION:                    TO APPROVE ORDINANCE NO. 2022-05 , ADOPTION OF FY2023 BUDGET ON FIRST READ AND MOVE TO SECOND READ**

Councilor Messinger asked for a point of clarification if we need to amend the motion with a caveat to include that the numbers will be amended to reflect the millage rate.

Councilor Key withdrew her motion.

Made by Messinger, seconded by Key.

**MOTION:                    TO MOVE APPROVE THE PROPOSED BUDGET WITH AMENDMENT TO INCLUDE THE MILLAGE RATE THAT WAS PASSED LAST YEAR AND THAT THE NUMBERS WILL REFLECT THE MILLAGE RATE OF 3.3656**

Roll Call Vote:

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown.

Noes: 0

**MOTION CARRIED**

Ord. No. 2022-06, Ordinance No. 2022-06, First Read and Public Hearing, An Ordinance Amending the FY22 Budget Amendment Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2022. Beginning October 1, 2021 and Ending September 30, 2022.

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Mr. Wynn explained that this is a budget amendment for FY22. The City has generous donors who continue to support Neptune Beach. We have some unrealized revenue. This is to increase our revenue in three of the funds. There was donation from the Eckstein Foundation for a new police vehicle, fees for a fire plan review and a FireHouse Subs Donation.

Made by Chin, seconded by Key.

**MOTION:** **TO APPROVE ORDINANCE NO. 2022-06, ADOPTING FY2022 BUDGET AMENDMENT ON FIRST READ**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**OLD BUSINESS / NONE**

**NEW BUSINESS**

FOP Contract Consideration of Approval of Fraternal Order of Police and City of Neptune Beach Contract.

Mr. Wynn reported on the changes which are amending the FOP contracted. He stated that in the course of the negotiations the rate of standby compensation was discussed and established. It states that whenever an employee is placed on standby for 0-3 hours they will be compensated at the rate of 1 hour of straight pay per hour for the first 3 hours. Any hours in excess of 3 hours will be compensated at the rate of 0.25 hours of straight pay with a total maximum of 4 hours of compensation during a 24-hour period.

Councilor Key stated our City Attorney is not here to advise. She is recusing herself from voting on this agenda item. Form 8B has been filed with the City Clerk’s office and is attached hereto..

Made by Messinger, seconded by Chin.

Roll Call Vote

Ayes: 4-Livingston, Messinger, Chin, and Brown

Noes: 0

Abstain - Key

**MOTION CARRIED**

Surplus Vehicles Consideration of Approval of Surplus Vehicles.

Made by Messinger, seconded by Key.

**MOTION:      TO APPROVE THE DECLARATION OF SURPLUS VEHICLES FOR SALE ON GOVDEALS**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

Adjournment

There being no further business, the meeting adjourned at 7:53 p.m.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>Key Lauren Dominique</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Neptune Beach City Council</b>
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY _____ COUNTY _____	NAME OF POLITICAL SUBDIVISION: <b>City Councilor</b>
DATE ON WHICH VOTE OCCURRED <b>September 7 2022</b>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 20 \_\_\_\_ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- inured to the special gain or loss of my relative, Michael Key \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

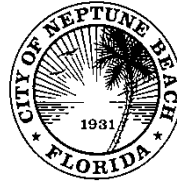
My recusal was out of an abundance of caution because I did not have the benefit of advice from city counsel on whether a conflict of interest existed.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

22 September 22  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**MONDAY, SEPTEMBER 19, 2022, 6:00 P.M.**  
**NEPTUNE BEACH CITY HALL**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, September 19, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

**IN ATTENDANCE:**

Mayor Elaine Brown  
 Vice Mayor Kerry Chin  
 Councilor Lauren Key  
 Councilor Nia Livingston  
 Councilor Josh Messinger

**STAFF:**

City Manager Stefen Wynn  
 City Attorney Zachary Roth  
 Police Chief Richard Pike  
 Senior Activity Center Director Leslie Lyne  
 Community Development Director Samantha Brisolara  
 Chief Financial Officer Danielle Dyer-Tyler  
 Grant and Resiliency Coordinator Colin Moore  
 Public Works Director Jim French  
 Mobility Management Director Megan Steward  
 City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Mayor Brown called the Special Meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Ord. No. 2022-04, Millage Rate

Ordinance No. 2022-04, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Adopting Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023; Setting Forth Certain Information Regarding "RolledBack Rate"; Directing the City Manager to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date.

Mayor Brown read the TRIM Notice as follows:

Mayor Brown opened the public hearing.

Public Hearing

Diana Kelly, 1700 1<sup>st</sup> Street, Neptune Beach, stated had requested information from the City regarding the money went to from the \$10 water meter increase and where it has been allocated. Also, she requested where the paid parking money has been allocated to. She asked for this last week and has heard nothing from the City.

There being no further comments from the public, the public hearing was closed.

Millage Discussion

Vice Mayor Chin commented that it is important for people to know that the millage rate is unchanged. It will be the same as last year. What people will be seeing is a notice for a tax increase and that is because taxable value in Neptune Beach has increased. The overall amount is increasing to the City. Each individual person's rate has not changed.

Made by Livingston, seconded by Messinger.

**MOTION:                    TO ADOPT ORDINANCE NO. 2022-04, ADOPTING FINAL MILLAGE RATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, ON SECOND READ**

Roll Call Vote:

Ayes:                    5-Key, Livingston, Messinger, Chin and Brown

Noes:                    0

**MOTION CARRIED**

Ord. No. 2205,  
FY23 Budget  
Adoption

Ordinance No. 2022-05, Second Read and Public Hearing. An Ordinance of the City of Nept Adopting a Final Budget and Appropriating Funds for the Fiscal Year beginning October 1 September 30, 2023; Providing an Effective Date.

Public Hearing

Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Messinger, seconded by Chin.

**MOTION:                    TO ADOPT ORDINANCE NO. 2022-05, ADOPTING FINAL BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, ON SECOND READ**

Roll Call Vote:

Ayes:                    5-Livingston, Messinger, Key, Chin, and Brown

Noes:                    0

**MOTION CARRIED**

Ord. No. 2022-06,  
FY22 Budget  
Amendment

Ordinance No. 2022-06, Second Read and Public Hearing. An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2022. Beginning October 1, 2021 and Ending September 30, 2022.

Public Hearing

Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Chin, seconded by Key.

**MOTION:                    TO ADOPT ORDINANCE NO. 2022-06, ADOPTING FY2022 BUDGET AMENDMENT ON SECOND READ**

Roll Call Vote:

Ayes:                    5-Messinger, Key, Livingston, Chin, and Brown.

Noes:                    0

**MOTION CARRIED**

Mayor Brown advised everyone that the millage rate and budget had been reviewed. Meetings and discussions had been held with the City Manager and CFO.

Senior Center  
Completion

Consideration of Approval of Quote for Completion of Senior Center. Neptune Beach Senior Activity Center Leslie Lyne stated that when she first began receiving the bids, she was flabbergasted. There was a disparity among all of the bidders. All of the contractors received the same information, including architectural renderings. There were five bids received from eight contractors that were contacted. The five received were from A Plus

Construction, Auld & White, Cornelius Construction Company, J.C. Harward & Associates, and McCue Home Services.

Ms. Lyne reported that Cornelius Construction was the only one to respond to the whole package, which also included Alternate Bids 1 and 2 for the landscaping and parking. It was broken up that way as it is important to get the Center open. She stated that her recommendation is to go with the low bid from McCue Home Services of \$164,601.83.

Vice Mayor Chin agreed with Ms. Lyne that there was a wide variation in the bids. After examining each one, he feels that with the some of the odd exclusions that were itemized, he does not think that some of the bidders wanted the job. He added that Mr. McCue's bid is the most financially attractive bid. He would like some reassurance that Mr. McCue knows what he is getting into and not just throwing in a low bid just to get the job.

Ms. Lyne stated her idea was to meet with him and make sure he understands what the City wants. She also added Mr. McCue was the only one who met with building department to make sure he understood what was being asked.

Councilor Key pointed out that Cornelius Construction Company was the only one that had an explanation for all of their costs. They had the most expensive but also had the most information, which is maybe the reason the other bids were so low and not as extensive. She stated it is comparing apples to oranges. It is not comparing apples to apples as far as the bid package goes. She added there is site work that needs to be done and in some bids she did not see that.

Councilor Key asked if we know the total cost that has existed of the Senior Center to date?

Ms. Lyne answered that she did not think that any of us ever sat down and came up with a firm number. One reason is that the project transpired during the pandemic when we could not get together. She did report that the St. Johns River Water Management District (SJRWMD) permit had been received, which allowed us to move forward. She remarked that the new senior center that COJ just built, which is a little bit bigger than what we have, without the land, was at \$1.1 or \$1.2 million.

Councilor Key continued that she knows our costs to date include air conditioners that have been installed and drawings and renderings. She would like to know the costs of those things.

Ms. Lyne reported that items include kitchen equipment, exercise equipment, rocking chairs, the design and plans, shelving, HVAC and electrical. She figures about \$130,000 has been spent in addition to the \$400,000 for the original building.

Councilor Key expressed that her heartburn on this project is that she has not seen a cost-tracking sheet. She has not seen anything that says this is the cost of the Senior Center, this is how many donations we have taken in and this is how we are going to fund it. She remarked that she cannot vote to spend more money when she doesn't have an overall idea of what the project is going to cost.

Ms. Lyne stated that from 2019 to the present, and we are still waiting to get the money, which is reimbursable from COJ, she has brought in \$434,522.00.

Councilor Key requested an overall cost-tracking sheet and an overall total budget of what the City is going to spend. She applauded Ms. Lyne on what she has done. She stated it is hard to have a clear picture of what an entire project is when we are piecemealing it and asking for money. There is no end in sight because there is no idea of how much the project is going to cost. She does not feel as though she has a clear picture right now.

Ms. Lyne advised that she would be more than happy to sit down and do a road map. She has numbers and we can figure this out quickly. She is concerned about the deadline for the donation received. Ms. Lyne pointed out that she did ask for money for the design and plans but that was not taxpayer money.

Ms. Lyne confirmed Councilor Key's inquiry that no taxpayer money has been used for the Senior Center at this point.

Councilor Livingston suggested going to McCue Home Services or maybe even the second lowest bidder and see if they would detail it even more. That would help make a decision.

Councilor Messinger agreed that there is a disparity among the bids. He would like to see a breakout of the materials being used. He wants to make sure we are comparing apples to apples. He wants to make sure the proper materials are being used. Those details matter. He commended Ms. Lyne on her efforts in raising funds for the Senior Center. He would also like to see a financial break down of where we are at and where are going.

Mayor Brown congratulated Ms. Lyne on the funds that have been raised. She added that we want this done right. She wants to move quickly and get this information. Mr. McCue could come in and make sure the scope is understood. The low bid is always nice to see but the disparity is there.

Councilor Messinger pointed out that there is the opportunity to use Public Works for the paths and parking spaces. There would still be material costs associated and time. If we direct solicit for the landscaping, there would be materials and costs. He wants to make sure we get the full picture of those costs.

Councilor Key inquired if this we are not talking about spending taxpayer dollars, why are we discussing this.

Ms. Lyne stated she was told she had to. Council needs to be in the loop with what going on.

Mr. Wynn clarified that the City used Better Jax Half-Cent Sales Tax funds to purchase the original building in 2020-2021. The final piece is being done through donations. To say that no taxpayer dollars have been used at all for this is inaccurate. The City budgets for the operating costs of the Senior Center each year. Most of it is a Community Development Block Grant (CBDG) pass-through.

Mayor Brown directed the City Manager and Ms. Lyne get together to make sure we get the complete picture and discuss with the bidders.

### **COUNCIL COMMENTS**

Council Comments Councilor Key read the following statement:

"I have prepared a statement to bring to light significant and problematic issues regarding the City Manager's current performance.

Nothing is more important to me, as a mother, a Neptune Beach resident, and an elected official, than to see our beautiful City thrive. When I joined the Council less than two years ago, one of my campaign promises was that I would serve the Citizens of Neptune Beach with honesty, integrity and transparency. And It is only after a significant amount of consideration, contemplation, and pause, and although I do not want to bring public embarrassment to our City, it is my duty to bring forward my growing concerns with the City Manager to the Council.

I would be remiss if I didn't mention that this type of discussion is best discussed privately. However, due to the nature and structure of government, it creates a necessity to openly discuss topics that are better suited to be discussed in private. Further, my intent is to not embarrass the City Manager nor the City but rather to bring forward the City Manager's deficiencies so that other Council members can be informed and begin making their own decisions for the direction we go.

Over the last year or so, I have become increasingly dissatisfied by the City Manager's ability and performance. I made my intentions known to bring this forward a few weeks ago, at which point a portion of the political sphere began acting and external attempts to discredit, intimidate, and silence me began. Doing the right thing on behalf of our residents and staff is paramount and as such, bringing forward my concerns regarding the City Manager's incompetency, recklessness, and ineffective leadership is without question the right thing to do.

Leading up to this meeting, the City Manager provided me with a typed-out apology letter this past Friday. I can only interpret it as a last-ditch effort to prevent me from reading this statement. He didn't sit down with me face to face and properly communicate, instead he had a third party hand-deliver it to me. The apology was disingenuous and contrived and yet further evidence of his deficiencies. An effective attempt at an apology is not made with self-serving intentions. It failed to address the actual issues and while I appreciate the effort, it's too little - too late.

I now have neither the trust or confidence in our City Manager to perform the fundamental role he was hired to fulfill. As such, I cannot sit idle as he continues to foster a toxic culture of blame and conflict, fear, intimidation and mistrust. Many of the actions that are often invisible to organizational measuring systems. The City Manager routinely under-performs, bullies and mistreats employees, and displays an overall immature reckless approach while being charged with serving as our City's CEO. As many of you know, morale is at an all-time low and as such, staff, council, and most importantly our residents are suffering under his leadership. Our employees are one of our most cherished assets in this organization and protecting them and ensuring they work in a safe, non-hostile environment is also part of our fundamental duty.

I was recently made aware that the City Manager stormed out of his office in City Hall after a private meeting with the mayor while yelling profanities and exclaiming that he quits. He did this on a Friday morning leaving his staff to wonder an entire weekend if their boss would be returning to work the next week. It goes without saying that this type of behavior leads to instability among staff. The City Manager has on multiple occasions stated that he is miserable working for the City of Neptune Beach. He has threatened to quit personally to me no less than four times, with the most recent event on September 2 in front of our City Attorney.

The City Manager has a dangerous and reckless habit of making extreme accusations, then working his way backwards to try and find evidence to support his claims. He has engaged in spreading slanderous, reckless, and unprofessional rumors about council and city staff. He has gone as far as to make unfounded, untrue and slanderous criminal accusations without proper proof, merely basing his accusations off of his wild assumptions. During an audit, before the proper accounting was complete, he made accusations that two long-term City Hall employees stole \$500,000. He then gossiped with others within our organization about these accusations and has gone as far as to tell others outside of our organization about these unsubstantiated claims. To claim that two specific staff members misappropriated funds with zero proof of them doing so is slanderous, unethical, and harmful to their reputations and careers if proven untrue.

Other issues revolve around unprofessional conduct and an overall argumentative nature, especially when questioned, or if he is in the wrong. The City Manager lashes out at the City Council, City staff and residents alike. He is known to have loud outbursts of profane

language, screaming the “F word” repeatedly and banging his fists on his desk when things don’t go his way within City Hall.

The City Manager promotes a culture of subversiveness, encouraging staff to handle business over the phone and not to put things in writing. He has gone so far as to ask a staff member in an email to “call me instead of making an embarrassing public record for the City”. In the little over 2.5 years the City Manager has been with our City, we have had a significant amount of staff turnover. In privacy and confidence, staff have personally informed me he has created a negative work environment for them. In fact, the previous Deputy Public Work Director quit and noted in her resignation letter that the reason she was leaving was due to a hostile work environment allegedly ignored by the City Manager. In my experience, the City Manager typically does not accept responsibility and blames others for his mistakes. Any apologies given for his poor or unprofessional behavior have been presented in a way that attempts to shift the blame and refuses to see any genuine fault or take accountability. All of this has ultimately resulted in a toxic work environment.

In addition to the internal problems, the City Manager has also created a serious public relations problem with our residents. He does not welcome open public dialogue and promotes animosity. This has manifested to the point that he has turned off public commenting on the City’s Facebook page. Government entities should not be limiting the public’s voice, in any manner. In the packet I am submitting, I included an email in which the City Manager states “The City’s social media presence is not to engage in dialogue with Residents.”

The image problem we have isn’t a new one and it shouldn’t come as a surprise to any of us. In fact, the City Manager shared an email in late March of this year with all of us to which he stated that “in social media and in council meetings, residents routinely elude that I’m mismanaging projects or their money”. He then pleaded with Council to “get the facts out to the public” and that he “needs your defense to explain what’s really going on in City Hall”. Well, unfortunately the problems I’m raising tonight are in fact what’s really going on in City Hall.

I also have concerns regarding the City Manager's ability to manage projects. During his tenure, the City Manager has a litany of mismanaged, neglected and failed projects under his supervision, including but not limited to - the senior center, Jarboe Park, our finance and budget practices - for example, our general ledger that wasn’t updated for months, software implementation, the bathrooms at Jarboe park consistently stay in an unsanitary condition without being cleaned for weeks on end and, last but not least, our entire code rewrite process which was a disaster from start to finish. These projects have all suffered and that ultimately rests with the City Manager who is charged with managing them.

Another long overdue issue that has yet to reach a resolution, in which the City Manager was made aware of over a year ago on two separate occasions, is our City Clerk’s IT ability for fulfilling public records requests relating to emails. To date, if a request is made for an email from a public official, our City Clerk cannot fulfill that request without first going to that specific employee or Council member and directly asking them for their password. This has obvious inherent problems, as it defies the principle of ensuring public records are made public, without fear of a record being deleted or hidden. Not to mention that this also defies best practices as it relates to cyber security. I followed up on September 14 of this year to find out if this has been resolved and was told it is still an ongoing problem that has not been corrected, over a year later.

This situation has reached a crisis level and I don’t believe we, as the officials elected to protect Neptune Beach, cannot sit idle. Although it is simply not possible to outline each and every failure the City Manager has demonstrated. The issues raised in this statement are intended to highlight the most recent, egregious, and alarming.



I realize this may be a lot to digest for my fellow councilors and though I know you already know some of these issues, you may also have similar issues you have experienced that you need time to prepare and discuss. Therefore, I want to provide my fellow councilors enough time to absorb and assess the information presented. I have prepared a packet which includes many of the issues raised. If anyone feels compelled to act on this information tonight, I would be open to that or we can discuss next steps at our next Council meeting.”

Councilor Messinger asked the City Attorney what would be a go forward step or best practice based on this.

City Attorney Zach Roth advised that Council Members have to internalize the information that was provided and evaluate independently. To the extent, once that is done, if there is believed to be anything that requires further investigation, the process should be to investigate the veracity of those specific issues. From there, a determination would be made based on those results.

Councilor Messinger stated that based on the City Attorney’s feedback, he would like to see, after looking at this material, recommendations from the City Attorney, after he has looked at it as well and make best practices recommendations to Council.

Adjournment

There being no further business, the Special Meeting adjourned at 6:41 p.m.

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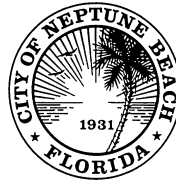
Elaine Brown, Mayor

ATTEST:

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Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_



**MINUTES  
 WORKSHOP CITY COUNCIL MEETING  
 IMMEDIATELY FOLLOWING THE SPECIAL MEETING  
 MONDAY, SEPTEMBER 19, 2022, 6:41 P.M.  
 NEPTUNE BEACH CITY HALL  
 116 FIRST STREET  
 NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, September 19, 2022, at 6:41 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown  
 Vice Mayor Kerry Chin  
 Councilor Lauren Key  
 Councilor Nia Livingston  
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn  
 City Attorney Zachary Roth  
 Police Chief Richard Pike  
 Senior Activity Center Director Leslie Lyne  
 Community Development Director Samantha Brisolaro  
 Chief Financial Officer Danielle Dyer-Tyler  
 Grant and Resiliency Coordinator Colin Moore  
 Public Works Director Jim French  
 Mobility Management Director Megan Steward  
 City Clerk Catherine Ponson

Call to Order/Roll Call

Mayor Brown called the workshop meeting to order at 6:41 p.m.

**AWARDS / PRESENTATIONS / GUESTS**

Land Trust Presentation

Mayor Brown announced that the George Bull presentation for a land donation to the North Florida Land Trust had been deferred.

**DEPARTMENTAL SCORE CARD / CITY MANAGER REPORT**

Dept. Score Card/City Manager Report

The Departmental Score Cards and City Manager Reports are posted on the City website at: <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reportsdepartmental-score-cards>.

**COMMITTEE REPORTS**

Finance Committee

Finance Committee Chair Councilor Lauren Key reported the Finance Committee met on September 13 and reviewed the current budget and made recommendations on processes moving forward.

Transportation & Infrastructure

Mayor Brown reported there had been two meetings of the Transportation and Infrastructure Planning Committee, August 26 and September 9. There is a meeting scheduled for

Planning September 23 with North Florida Transportation Planning Organization Executive Director Jeff Sheffield.

**PUBLIC COMMENTS**

Public Comment Diana Kelly, 1700 1<sup>st</sup> Street, Neptune Beach, stated she had sent an email offering a plausible suggestions and solutions to what the City is facing regarding budget and projects. She suggested brainstorming for staff to come up with five ways to save and five ways to make money. She heard back from three recipients. She also requested revenue information. She has not received that information.

Harriet Pruette, 217 1/2 Magnolia Street, Neptune Beach, commended Council for all that they do. She said there is anger in America and it has come Neptune Beach. She would not want to be in their shoes.

**PROPOSED ORDINANCES / NONE**

**CONTRACTS AND AGREEMENTS / NONE**

**ISSUE DEVELOPMENT / NONE**

**COUNCIL COMMENTS / NONE**

City Attorney Mr. Roth reported that he needs guidance from Council regarding the opioid settlements in the State of Florida. We are a community under 10,000 and there are different ways that we can go about receiving those settlements. He reviewed the options.

Mayor Brown requested Police Chief Richard Pike and the City Attorney look at what our needs would be and present something that would be a part of a bigger machine that would take care of what we need.

Mr. Roth stated he would present to COJ and report that we are interested in joining COJ and make sure our agreement included certain items that they would commit to doing that would benefit the City.

The workshop meeting adjourned at 6:54 p.m.

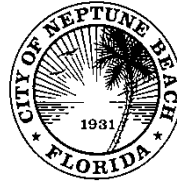
\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_

Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_



**MINUTES  
SPECIAL CITY COUNCIL MEETING  
HURRICANE IAN  
TUESDAY, SEPTEMBER 27, 2022, 3:30 P.M.  
NEPTUNE BEACH CITY HALL  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, September 27, 2022, at 3:30 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

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Attendance:

<p><b>IN ATTENDANCE:</b> Mayor Elaine Brown Vice Mayor Kerry Chin Councilor Lauren Key Councilor Nia Livingston (via CMT) Councilor Josh Messinger</p>	<p><b>STAFF:</b> City Manager Stefen Wynn City Attorney Zachary Roth Police Chief Richard Pike Grant and Resiliency Coordinator Colin Moore City Clerk Catherine Ponson</p>
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Call to Order/Roll Call/

Mayor Brown called the Special Meeting to order at 3:30 p.m. and led the Pledge of Allegiance.

Mayor Brown announced that the purpose of the Special Meeting was to declare a State of Emergency due to Hurricane Ian.

Police Chief Richard Pike reported that bridges would shut down with sustained winds at 40 pmh. All off-duty officers would be reporting for duty. There will also be lifeguards on duty. The PD will also check on the special needs citizens.

City Manager Stefen Wynn reported sandbags were available and collection had begun.

Mayor Brown read into the record the Declaration of Emergency.

Made by Messinger, seconded by Key.

**MOTION: TO ACCEPT THE DECLARATION OF EMERGENCY**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

Adjournment

There being no further business, the Special Meeting adjourned at 3:42 p.m.

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Elaine Brown, Mayor

ATTEST:

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Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_



**MINUTES  
REGULAR CITY COUNCIL MEETING  
MONDAY, OCTOBER 3, 2022, 6:00 P.M.  
NEPTUNE BEACH CITY HALL  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, October 3, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

**IN ATTENDANCE:**

Mayor Elaine Brown  
Vice Mayor Kerry Chin  
Councilor Lauren Key  
Councilor Nia Livingston  
Councilor Josh Messinger (via CMT)

**STAFF:**

City Manager Stefen Wynn  
City Attorney Zachary Roth  
Chief Financial Officer Danielle Dyer-Tyler  
Police Chief Richard Pike  
Public Works Director Jim French  
Community Development Director Samantha Brisolara  
Grants and Resiliency Coordinator Colin Moore  
Mobility Management Director Leslie Lyne  
Mobility Management Director Megan Steward  
City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m.

Mayor Brown welcomed the Webelos from Pack 15 from St. John the Baptist Catholic Church who led the Pledge of Allegiance. The pack is working toward their advancement toward the Arrow of Light award.

**PUBLIC COMMENTS**

Public Comments

Jerry Collins, 511 Oleander Street, Neptune Beach, spoke regarding approval of massive spending projects that are nonemergency and nonbudgeted.

Christine Burke, 113 Walnut Street, Neptune Beach, spoke regarding short-term rental. She stated that it is not a complicated problem to identify noncompliant short-term rental. She questioned why the short-term rental problem been addressed.

Shellie Thole, 124 Margaret Street, spoke regarding our water service. She would like to know what grants we are applying for to keep our great water.

**COMMUNICATIONS / CORRESPONDENCE / REPORTS**

City Manager Report

City Manager Stefen Wynn reviewed City action during Hurricane Ian. The City implemented an emergency plan and it was executed with surgical precision. Daily updates were sent out through all means of communication. He advised that the Kings Road Bridge did what it was designed to do by FDOT.

Police Chief Report

Police Chief Richard Pike gave an incident report during the storm. The Police Department checked 22 businesses and assisted 12 residents with special needs. He reported that there were several meetings during the week with all Beach mayors to send out the same message to avoid confusion. There was also assistance from Jacksonville Sheriff's Office.

**VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE**

**ORDINANCES / NONE**

**OLD BUSINESS / NONE**

**NEW BUSINESS**

Local 630 MOU

Consideration of Approval of Memorandum of Understanding Between Local 630 Union and City of Neptune Beach. Mr. Wynn stated that some employees did not receive a rate increase last year as they were at the top of their pay range. This MOU increases the lower end and the higher end of the pay scale to comply with what was approved for FY23, which was 9% across the board. The increase was done after wage study was conducted. It is meant to retain employees and attract new employees. It does strike the language for specialty pay, which is obtained upon receipt of a license. That is now lumped into the rate increase.

Councilor Livingston stated that it is important why we are doing this. We need to remain competitive. Mr. Wynn answered her inquiry that there were 10 positions approved in the budget and there are still six positions to look at after this year. The study looked at communities that were comparable to Neptune Beach.

Vice Mayor Chin agreed with Councilor Livingston and wanted to make clear that this increase will also bring us into compliance with the increase in the minimum wage. At a certain point we would have to address that. We are getting there sooner.

Councilor Messinger pointed out that Councilor Livingston and Vice Mayor Chin already stated why this is an important initiative. If we remain competitive and are looking to retain and fill those positions to keep a high level of service for the community, then he is in support of it.

Made by Livingston, seconded by Key.

**MOTION: APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN LOCAL 630 AND CITY OF NEPTUNE BEACH**

Roll Call Vote

Ayes: 5-Key, Livingston, Messinger, Chin and Brown

Noes: 0

**MOTION CARRIED**

Cost-Share Agreement

Proposed Cost-Share Agreement Between the CONB and the SJRWMD for Phase 1 WWTF Upgrades. Mr. Wynn explained that the City applied for this cost-share program and has been approved. What this does is gives the City \$437,500 in grant funding. This needs Council approval to accept the grant funding and there are contractual provisions. He pointed out that a contractor has not been chosen as that will go through a very formal bid process.

Councilor Messinger commended Public Works Director Jim French and his team at Public Works, Grants and Resiliency Coordinator Colin Moore, and Mr. Wynn for continually moving the ball down the field and bringing this grant to the finish line.

Vice Mayor Chin pointed out that grants are not free money. What the granting organizations are looking for is that you have the wherewithal to actually finish a project. This is why it is

coming back to us in terms of a reimbursement divided into sections. They want to make sure you are going to be able to complete the project.

Made by Chin, seconded by Messinger.

**MOTION:**        **TO APPROVE THE COST-SHARE AGREEMENT BETWEEN THE CONB AND THE SJRWMD FOR PHASE 1 WWTF UPGRADES**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

**MOTION CARRIED**

Res. No. 2022-07,  
Schedule of Fees

Resolution No. 2022-07, A Resolution of the City of Neptune Beach, Florida, Adopting a Schedule of Fees to be Instituted for Various City Services; Providing for Severability and Providing an Effective Date.

Mr. Wynn reported that this is bringing a resolution from this summer. The City has compared what our fee structure is compared to Jacksonville Beach and Atlantic Beach. It took some time to do as we are trying to make our fees transparent and put them into one resolution. This is the culmination of Community Development Director Samantha Brisolaro's work. He is not asking for any consideration or decision, but it is on the agenda for review. It will be on the next Council workshop. If there is any additional information, he is asking for it so staff can be prepared.

Vice Mayor Chin thanked Ms. Brisolaro for putting the resolution together so there is transparency with citizens.

Councilor Livingston asked where is the money we are collecting going.

Mr. Wynn stated that it is broken up into different categories throughout the General Fund.

Mr. Wynn answered Councilor Livingston's next question by advising that it is better to keep it in the General Fund so that way it can be used for any legal purpose that General Fund expenditures can be used for.

Councilor Messinger stated, to give even a greater level of transparency, it would be a helpful component to add where these funds are ultimately heading. He also commended Ms. Brisolaro and staff for providing a greater degree of transparency for tonight and for discussion in a few weeks.

Mayor Brown requested it be made clear what and how long the Special Event permit would be needed for the rental of the Neptune House.

**COUNCIL COMMENTS**

Vice Mayor Chin commented that WastePro has had to do a lot of cleanup and he was surprised they were able to grab everything that they had to pick up. He wanted to state that the trash pickup on his street is random. Some cans were emptied and others were not.

Mr. Wynn stated they he would check as WastePro reported they were resuming normal operations.

Adjournment

There being no further business, the meeting adjourned at 6:41 p.m.



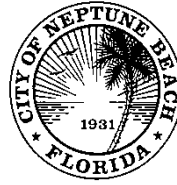
\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_

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**MINUTES  
SPECIAL CITY COUNCIL MEETING  
MONDAY, OCTOBER 17, 2022, 6:00 P.M.  
NEPTUNE BEACH CITY HALL  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, October 17, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

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Attendance:

IN ATTENDANCE:

Mayor Elaine Brown  
Vice Mayor Kerry Chin  
Councilor Lauren Key  
Councilor Nia Livingston  
Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn  
City Attorney Zachary Roth  
Police Chief Richard Pike  
Senior Activity Center Director Leslie Lyne  
Community Development Director Samantha Brisolara  
Chief Financial Officer Danielle Dyer-Tyler  
Grant and Resiliency Coordinator Colin Moore  
Public Works Director Jim French  
Mobility Management Director Megan Steward  
City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Mayor Brown called the Special Meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Mayor Brown reported that Special Meeting Agenda Item 6 would be moved to the workshop immediately following the Special Meeting.

Res. No. 2022-08, Employee Handbook

Consideration of Adoption of Employee Handbook. Mr. Wynn explained that this project had been underway for many months. A consulting firm was hired and this is the culmination of that process. It has been reviewed by the City Attorney. It takes the existing Personnel Policy, Handbook and other employee policies and put them into one comprehensive employee handbook.

City Attorney Zachary Roth added that there are a few different documents that are out there that are inconsistent with each other and from a legal perspective, he strongly supports changing and having one document.

Councilor Messinger asked Mr. Roth if there were any noticeable changes that shifted policy on a higher level.

Mr. Roth stated that there were no changes that shifted policies. It clarifies the intent and things that were ambiguous.

Vice Mayor Chin questioned why this is coming before Council or is it for information only.

Mr. Roth reported that the previous policy had been adopted by resolution and it would need to be done the same way.

Councilor Key remarked that she would have liked to have seen the different iterations to see what we're doing in terms of refining things or changing things. She expressed that there was not a sufficient amount of time per our ordinance. The packet was received Friday at 5 p.m. for the Monday meeting. She finds it frustrating and it does not give time to get things collected and look at the documents. If Council is going to adopt it and her name is going to be attached to it, she would prefer to see the different iterations.

Made by Messinger, seconded by Key.

**MOTION:**                    **TO DEFER RESOLUTION NO. 2022-08 ADOPTING THE NEPTUNE BEACH EMPLOYEE HANDBOOK UNTIL THE NOVEMBER 7<sup>TH</sup> REGULAR CITY COUNCIL MEETING**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

CDBG Contract

Consideration of Approval of CDBG Public Service Grant Contract between COJ and CONB.

Senior Center Director Leslie Lyne reported that the grant amount is up to \$48,000.00. The grant started 21 years ago at \$118,000 and has progressively gone down as the economy changed. She has filled out the reports in timely fashion and is cohesive with all other contracts with COJ, HUD and the federal government.

Vice Mayor Chin stated that there have been questions regarding the Senior Center. There were also people wanting to see the paperwork. It is a part of this packet and he thanked Ms. Lyne for providing it. It answered some of his own questions and he can pass along information to residents.

Councilor Key pointed out that we get \$48,000 from the COJ but in salaries alone the amount is \$129,990.00. She questioned where do the monies come from to make up the difference.

Ms. Lyne explained that she does a travel club, which is a fundraiser. People give donations which augment it. The City up until this year put in \$20,000. There is also money made from classes.

Councilor Key remarked that she has asked for the entire Senior Activity Center cost from beginning to end multiple times. It has never been given to her.

Ms. Lyne stated that she thought she and Councilor Key were going to get together and discuss the costs.

Councilor Key said that she does not want to meet. She wants it in writing and be a formal document presented for all to share.

Ms. Lyne advised that she would get Councilor Key the information before the end of the week.

Ms. Lyne confirmed Councilor's Livingston's inquiry that traditionally the CDBG has been used for staff salaries.

Councilor Messinger remarked that it is positive that the grant is trending in the other direction.

Made by Key, seconded by Chin.

**MOTION:**                    **TO ACCEPT THE COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE CITY OF JACKSONVILLE IN THE AMOUNT OF \$48,000**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

**MOTION CARRIED**

CONB Bid 2022-03, Senior Center Exterior

CONB Bid No. 2022-03, Senior Center Exterior. Mr. Wynn explained that due to the amount of the bids received from the Invitation to Bid sent out, this has been kicked into a formal bid. A bid package has been put together. It has been reviewed by the Public Works Director and the City Attorney. The contractors who submitted bid previously have been notified their bids have been rejected and would need to resubmit. This needs Council approval to go back out to bid.

Councilor Messinger pointed out that the bid package lays out the porch construction and ADA access but did not include path access, parking and landscaping. He questioned what the budget would be related to the items not included. He also asked should we be asking for prices for that in a bid process.

Mr. Roth explained that we could do it as a separate project or lump it in with the current project. There is no legal distinction between the two. The path access, parking and landscaping would not exceed the \$300,000 limit from statute.

Councilor Messinger added that he was thinking that this was a component where people wanted the Senior Center to fit into the neighborhood. He sees it in the bid document further in the back. He questioned if we wanted to include this as a separate item.

Mr. Wynn commented that staff took the approach of getting the Senior Center open to begin generating revenue that it needs to operate. We could add the landscaping as an alternate bid but we would be setting ourselves back. The biggest piece is the porch and the exterior finishes so the Center can open.

Vice Mayor Chin wanted to make it clear that the reason we are going back to the bid process is one of the first bids crossed the threshold per Florida Statute. We are then required to a formal bid process.

Councilor Key questioned if we put this out to bid, do we have to choose the lowest bidder?

Mr. Roth advised that the lowest bidder does not have to be chosen. A bidder does not have to be chosen. All bids could be rejected. The bidder who is the lowest, most responsible qualifying bidder.

Councilor Key asked who is responsible for finishing the project.

Mr. Wynn stated that the City is hiring a project manager. Mr. Wynn put together the bid package. He has the time now and can focus on finishing the project. For the last two years, it has been a team effort led by him.

Councilor Key reiterated that she has zero understanding of the financial standing or funding needed for the Senior Activity Center because she has not been given anything that says from the very beginning including the purchase of the building, clearing the land and painting the building. We have yet to have a realistic idea or expectation of what is going to be spent. It does not matter where the funds come from, it matter that there is an idea. She stated that she feels like we are piecemealing it to get it open. She does not feel this is the proper way to do business. Promises were made to neighbors and let's honor those promises. She wants the Center to open but she needs more information.

Mayor Brown requested the information be sent to Council this week. She stated that we can move forward with the process of getting the bid out.

Councilor Livingston questioned if we could do the landscaping as an invitation to bid or even do a community effort. She also requested that we find out the costs and what would be involved with Public Works doing some work in-house. If there are certain materials that are needed, we would need to know that ahead of time.

Councilor Messinger agreed with Councilor Livingston as far as an invitation to bid for landscaping. There are local companies with the ability to do the work. Also, bringing in the community into it and looking at what aspects could be done by citizens. He also agreed with Councilor Key in having the numbers so we know the total all in completed number.

Vice Mayor Chin remarked it would be helpful to have a timeline to show phases so we know when certain aspects will start. We can bid for the different parts separately as long as we know it is part of the cohesive whole.

Made by Livingston, seconded by Chin.

**MOTION:**                    **TO APPROVE CONB BID NO. 2022-03, NEPTUNE BEACH SENIOR  
ACTIVITY CENTER PORCH AND EXTERIOR FINISHES BID  
PACKAGE**

Roll Call Vote:

Ayes: 4-Messinger, Livingston, Chin, and Brown

Noes: 1-Key

**MOTION CARRIED**

Adjournment

There being no further business, the Special Meeting adjourned at 6:40 p.m.

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Elaine Brown, Mayor

ATTEST:

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Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_



Agenda Item #9A  
Res. No. 2022-07  
Schedule of Fees

**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	- Resolution No. 2022-07, Schedule of Fees
<b>SUBMITTED BY:</b>	
<b>DATE:</b>	
<b>BACKGROUND:</b>	
<b>BUDGET:</b>	
<b>RECOMMENDATION:</b>	
<b>ATTACHMENT:</b>	



**RESOLUTION NO. 2022-07**

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA,  
ADOPTING A SCHEDULE OF FEES TO BE INSTITUTED FOR  
VARIOUS CITY SERVICES; PROVIDING FOR SERVERABILITY  
AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Neptune Beach desires to adopt a schedule of fees for various city services;

**WHEREAS**, the City of Neptune Beach has determined that the best interests of citizens of Neptune Beach are served by requiring the users of City services to be primarily responsible for paying the costs of such services.

**WHEREAS**, the City Council hereby finds and determines that the amount for various fees, set in **EXHIBIT A** are reasonable charges;

**THEREFORE, BE IT RESOLVED**, by the City of Neptune Beach City Council as follows:

Section 1. The City Council has reviewed the attached schedule of fees and does hereby find that the fees established herein are necessary and should be adjusted from time to time by the City of Neptune Beach to reflect the intent that such fees recover a substantial portion of the associated costs incurred in providing the services.

Section 2. This resolution shall become effective on the 7<sup>th</sup> day of November, 2022 and supersedes all fees outlined in the Code of Ordinances.

Done and adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this 7<sup>th</sup> day of November, 2022.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
City of Neptune Beach Attorney

**EXHIBIT A**

**CITY MANAGER'S OFFICE**

<b>FEE TYPE</b>	<b>FEE</b>			
<p><b><u>Neptune House Rental</u></b>  <i>(Food Trucks will also require a Special Event Permit)</i></p>	<b><u>Renter</u></b>	<b><u>Time/Day</u></b>	<b><u>Price</u></b>	<b><u>Deposit</u></b>
	<u>Resident</u>	Monday – Thursday 8AM to 10PM	\$35/hr. – w/o Alcohol (+ tax)  \$90/hr. – w/Alcohol (+ tax) *	\$150 (w/o Alcohol)  \$200 (w/Alcohol)
		Friday (after 5PM), Saturday & Sunday	\$75/hr. – w/o Alcohol (+ tax)  \$130/hr. – w/Alcohol (+ tax) *	\$250 (w/o alcohol)  \$300 (w/alcohol)
	<u>Non-Resident</u>	Monday – Thursday 8AM to 10PM	\$75/hr. – w/o Alcohol (+ tax)  \$130/hr. – w/Alcohol (+ tax) *	\$400 (w/o alcohol)  \$800 (w/alcohol)
		Friday (after 5PM), Saturday & Sunday	\$150/hr. – w/o Alcohol (+ tax)  \$205/hr. – w/Alcohol (+ tax) *	\$500 (w/o alcohol)  \$1,000 (w/alcohol)
	<u>Non-Profit</u>	Any	\$0**	\$200
		* Fee includes hourly rate for police officers	** Hourly Rate of Officers may be required for events with alcohol	***Hourly Rate of Officers may be increased for events held on holidays.



Special Event Permits	<p>Events not requiring Police - \$100</p> <p>Events Requiring Police - \$300 (plus \$55/hr. min. 4-hours an officer is required)</p>
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**CITY CLERK OFFICE**

<b>FEE TYPE</b>	<b>FEE</b>
Complex Public Records Requests *	<p>Cost = Rate of employee time by number of hours required to complete the request (plus cost of pages/CD/DVD).</p> <p>Paper copies of records \$0.15 per page + \$0.05 for double-sided copy for documents over 2 pages (\$0.20 per sheet).</p> <p><i>*Complex Public Records include requests that contain complex, or historical information, or those that call for bulk data reports or recurring data subscriptions. Such determination will be made in the City Clerk's discretion.</i></p>

**COMMUNITY DEVELOPMENT DEPARTMENT**

***BUILDING DIVISION***

<b>FEE TYPE</b>	<b>FEE</b>
Moving Fee	\$150.00
Fence Permit	\$37.00
Demolition Permit	\$115.00
Pool Permit (building permit only)	\$37 + cost of construction
Change of Contractor Fee	\$37.00

Permit Checking Fee (Plan Review Fee)	50% of the building fee
Permit Renewal (if permit has expired)	No Inspection – 100% original building fee Any pending inspection – 50% original building fee
Plan review resubmittal fees	\$80.00/hour of review with a minimum charge for 1 hour
Private Provider (Building Inspection & Plan Review, excluding zoning and fire plan review).	Plan Review Reduction – 20% Inspection Reduction – 10%
Permit Issuance	\$37.00 (plus cost of construction fee)
<b><i>Cost of Construction/Building Permits</i></b>	
\$0-100	\$12.00
\$100.01 – 1,000.00	\$30.00
\$1,000.01 – 2,000.00	\$41.00
\$2,000.00 – 3,000.00	\$58.00
\$3,000.01 – 4,000.00	\$64.00
\$4,000.01 – 5,000.00	\$70.00
\$5,000.01 – 6,000.00	\$76.00
\$6,000.01 – 7,000.00	\$82.00
\$7,000.01 – 8,000.00	\$88.00
\$8,000.01 – 9,000.00	\$93.00

\$9,000.01 – 10,000.00	\$100.00
\$10,000.01 - \$100,000.00	\$100 for the first \$10,000 (plus \$6 for each additional \$1,000 or part thereof up to \$100,000.00)
\$100,000.01 - \$500,000.00	\$625 for the first \$100,000 (plus \$3 for each additional \$1,000.00 or part thereof up to \$500,000)
\$500,000.01 and up	\$1,793 for the first \$500,000 (plus 1.50 each additional \$1,000 thereafter)
Reinspection Fee (All Trades)	1 <sup>st</sup> reinspection - \$25 2 <sup>nd</sup> reinspection - \$75 3 <sup>rd</sup> reinspection – two (2) times permit fee
<b><i>Electrical</i></b>	
Permit Issuance	\$37.00 (plus any other costs associated with electrical work)
Temp Service Pole	\$23.00
Air Condition Circuits	40 to 100 amps – \$29.00 Under 40 amps, including window units, min - \$18.00
New Family Dwelling	Not exceeding 100 amps –\$47.00 Not exceeding 200 amps – \$58.00 Each additional 100 amp or part there of - \$12.00  Remodeling or additions to residential dwellings (excluding service) - \$29.00 Plus, for every \$1,000 of value or fractional part thereof – \$12 ( <i>Continued</i> )  **Multifamily units or apartments shall be treated as single family dwelling and permit and service fees shall apply for each unit or apartment
New Commercial Building Electrical Permit Issuance (excluding service)	\$58 (plus \$15 for each additional 100 amps beyond 200amps)

New Commercial Service	<p>Not exceeding 100 amp service - \$80.00</p> <p>Not exceeding 200 amp service - \$100.00</p> <p>Plus for each additional 100 amps - \$20.00</p> <p>Remodeling or additions to existing commercial buildings electrically (excluding service) - \$60.00</p>
Residential Pools (electric only)	\$35.00
Commercial Pools (electric only)	\$70.00
Commercial Lighting	<p>Commercial light, switch and receptacles:</p> <p>1 to 50 - \$30.00</p> <p>Over 50, each - \$4.00</p>
Signs	<p>Not exceeding 96 sf - \$58/ea</p> <p>Over 96sf - \$117/ea</p> <p>Illumination of any sign in any manner, floodlights, border lights, etc., each - \$60.00</p> <p>1 transformer - \$30.00</p> <p>Additional transformer, each - \$12.00</p>
Generators	<p>½ horsepower or less w/ 500 volts or less – \$12.00/ea</p> <p>Over ½ horsepower and not over 5 horsepower, w/ less than 500 volts – \$30.00/ea</p> <p>Over 5 horsepower, 500 volts or less - \$47.00/ea</p> <p>High potential over 550 volts and less than 3,500 volts - \$70.00/ea</p>
Heat	<p>0-10kw - \$4.00</p> <p>10.1-15kw - \$8.00</p> <p>15.1-24kw - \$16.00</p>
Electric Car Chargers	<p>110/120 volts - \$15.00</p> <p>240 volts - \$30.00</p> <p>480 + volts - \$90.00</p>

Additional inspections/reinspection	1 <sup>st</sup> reinspection - \$25 2 <sup>nd</sup> reinspection - \$75 3 <sup>rd</sup> reinspection – two (2) times permit fee
<b><i>Minor Electrical Repair Residential</i></b>	
Receptacles	0-100 amps - \$1.00/ea
Switches	Up to 30 amps - \$1.00/ea Over 30 amps - \$6.00/ea
Appliances, Fixed or Stationary	\$20.00/ea. circuit
Repair Permit	\$12.00 + base fee
<b><i>Plumbing</i></b>	
Fire Sprinkler Systems	First 40 heads or fractional part thereof – \$58.00 Each additional 10 heads or fraction over 40 - \$12/ea
Fire Standpipes	\$12.00/ea
Fire Hose Cabinet	\$12.00/ea
Solar Hot Water Heater	\$12.00/ea
Solar Heating/Cooling Equipment	\$35.00/ea
Solar Photovoltaic Systems	

	\$23.00/ea array \$12.00/ea module \$23.00/ea Power conditioning Unit \$12.00/ea Transformer
Cap Sewers and Supply lines for DEMO	\$35.00/ea cap
Septic Tank or Drain Field	\$35.00
Wells	HEALTH DEPARTMENT
Pumps	\$12.00/ea
Permit Issuance Fee	\$37.00
Rough-in and setting fixtures	\$11.00 each fixture
Replacement Piping	\$37.00
<b><i>Mechanical</i></b>	
Permit Issuance	\$37.00
A/C units/ ea dwelling, apartment or business	1-10 tons - \$12.00 10.01-25 tons - \$7.00 Each ton over 25 tons - \$6.00/ea ton
Furnaces	1-200,000 BTU – \$23.00 Each 50,000 BTU over 200,000 – \$12.00/ea Burner - \$9.00/ea
Air Duct Systems	1-2,000cu/min – \$18.00 Each 1,000cu/min over 2,000cu – 10,000cu/min – \$7.00/ea Each additional 1,000cu/min - \$5.00/ea
Commercial Hoods/Fans	\$41.00

Boilers	First 500,000BTU - \$35.00 Each 100,000 after - \$12.00
Fireplace	\$35.00
Alteration or Repair for Boilers	\$35.00
Tanks (Gas/LP)	0-600 gallons – \$16.00 601-1,000 gallons - \$23.00 Each 1,000 gallons after - \$4.00
Service Station Automobile Lift	\$18.00
Elevator/Escalator/Man Lift	\$23.00
Solar A/C Collector System	\$23.00
All Mech permits not listed above	\$8.00/ea \$1,000 of valuation of project cost
Minimum Fee	\$44.00
Additional Inspections/reinspection	1 <sup>st</sup> reinspection - \$25.00 2 <sup>nd</sup> reinspection - \$75.00 3 <sup>rd</sup> reinspection – two (2) times permit fee
<b><i>Miscellaneous</i></b>	
Garage Sales	\$5.00
Peddling/Soliciting	\$75.00; §15-3 of the City's Code exempts charitable organizations from the fee.
<b><i>PLANNING DIVISION</i></b>	

<b>FEE TYPE</b>	<b>FEE</b>
Comprehensive Plan Text Amendment	\$1,500.00 + advertising cost
Comprehensive Plan Map Amendment (Small Amendment less than 10 acres)	\$2,000.00 + advertising cost
Comprehensive Plan Map Amendment (Large Amendment greater than 10 acres)	\$2,500.00 + advertising cost
Land Development Code (Text Amendment)	\$1,000.00 + advertising cost
Zoning Map Amendment	\$1,000.00 + advertising cost
Appeals (Review of administrative decisions)	\$800.00
Pre-Application Plans Review	\$100.00
Development Order Review	Residential Developments (not including SFD) - \$200.00/ unit (plus cost of any outside review or other departmental reviews) Commercial/Institutional/Industrial Development - \$2,000.00 PUD - \$2,500.00 (plus Commercial Development Order Review and Subdivision Plan Review)
Development Order Extension (also applies to Variances and other board approved processes)	\$50.00
Subdivision Plan Review	\$1,000.00 (plus \$100.00/lot being created)
Replat Plan Review	\$400.00
Deviation Plan Review	\$500.00 (Not required for deviations out of applicant control)



Concurrency Certificate	\$75.00
Planning Review Fees (Building Permits)	40% of project valuation or a minimum of \$50.00
Tree Removal Permit (Fees to be placed in mitigation fund)	\$125.00 per caliper inch of tree removed \$400.00 Heritage Tree Removal
Special Exception	\$300.00 residentially zoned property \$800.00 commercially zoned property
Variance	\$300.00 residentially zoned property \$1,000.00 commercially zoned property
Abandonments/Vacations/Easements	\$1,000.00 + any agreed upon sale price (if negotiated)
Large copies (maps, site plans, etc.)	\$20.00 per page
Hard Copies of Land Development Code and/or Comprehensive Plan	Same price as Public Records Requests
Dog Friendly Dining Review	\$75.00
Zoning verification letter	\$75.00
FDEP Letter	\$75.00
Alcohol License Review	\$50.00
Art Project Review	\$300.00
<b><i>FIRE &amp; FLOODPLAIN DIVISION</i></b>	
<b>FEE TYPE</b>	<b>FEE</b>
Building Plan Review	

	40% of project valuation
Floodplain Review	40% of project valuation
Floodplain Letter	\$75.00
Request FEMA Floodplain Change	25% of Fee established by FEMA Flood Map Related Fee Schedule
New Construction Plan Review	45% of building permit fee
Resubmittals of New Construction Plan Review	\$75.00/ea
Plan review of fire sprinkler system (up to 50 heads)	\$75.00 \$1.00 for each additional head over 50
Plan review of fire standpipe or fire pumps	\$75.00
Plan review of fire alarm up to 10 devices (including fire alarm control panel)	\$75.00 \$1.25 per device over 10 devices
Plan review of fire suppression systems	\$75.00/system
Plan review of emergency generator systems	\$75.00/system
Plan review of grease hoods and light test	\$75.00/system
Plan review of private fire mains & hydrants with visual & flushing	\$125.00
Plan review of new above ground & underground tanks	\$125.00
Plan review of removal for fuel tank	\$25.00/tank

Plan review of paint booth & fire suppression system	\$25.00/system
Plan review & inspection for Med-Gas/ Med-Gas Storage <i>or similar process where the knowledge or experience of the Authority Having Jurisdiction (the City) is limited. For the purposes of this provision</i>	\$65.00
Special Event Review	\$100.00/tent or food truck
Any other permit required by the FFPC not listed above	\$50.00
Resubmittal Review Fees	1 <sup>st</sup> resubmittal – no charge 2 <sup>nd</sup> resubmittal - \$100.00 3 <sup>rd</sup> resubmittal – four (4) times original permit fee
New Business Tax Receipt	\$50.00 (home office licenses are exempt)
Annual Inspections for Commercial properties (attached to Business Tax Receipts)	No Occupancy used for address ... \$0.00 Desk within Occupancy/ Beauty Salon Chair... \$10.00 Beauty Salon Booth (With Key) ... \$15.00 0 – 100sf ... \$20.00 101 – 500sf ... \$25.00 501- 750sf ... \$ 50.00 751 – 1,000 ... \$ 60.00 1001 – 1,250 ... \$70.00 1251 – 1,500sf...\$80.00 1,501 – 3,000sf...\$122.00 3,0001 – 6,000sf...\$160.00

	6,001 – 12,000sf...\$239.00 12,001sf and over...\$400.00
Re-Inspection Fees	1 <sup>st</sup> reinspection - \$50.00 Each additional reinspection - \$100.00
<b><u>PUBLIC WORKS DEPARTMENT</u></b>	
<b>FEE TYPE</b>	<b>FEE</b>
Residential Right-of-Way Permit	\$100.00 (driveway aprons only)
Right-of-Way Use Permits (Except Residential driveways)	\$100.00
Commercial Right-of-Way Permit	\$500.00
Trenchless Utility Right-of-Way Permit excluding fee exempt (based on avg 350 feet per permit)	\$150 for first 500 ft (plus \$10 each 100 feet)
Open Cut Utility Right-of-Way Permit excluding fee exempt (based on average 550 feet per permit)	\$300 for first 1,000 ft (plus \$20 for each additional 500 feet)
Water Meter Connection	¾" Tap...\$1,211.00 1" Tap...\$2,022.00 1 ½" Tap...\$4,031.00 2" Tap...\$6,453.00 3" Tap...\$12,107.00 6" Tap...\$40,352.00 8" Tap...\$65,565.00

Sewer Meter Connection	¾" Tap...\$4,301.00
	1" Tap...\$7,183.00
	1 ½" Tap...\$14,323.00
	2" Tap...\$22,925.00
	3" Tap...\$43,011.00
	6" Tap...\$143,356.00
	8" Tap...\$229,378.00
Deposit Charge for Service	\$160.00
Set-Up Service Charge	\$27.00
New Connection Surcharges	\$66.00
Construction Water Service	\$43.00
Reconnection Fee for Accounts in arrears	\$100.00
Initial Backflow Inspection	\$35.00
Initial Grease Trap Inspection	\$35.00
Annual Backflow Inspection	\$50.00
Annual Grease Trap Inspection	\$50.00
Initial Erosion Control Inspection	\$25.00
Intermediate Erosion Control Inspection	\$25.00

Final Erosion Control Inspection	\$25.00
Reinspection Fee	1 <sup>st</sup> reinspection - \$50.00 2 <sup>nd</sup> reinspection - \$75.00 3 <sup>rd</sup> reinspection - \$150.00  Failure to comply by 3 <sup>rd</sup> inspection results in a notice of violation and hearing before the Magistrate.
Stormwater Management Utility Fee	Residential - \$20.00/living unit Commercial - \$29.00/ERU

**FINANCE DEPARTMENT**

FEE TYPE	FEE
Business Tax Receipts	All Professional, Retail, and Service Establishments 0 – 1,500sf...\$80.00  1,501 – 3,000sf...\$122.00  3,0001 – 6,000sf...\$160.00  6,001 – 12,000sf...\$239.00  12,001sf and over...\$400.00  Home Occupation...\$70.00  Food Trucks...\$100.00  Insurance Companies...\$150.00  Vending Machines...\$5.00  Home-based Day Care...\$50.00 (fee is exempt from increase FL Statute)

**POLICE DEPARTMENT**

FEE TYPE	FEE
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Incident/Crash/Research Copies	\$0.15/page
Fingerprints (Neptune Beach residents)	\$5.00/card
Complex Personnel/Records Request*	<p>Cost = Rate of employee time by number of hours required to complete the request (plus cost of pages/CD/DVD).</p> <p>Paper copies of records \$0.15 per page + \$0.05 for double-sided copy for documents over 2 pages (\$0.20 per sheet).</p> <p><i>*Complex Public Records include requests that contain complex, or historical information, or those that call for bulk data reports or recurring data subscriptions. Such determination will be made in the Records Division's discretion.</i></p>

	A	B	C	D	E	F	G
1	<b>Fee Comparison Table</b>						
2							
3	<b>Fee Type</b>	<b>Neptune Beach Current</b>	<b>Neptune Beach Proposed</b>	<b>Atlantic Beach</b>	<b>Atlantic Beach Fees</b>	<b>Jacksonville Beach</b>	<b>Jacksonville Beach Fees</b>
4	Special Events Permits w/o Police		\$100.00	One-time events at Jordan Park Community Center or Donner Park Community Center	DEPOSIT: \$200 if no damage to facility it is refunded \$100 for four hours + \$25/each additional hour	Festivals (all areas except Latham Parking Lot)	DEPOSIT \$2,500.00 \$2,000/Day + \$2000 admin fee
5	Special Events Permits w/ Police		\$300.00 + \$55.00/hr (minimum of 4-hours for an officer is required.	Recurring use of any City facility or park by 501(c)(3) or local HOA with user agreement six (6) or more times during non-premium hours	DEPOSIT: \$50 or activity \$25/event	Festivals/Special Events (Latham Parking Lot Oct-Feb)	DEPOSIT \$500.00 \$1,000/Day + \$2,000 admin fee
6	Neptune House Rental/ Public Space Rental - RESIDENT		DEPOSIT: \$150.00 w/o alcohol or \$200 w/ alcohol Monday – Thursday 8am to 10pm (\$35.00/hr + tax w/o alcohol) (\$90.00*/hr + tax w/ alcohol)	Events at the Adele Grage Cultural Center (private) Monday-Thursday	DEPOSIT: \$200.00 \$50/hour with max daily fee of \$400	Festivals (1/2 Latham Parking Lot)	DEPOSIT \$250.00 \$500/Day + \$2,000 admin fee
7	Neptune House Rental/ Public Space Rental - RESIDENT WEEKEND		DEPOSIT: \$250.00 w/o alcohol or \$300 w/ alcohol Friday (after 5pm), Saturday & Sunday (\$75.00/hr + tax w/o alcohol) (\$130.00*/hr + tax w/ alcohol)	Events at the Adele Grage Cultural Center (private) Friday - Sunday	DEPOSIT: \$200.00 \$100/hour with max daily fee of \$800	Special Events (Seawalk Pavilion)	DEPOSIT \$500.00 \$500/Day + \$250 per department up to \$1,000
8	Neptune House Rental/ Public Space Rental - NON-RESIDENT		DEPOSIT: \$400.00 w/o alcohol or \$800.00 w/ alcohol Monday – Thursday 8am to 10pm (\$75.00/hr + tax w/o alcohol) (\$130.00*/hr + tax w/ alcohol)	Events at the Adele Grage Cultural Center (501 (c)(3), HOA, Neighborhood) Monday-Thursday	DEPOSIT: \$200 \$25/hour with max daily fee of \$320.00	Special Events (Seawalk Pavilion-lawn area)	DEPOSIT \$500.00 \$300/Day + \$250 per department up to \$1,000
9	Neptune House Rental/ Public Space Rental - NON-RESIDENT WEEKEND		DEPOSIT: \$500.00 w/o alcohol or \$1,000 w/ alcohol Friday (after 5pm), Saturday & Sunday (\$150.00/hr + tax w/o alcohol) (\$200.00*/hr + tax w/alcohol)	Events at the Adele Grage Cultural Center (501 (c)(3), HOA, Neighborhood ) Friday - Sunday	DEPOSIT: \$200 \$50/hour with max daily fee of \$600.00	Special Events (Latham Plaza)	DEPOSIT \$500.00 \$500/Day + \$250 per department up to \$1,000
10	Neptune House Rental/ Public Space Rental - NON-PROFIT		DEPOSIT: \$500.00 (hourly rate of officers may be required for events with alcohol)	All Events Serving Alcohol	\$100/hour + police officer at hourly rate	Special Events (Beach Events)	DEPOSIT \$500.00 \$100/Day + \$250 per department up to \$1,000
11	Public Records Requests	One-sided copies letter or legal - \$0.15..... Two-sided copies letter or legal - \$0.20.....One of two-sided copies ledger 11 x 17 - \$0.25.....Large blueprint size copies - \$6.00.....Certified copy of public record - \$1.00	Cost = Rate of employee time by number of hours required to complete the request (plus cost of pages/CD/DVD).  Paper copies of records \$0.15 per page + \$0.05 for double-sided copy for documents over 2 pages (\$0.20 per sheet).  *Complex Public Records include requests that contain complex, or historical information, or those that call for bulk data reports or recurring data subscriptions. Such determination will be made in the City Clerk's discretion.	Public Records Requests	8 1/2" x 14" paper or smaller - \$0.10/1-sided page or \$0.15/2-sided page Larger than 8 1/2" x 14" - \$0.25/ 1-sided page or \$0.30/2-sided page  Research or extensive time fees - \$50/hour	Public Records Requests	Copies per page 8 1/2" x 14" paper or smaller - \$0.15 Copies 8 1/2" x 14" per duplex pages \$0.20 Color Copies 8 1/2" x 14" - \$0.25 Color copies per duplex page \$0.30 Black & White Copies (11 x 17) \$0.35 Black & White Copies duples (11 x 17) \$0.40 Color Copies (11 x 17) \$0.45 Color Copies per duplex (11 x 17) \$0.50 or \$0.55 Certification of record copies in addition to per page copy fee \$1.00 Plats per page \$6.00 Maps per page \$3.00 Copy of zoning map/sheet \$15.00 Lien Certificates (per parcel) \$40.00 County Maps, Aerial Photos \$ Actual cost of materials, overhead & Labor Audio tapes, recording or CDs \$ 5.00 each Production or reproduction of DVDs \$10.00 each Electronic Delivery Fee in addition to per page copy fee \$2.00 **EXTENSIVE RECORDS - CHARGE LOWEST WAGE OF DEPARTMENTAL EMPLOYEE AT THE HOURLY RATE IN ADDITION TO COPY FEE
12	<b>BUILDING PERMITS</b>			<b>BUILDING PERMITS</b>		<b>BUILDING PERMITS</b>	
13	Moving Fee	\$100.00	\$150.00	Moving Fee	\$100.00	Moving Fee	\$150.00
14	Fence Permit	\$35.00	\$37.00	Fence Permit	\$35.00	Fence Permit	\$40.00
15	Demolition Permit	\$113.00	\$115.00	Demolition Permit	\$100.00	Demolition Permit	\$100.00
16	Pool permit (building permit only)	\$0.40/ \$100 of cost of the pool	\$37 plus cost of construction	Pool permit (building only)	\$55 + cost of construction	Pool permit	\$55 + mechanical fees
17	Change of Contractor Fee	\$35.00	\$37.00	Change of Tenant Fee	\$100.00	Change of Contractor Fee	\$40.00



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18	Permit Checking Fee (Plan review fee)	50% of the building fee	50% of the building fee	Permit Checking Fee	1/2 the building permit fee (in addition to building permit fee) (Required for planning and zoning and fire department reviews.	Permit Checking Fee	1/2 building permit fee in addition to building permit fee (required for planning and zoning)
19	Permit Renewal (if permit has expired)	\$35.00	No inspection - 100% original building fee Any pending inspection - 50% original building fee	Permit Renewal	No inspections - \$100% original fee Slab Inspection Approved - \$80% original fee All rough inspections Approved - 50% original fee Insulation Inspection Approved - 30% original fee Any final inspection pending - 10% original fee	Permit Renewal	No Inspection - 100% original permit fee Slab Inspection Approved - 80% original permit fee All roughs approved - 50% original permit fee Insulation inspection approved - 30% original permit fee Any final inspection pending - 10% of original permit fee
20	Plan review resubmittal fees	\$78.50/hour of review	\$80.00/hour of review with a minimum charge for 1 hour	Plan review resubmittal fees	\$50 - 2nd resubmittal \$75- 3rd resubmittal \$100 - 4th resubmittal and beyond	Plan review resubmittal fees	\$40.00/review
21	Private Provider (Building Inspection & Plan Review, excluding zoning and fire plan review)	30% reduction	Plan Review Reduction - 20% Inspection Reduction 10%	Private Provider (Building Inspection & Plan Review, excluding zoning and fire plan review)		Private Provider (Building Inspection & Plan Review, excluding zoning and fire plan review)	Plan Review Reduction - 25% Inspection Reduction - 10%
22	Permit Issuance	\$35.00 + cost of construction fee	\$37.00 + cost of construction fee	Permit Issuance	\$55.00	Permit Issuance	\$40.00
23	<b>Cost of Construction Fees</b>			<b>Cost of Construction Fees</b>		<b>Cost of Construction Fees</b>	
24	<b>\$0.00 - \$100.00</b>	\$11.00 (charged only if inspection required)	\$12.00	<b>\$1,000.00 or less</b>	\$55.00	<b>\$1,000.00 or less</b>	\$20.00
25	<b>\$100.01 - \$1,000.00</b>	\$27.50	\$30.00	<b>\$1,001.00 - \$50,000.00</b>	\$55.00 for the first \$1,000 + \$5.00 for each additional \$1,000.00 or part thereof up to \$50,000.00	<b>\$1,001.00 - \$50,000.00</b>	\$20.00 for the first \$1,000 + \$5.00 for each additional \$1,000.00 or part thereof up to \$50,000.00
26	<b>1000.01 - \$2,000.00</b>	\$38.50	\$41.00	<b>\$50,001.00 - \$100,000.00</b>	\$280.00 for the first \$50,000 + \$4.00 for each additional \$1,000.00 or part thereof up to \$100,000.00	<b>\$50,001.00 - \$100,000.00</b>	\$260.00 for the first \$50,000 + \$4.00 for each additional \$1,000.00 or part thereof up to \$100,000.00
27	<b>\$2,000.01 - \$3,000.00</b>	\$55.00	\$58.00	<b>\$100,001.00 - \$500,000.00</b>	\$480.00 for the first \$100,000 + \$3.00 for each additional \$1,000.00 or part thereof up to \$500,000.00	<b>\$100,001.00 - \$500,000.00</b>	\$460.00 for the first \$100,000 + \$3.00 for each additional \$1,000.00 or part thereof up to \$500,000.00
28	<b>\$3,000.01 - \$4,000.00</b>	\$60.50	\$64.00	<b>\$500,001.00 and up</b>	\$1,680.00 for the first \$500,000 + \$2.00 for each additional \$1,000.00 or part thereof	<b>\$500,001.00 and up</b>	\$1,660.00 for the first \$500,000 + \$2.00 for each additional \$1,000.00 or part thereof
29	<b>\$4,000.01 - \$5,000.00</b>	\$66.00	\$70.00				
30	<b>\$5,000.01 - \$6,000.00</b>	\$71.50	\$76.00				
31	<b>\$6,000.01 - \$7,000.00</b>	\$77.00	\$82.00				
32	<b>\$7,000.01 - \$8,000.00</b>	\$82.50	\$88.00				
33	<b>\$8,000.01 - \$9,000.00</b>	\$88.00	\$93.00				
34	<b>\$9,000.01 - \$10,000.00</b>	\$93.50	\$100.00				
35	<b>\$10,001.00 to \$100,000</b>	\$93.50 for the first \$10,000 + \$5.50 for each additional \$1,000.00 or part thereof up to \$100,000.00	\$100.00 for the first \$10,000 + \$6.00 for each additional \$1,000.00 or part thereof up to \$100,000.00				
36	<b>\$100,001.00 to \$500,000.00</b>	\$588.50 for first \$100,000 + \$2.75 each additional \$1,000.00 or part thereof up to \$500,000.00	\$625.00 for first \$100,000 + \$3.00 each additional \$1,000.00 or part thereof up to \$500,000.00				
37	<b>\$500,001.00 and up</b>	\$1,688.50 for first \$500,000 + \$1.38 each additional \$1,000.00 thereafter	\$1,793 for first \$500,000 + \$1.50 each additional \$1,000.00 thereafter				
38	Reinspection Fees (All Trades)	35.00 per failed trade	1st reinspection - \$25.00 2nd reinspection - \$75 3rd reinspection - two (2) times the permit fee	Reinspection Fees	\$55.00	Reinspection Fees	\$40.00
39	<b>ELECTRICAL FEES</b>						
40	Temporary Service Pole	\$22.00	\$23.00	Temporary Service Pole	\$35.00	Temporary Service Pole	\$40.00
41	Air Condition Circuits	40 to 100 amps - \$27.50 Under 40 amps, including window units, min - \$16.50	40 to 100 amps - \$29.00 Under 40 amps, including window units, min - \$18.00	Air Condition Circuits	0 - 60 amps - \$5.00 61-100 amps - \$10.00	Air Condition Circuits	0 - 60 amps - \$5.00 61 - 100 amps - \$10.00

	A	B	C	D	E	F	G
1	<b>Fee Comparison Table</b>						
2							
3	<b>Fee Type</b>	<b>Neptune Beach Current</b>	<b>Neptune Beach Proposed</b>	<b>Atlantic Beach</b>	<b>Atlantic Beach Fees</b>	<b>Jacksonville Beach</b>	<b>Jacksonville Beach Fees</b>
42	<b>New Family Dwelling</b>	Not exceeding 100 amps –\$44.00 Not exceeding 200 amps – \$55.00 Each additional 100 amp or part thereof - \$11.00  Remodeling or additions to residential dwellings (excluding service) - \$27.50 Plus, for every \$1,000 of value or fractional part thereof – \$11 (Continued)  **Multifamily units or apartments shall be treated as single family dwelling and permit and service fees shall apply for each unit or apartment	Not exceeding 100 amps –\$47.00 Not exceeding 200 amps – \$58.00 Each additional 100 amp or part thereof - \$12.00  Remodeling or additions to residential dwellings (excluding service) - \$29.00 Plus, for every \$1,000 of value or fractional part thereof – \$12 (Continued)  **Multifamily units or apartments shall be treated as single family dwelling and permit and service fees shall apply for each unit or apartment	<b>New Family Dwelling</b>	0 - 100 amps - \$50.00 101-150 amps - \$60.00 151-200 amps - \$70.00 Each additional 50 amps or fraction thereof - \$10.00  Multifamily service per dwelling unit - \$50.00 0-100 amps - \$30.00 101-150 amps - \$50.00 151-200 amps - \$50.00 Each additional 50 amps or fraction thereof \$20.00	<b>New Family Dwelling</b>	0 - 100 amps - \$40.00 101-150 amps - \$45.00 151-200 amps - \$50.00 Each additional 50 amps or fraction thereof - \$10.00  Multifamily service per dwelling unit - \$30.00 0-100 amps - \$30.00 101-150 amps - \$40.00 151-200 amps - \$45.00 Each additional 50 amps or fraction thereof \$10.00
43	<b>New Commercial Building Electrical Permit Issuance (excluding service)</b>	\$55.00 + \$10/each additional 100 amps	\$58 (plus \$15 for each additional 100 amps beyond 200amps)	<b>New Commercial Building Electrical Permit Issuance (excluding service)</b>	\$55.00	<b>New Commercial Building Electrical Permit Issuance (excluding service)</b>	\$40.00
44	<b>New Commercial Service</b>	Not exceeding 100 amp service .....75.00 Not exceeding 200 amp service .....95.00 Plus for each additional 100 amps .....15.00 Remodeling or additions to existing commercial buildings electrically (excluding service) .....57.50	Not exceeding 100 amp service .....\$80.00 Not exceeding 200 amp service .....\$100.00 Plus for each additional 100 amps .....\$20.00 Remodeling or additions to existing commercial buildings electrically (excluding service) .....\$60.00	<b>New Commercial Services</b>	0-100 amps - \$50.00 101-150 amps - \$60.00 151-200 amps - \$70.00 Each additional 50 amps or fraction thereof \$10.00	<b>New Commercial Services</b>	0-100 amps - \$40.00 101-150 amps - \$45.00 151-200 amps - \$50.00 Each additional 50 amps or fraction thereof \$10.00
45	<b>Residential Pools (electrical only)</b>	\$33.00	\$35.00	<b>Residential Pools (electrical only)</b>	\$40.00	<b>Residential Pools (electrical only)</b>	\$35.00
46	<b>Commercial Pools (electrical only)</b>	\$66.00	\$70.00	<b>Commercial Pools (electrical only)</b>	\$40.00	<b>Commercial Pools (electrical only)</b>	\$35.00
47	<b>Commercial Lighting</b>	Commercial light, switch and receptacles: 1 to 50 .....27.50 Over 50, each .....3.30	Commercial light, switch and receptacles: 1 to 50 .....\$30.00 Over 50, each .....\$4.00				
48	<b>Signs</b>	Not exceeding 96 square feet, each .....55.00 Over 96 square feet, each .....110.00 Illumination of any sign in any manner, floodlights, border lights, etc., each .....55.00	Not exceeding 96 sf - \$58/ea Over 96sf - \$117/ea Illumination of any sign in any manner, floodlights, border lights, etc., each .....\$60.00	<b>Signs</b>	Up to 32 sf - \$65 Greater than 32 sf - \$65 + \$10 each additional sf Sign Service - \$ 35.00 \$30.00 - non-freestanding signs \$50.00 - freestanding signs	<b>Signs</b>	\$20.00 + \$0.20/sf + \$2.00 additional circuit beyond 1
49	<b>Transformers</b>	\$27.50 + \$11/additional transformer 40 to 100 amps – \$27.50	\$30.00 + \$12/additional transformer 0-10 kw - \$4.00 10.1-15kw - \$8.00 15.1 - 24kw - \$16.00	<b>Transformers</b>	\$4.00 per 20 KVA or fraction thereof 0-10 kw - \$2.00 10.1-15kw - \$4.00 15.1 - 24kw - \$8.00	<b>Transformers</b>	\$4.00 per 20 KVA or fraction thereof
50	<b>Heat</b>	Under 40 amps, including window units, min - \$16.50		<b>Heat</b>		<b>Heat</b>	
51	<b>Primary Service</b>			<b>Primary Service</b>	\$50.00	<b>Primary Service</b>	\$40.00
52	<b>Electric Car Chargers</b>		110/120 volts - \$15.00 240 volts - \$30.00 480 + volts - \$90.00	<b>Electric Car Chargers</b>		<b>Electric Car Chargers</b>	
53	<b>Generators/Motors</b>	1/2 horsepower or less, operating at a potential of 500 volts or less, each .....11.00  Over 1/2 horsepower and not over 5 horsepower, operating at a potential of 500 volts or less, each .....27.50  Over 5 horsepower, operating at a potential of 550 volts or less, each .....44.00  High potential, operating at a potential of over 550 volts and less than 3,500 volts, regardless of horsepower, each .....66.00	½ horsepower or less w/ 500 volts or less – \$12.00/ea Over ½ horsepower and not over 5 horsepower, w/ less than 500 volts – \$30.00/ea Over 5 horsepower, 500 volts or less - \$47.00/ea High potential over 550 volts and less than 3,500 volts - \$70.00/ea	<b>Generators/Motors</b>	0-5 hp - \$4.00 Each additional 5hp or fraction thereof \$2.00	<b>Generator/Motors</b>	\$5.00/each 5hp
54	<b>Additional inspections/reinspection</b>	\$35.00	1st reinspection - \$25 2nd reinspection - \$75 3rd reinspection – two (2) times permit fee	<b>Reinspections</b>	\$55.00	<b>Additional inspection/reinspection</b>	\$40.00
55	<b>Receptacles</b>	Capacity 0 to 100 amps .....0.55	0-100 amps - \$1.00/ea	<b>Receptacle outlets including fixtures</b>	\$0.60/ea	<b>Outlets including fixtures (each)</b>	\$1.00

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56	Switches	Capacity up to 30 amperes, each .....0.55 Capacity exceeding 30 amperes, each .....5.50	Up to 30 amps - \$1.00/ea Over 30 amps - \$6.00/ea	Switches and Receptacle outlets (excludes new SFD, MF, and RA)	Up to 30 amps - \$0.60/ea 31-100 amps - \$2.00/ea 101-200 amps - \$4.00/ea	Switches and Receptacle outlets (excludes new SFD, MF, and RA)	Up to 30 amps - \$0.60/ea 31-100 amps - \$2.00/ea 101-200 amps - \$4.00/ea
57	Appliances, Fixed or Stationary	\$27.50/ ea circuit	\$30.00/ea circuit	Appliances, Fixed or Stationary	Up to 30 amps - \$2.00 31-100 amps - \$4.00 Over 100 amps - \$6.00	Appliances, Fixed or Stationary	Up to 30 amps - \$2.00/ea 31-100 amps - \$4.00/ea 101-200 amps - \$6.00/ea
58	Smoke Detectors wired into electrical systems			Smoke Detectors wired into electrical systems (except SFD, MF, and RA)	\$2.00/ea	Smoke Detectors wired into electrical systems (except SFD, MF, and RA)	3.00/each
59	Fire alarm and signaling systems			Fire alarm and signaling systems	\$35.00/ea	Fire alarm and signaling systems	\$100.00
60	Repair Permit	\$11.00 + base fee	\$12.00 + base fee	Repair Permit	\$35.00	Repairs/Misc.	\$40.00
61	<b>PLUMBING FEES</b>						
62	Fire Sprinkler Systems	For the first 40 sprinkler heads or fractional part thereof .....\$55.00 For each additional 10 sprinkler heads or fractional part thereof .....11.00	First 40 heads or fractional part thereof - \$58.00 Each additional 10 heads or fraction over 40 - \$12/ea	Fire Sprinkler Systems	First 40 heads or fractional part thereof - \$30.00 Each additional 10 heads or fraction over 40 - \$4/ea	Fire Sprinkler Systems	New Plan Review - \$70.00 Head Relocation - \$35.00
63	Fire Standpipes	\$11.00	\$12.00	Fire Standpipes	\$6/ea	Fire Standpipes	\$70.00 (if separate from sprinkler system)
64	Fire Hose Cabinet	\$11.00	\$12.00	Fire Hose Cabinets	\$6/ea		
65	Solar Hot Water Heater	\$11.00	\$12.00			Solar Hot Water Heater	\$25.00/ea
66	Solar Heating/Cooling Equipment	\$33.00	\$35/ea				
67	Solar Photovoltaic Systems	Array, each .....22.00 Module, each .....11.00 Power conditioning unit, each ....22.00 Transformer, each .....11.00	\$23/ea array \$12/ea module \$23/ea Power conditioning Unit \$12/ea Transformer				
68	Cap Sewers and Supply lines for DEMO	\$33.00	\$35.00				
69	Septic Tank or Drain Field	\$33.00	\$35.00				
70	Wells	\$22.00	HEALTH DEPT	Wells	\$20.00		
71	Pumps	\$11.00	\$12.00	Pumps	\$4.00	Pumps	\$10.00
72	Permit Issuance Fee	\$35.00	\$37.00	Permit issuance fee	\$55.00	Permit Issuance Fee	\$40.00
73	Rough-in and setting fixtures	\$10/ea fixture	\$11/ea fixture	Rough-in and setting fixtures	\$7/ea fixture	Rough-in and setting fixtures	\$5.00/ea
74	Replacement Piping	\$35.00	\$37.00			Replacement Piping/cross connection fees	\$35.00
75	<b>MECHANICAL FEES</b>						
76	Permit Issuance	\$35.00	\$37.00	Permit Issuance	\$55.00	Permit Issuance	\$40.00
77	A/C units/ ea dwelling, apartment or business	1-10 tons - \$11 10.01-25 tons - \$6.60 Each ton over 25 tons - \$5.50/ea ton	1-10 tons - \$12.00 10.01-25 tons - \$7.00 Each ton over 25 tons - \$6/ea ton	A/C and Refrigeration (total capacity in single install)	1 - 10 tons - \$8.00 11 - 25 tons - \$4.00 Each ton over 25 tons - \$2.00	A/C and Refrigeration, per system	\$10.00
78	Furnaces	1-200,000 BTU - \$22.00 Each 50,000 BTU over 200,000 - \$11/ea Burner - \$8.80/ea	1-200,000 BTU - \$23.00 Each 50,000 BTU over 200,000 - \$12/ea Burner - \$9/ea	Furnaces	First 200,000BTU or fraction thereof - \$20.00 Each additional 50,000 BTU per hour of fuel used or fraction thereof - \$4.00 Any burners not in heating system - \$12.00/ea	Furnaces	First 200,000BTU or fraction thereof - \$10.00 Each additional 50,000 BTU per hour of fuel used or fraction thereof - \$5.00
79	Air Duct Systems	1-2,000cu/min - \$16.50 Each 1,000cu/min over 2,000cu - 10,000cu/min - \$6.60/ea Each additional 1,000cu/min over 10,000cu/min - \$4.40/ea	1-2,000cu/min - \$18.00 Each 1,000cu/min over 2,000cu - 10,000cu/min - \$7/ea Each additional 1,000cu/min over 10,000cu/min - \$5/ea	Air Duct Systems	1-2,000cu/min - \$20.00 Each 1,000cu/min over 2,000cu - 10,000cu/min - \$8/ea Each additional 1,000cu/min over 10,000cu/min - \$4/ea	Air Duct Systems	0 - 2,000cfm - \$15 Each additional 1,000cfm or fraction thereof - \$5.00
80	Commercial Hoods/Fans	\$38.50	\$41.00	Commercial Hoods/Fans	\$30.00	Commercial Hoods/Fans	\$70.00
81	Boilers	First 500,000 BTU - \$33.00 Each 100,000 after - \$11.00	First 500,000 BTU - \$35.00 Each 100,000 after - \$12.00	Boilers	First 500,000 BTU - \$30.00 Each additional 100,000 BTU - \$6.00	Boilers	First 500,000 BTU - \$25.00 Each additional 100,000 BTU - \$5.00
82	Fireplace	\$33.00	\$35.00	Prefab Fireplaces	\$30.00	Prefab Fireplaces	\$25.00
83	Alteration or Repair for Boilers	\$33.00	\$35.00	Alteration or repair of boiler on fired pressure vessel	\$30.00	Alteration or repair of boiler on fire pressure vessel	\$25.00

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84	<b>Tanks (Gas/LP)</b>	0-600 gallons – \$15.40 601-1,000 gallons - \$22.00 Each 1,000 gallons after - \$3.30	0-600 gallons – \$16.00 601-1,000 gallons - \$23.00 Each 1,000 gallons after - \$4.00	<b>Tanks (Gas/LP)</b>	0-600 gallons – \$20.00 601-10,000 gallons - \$100.00 Each 1,000 gallons after - \$4.00	<b>Tanks (Gas/LP)</b>	0-1000 gallons - \$20.00 each 1,000 gallons - \$5.00
85	<b>Service Station Automobile Lift</b>	\$16.50	\$18.00	<b>Service Station Automobile Lift</b>	\$10.00		
86	<b>Elevator/Escalator/Man Lift</b>	\$22.00	\$23.00	<b>Elevator/Escalator/Man Lift</b>	\$100.00 first 4 floors	<b>Elevator/Escalator/Man Lift</b>	\$15.00/floor
87	<b>Solar A/C Collector System</b>	\$22.00	\$23.00	<b>Solar Collector System</b>	\$30.00		
88	<b>All Mech permits not listed above</b>	\$7 per \$1,000 of project valuation	\$8 per \$1,000 of project valuation	<b>All Mech permits not listed above</b>	\$8 per \$1,000 of project valuation	<b>All Mech permits not listed above</b>	\$7 per \$1,000 of project valuation
89	<b>Minimum Fee</b>	\$41.00	\$44.00	<b>Minimum Fee</b>	\$55.00	<b>Minimum Fee</b>	\$40.00
90	<b>Additional Inspections/reinspection</b>	\$35.00	1st reinspection - \$25 2nd reinspection - \$75 3rd reinspection – two (2) times permit fee	<b>Reinspection Fees</b>	\$55.00	<b>Reinspection Fees</b>	\$40.00
91	<b>Garage Sales</b>		\$5.00	<b>Garage Sales</b>			
92	<b>Peddling/Soliciting</b>	\$50.00	75.00 Non Profits Exempt	<b>Peddling/Soliciting</b>	\$35.00	<b>Peddling/Soliciting</b>	\$5.00/day \$10.00/week \$25.00/month \$50.00/3 months \$75/6 months \$100/year
93	<b>PLANNING FEES</b>						
94	<b>Comprehensive Plan Text Amendment</b>	\$500.00 + advertising cost	1500+ advertising cost	<b>Comprehensive Plan Amendment</b>	\$250.00	<b>Comprehensive Plan Amendment</b>	\$1,000.00 + advertising costs
95	<b>Comprehensive Plan Map Amendment (Small Amendment less than 10 acres)</b>	\$500.00 + advertising cost	2000+ advertising cost				
96	<b>Comprehensive Plan Map Amendment (Large Amendment greater than 10 acres)</b>	\$500.00 + advertising cost	2500+ advertising cost				
97	<b>Land Development Code (Text Amendment)</b>		1000+ advertising cost	<b>Land Development Code (Text Amendment)</b>	\$1,000.00	<b>Land Development Code (Text Amendment)</b>	1,000.00 + advertising cost
98	<b>Zoning Map Amendment</b>	\$500.00 + advertising cost	1000+ advertising cost	<b>Rezoning/Map Amendment</b>	\$550.00	<b>Rezoning/Map Amendment</b>	1,000.00 + advertising cost
99	<b>Appeals (Review of administrative decisions)</b>	\$500.00	\$800.00	<b>Appeals</b>	\$300.00	<b>Appeals</b>	\$500.00
100	<b>Pre-Application Plans Review</b>		\$100.00	<b>Pre-Application Plans Review</b>	\$150.00	<b>Pre-Application Plans Review</b>	\$250.00 + \$40.00 per review
101	<b>Development Order Review</b>	\$300.00 Residentially zoned property \$500.00 + \$0.01 cent for each square foot of land to develop or \$1,500 whichever is greater for commercial properties	Residential Developments (not including SFD) - \$200/ unit (plus cost of any outside review or other departmental reviews)  Commercial/Institutional/Industrial Development - \$2,000.00  PUD - \$2,500 (plus Commercial Development Order Review and Subdivision Plan Review)	<b>Development Order Review</b>	Multifamily Uses - \$100/unit Commercial/Industrial Uses - \$350.00 Public Institutional Uses - \$350.00 Landscape Plan \$100.00	<b>Development Plan Review</b>	\$250.00 + \$0.0025/ sqft of site area up to \$1,500.00 \$40.00/resubmission or addendum
102	<b>Development Order Extension (beyond 1st request) (also applies to Variances and other board approved processes) (EXCLUDES STATE E.O.)</b>		\$50.00	<b>Development Order Extension (also applies to Variances and other board approved processes)</b>	\$50.00		
103	<b>Subdivision Plan Review</b>	\$300.00 Residentially Zoned property \$500.00 Commercial Zones	\$1,000.00 (plus \$100/lot being created)	<b>Subdivision Review</b>	Application for Waiver - \$250.00 Preliminary plat review - \$250.00 Final Plat approval - \$100 + recording fees	<b>Subdivision Review</b>	\$250.00 - Concept Plan \$250.00 - Final Plat + \$20.00/lot

	A	B	C	D	E	F	G
1	<b>Fee Comparison Table</b>						
2							
3	<b>Fee Type</b>	<b>Neptune Beach Current</b>	<b>Neptune Beach Proposed</b>	<b>Atlantic Beach</b>	<b>Atlantic Beach Fees</b>	<b>Jacksonville Beach</b>	<b>Jacksonville Beach Fees</b>
104	<b>Replat Plan Review</b>	\$300.00 Residentially Zoned property \$500.00 Commercial Zones	\$400.00	<b>Replat</b>	\$300.00	<b>Replat</b>	\$250.00
105	<b>Deviation Plan Review</b>		\$500.00 (Not required for deviations out of applicant control)				
106	<b>Concurrency Certificate</b>	\$50.00	\$75.00				
107	<b>Planning Review Fees (Building Permits)</b>		40% of building permit cost or minimum \$50.00	<b>Development Review (SF/Duplex)</b>	\$100.00		
108	<b>Tree Removal Permit (Fees to be placed in mitigation fund)</b>	Heritage Tree Removal - \$300.00	\$125.00 per caliper inch of tree removed \$400.00 Heritage Tree Removal	<b>Tree Removal</b>	SF/Residential uses - \$125/lot MF/Residential uses - \$250 Commercial/Industrial Uses - \$250	<b>Site Clearing/Tree Removal</b>	\$150.00
109	<b>Special Exception</b>	\$300.00 residentially zoned property \$500.00 commercially zoned property	\$300.00 residentially zoned property \$800.00 commercially zoned property	<b>Use by exception</b>	\$400.00	<b>Conditional Use</b>	\$500.00
110	<b>Variance</b>	\$300.00 residentially zoned property \$500.00 commercially zoned property	\$300.00 residentially zoned property \$1,000.00 commercially zoned property	<b>Variations</b>	\$300.00	<b>Variance</b>	\$500.00
111	<b>Abandonments/Vacations/Easements</b>		\$1,000.00 + any agreed upon sale price (if negotiated)			<b>Abandonments/Vacations/Easements</b>	\$350.00
112	<b>Large copies (maps, site plans, etc.)</b>	\$20.00 per page	\$20.00 per page	<b>Large copies (maps, site plans, etc.)</b>	\$5.00/page	<b>Large copies (maps, site plans, etc.)</b>	Plats per page \$6.00 Maps per page \$3.00 Copy of zoning map/sheet \$15.00
113	<b>Hard Copy LDC</b>	Same as PRR	Same as PRR	<b>Hard Copy LDC</b>	\$15.00	<b>Hard Copy LDC</b>	See PRR
114	<b>Hard Copy Comp Plan</b>	Same as PRR	Same as PRR	<b>Hard Copy Comp Plan</b>	\$15.00	<b>Hard Copy Comp Plan</b>	See PRR
115	<b>Dog Friendly Dining Review</b>		\$75.00	<b>Dog Friendly Dining Review</b>	\$175.00	<b>Dog Friendly Dining Review</b>	Fee Unknown
116	<b>Zoning verification letter</b>	\$50.00	\$75.00			<b>Zoning Verification Letter</b>	\$50.00/parcel
117	<b>FDEP Letter</b>		\$75.00				
118	<b>Alcohol License Review</b>		\$50.00				
119	<b>Art Project Review</b>		\$300.00				
120	<b>FIRE AND FLOODPLAIN FEES</b>						
121	<b>Building Plan Review (Fire)</b>	40% of project valuation	40% of project valuation	<b>Building Plan Review (Fire)</b>	Assessed through JFRD	<b>Building Plan Review (Fire)</b>	\$70.00
122	<b>Floodplain Review</b>	40% of project valuation	40% of project valuation				
123	<b>Floodplain Letter</b>		\$75.00				
124	<b>Request FEMA Floodplain Change</b>		25% of Fee established by FEMA Flood Map Related Fee Schedule				
125	<b>New Construction Plan Review (Fire)</b>	45% of building permit fee	45% of building permit fee	<b>New Construction Plan Review (Fire)</b>	Assessed through JFRD	<b>New Construction Plan Review (Fire)</b>	\$70.00
126	<b>Resubmittals of New Construction Plan Review</b>	\$75.00/ea	\$75.00/ea	<b>Resubmittals of New Construction Plan Review</b>	Assessed through JFRD	<b>Resubmittals of New Construction Plan Review</b>	See Electrical Fees
127	<b>Plan review of fire sprinkler system (up to 50 heads)</b>	\$75.00 \$1.00 for each additional head over 50	\$75.00 \$1.00 for each additional head over 50	<b>Plan review of fire sprinkler system (up to 50 heads)</b>	Assessed through JFRD	<b>Plan review of fire sprinkler system (up to 50 heads)</b>	See Electrical Fees
128	<b>Plan review of fire standpipe or fire pumps</b>	\$75.00	\$75.00	<b>Plan review of fire standpipe or fire pumps</b>	Assessed through JFRD	<b>Plan review of fire standpipe or fire pumps</b>	See Electrical Fees
129	<b>Plan review of fire alarm up to 10 devices (including fire alarm control panel)</b>	\$75.00 \$1.25 per device over 10 devices	\$75.00 \$1.25 per device over 10 devices	<b>Plan review of fire alarm up to 10 devices (including fire alarm control panel)</b>	Assessed through JFRD	<b>Plan review of fire alarm up to 10 devices (including fire alarm control panel)</b>	See Electrical Fees
130	<b>Plan review of fire suppression systems</b>	\$75.00	\$75.00	<b>Plan review of fire suppression systems</b>	Assessed through JFRD	<b>Plan review of fire suppression systems</b>	See Electrical Fees
131	<b>Plan review of emergency generator systems</b>	\$75.00	\$75.00	<b>Plan review of emergency generator systems</b>	Assessed through JFRD	<b>Plan review of emergency generator systems</b>	See Electrical Fees
132	<b>Plan review of grease hoods and light test</b>	\$75.00	\$75.00	<b>Plan review of grease hoods and light test</b>	Assessed through JFRD	<b>Plan review of grease hoods and light test</b>	See Electrical Fees
133	<b>Plan review of private fire mains &amp; hydrants with visual &amp; flushing</b>	\$125.00	\$125.00	<b>Plan review of private fire mains &amp; hydrants with visual &amp; flushing</b>	Assessed through JFRD	<b>Plan review of private fire mains &amp; hydrants with visual &amp; flushing</b>	\$105.00

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1	Fee Comparison Table						
2							
3	<b>Fee Type</b>	<b>Neptune Beach Current</b>	<b>Neptune Beach Proposed</b>	<b>Atlantic Beach</b>	<b>Atlantic Beach Fees</b>	<b>Jacksonville Beach</b>	<b>Jacksonville Beach Fees</b>
134	Plan review of new above ground & underground tanks	\$125.00	\$125.00	Plan review of new above ground & underground tanks	Assessed through JFRD		
135	Plan review of removal for fuel tank	\$25/tank	\$25/tank	Plan review of removal for fuel tank	Assessed through JFRD		
136	Plan review of paint booth & fire suppression system	\$25/system	\$25/system	Plan review of paint booth & fire suppression system	Assessed through JFRD		
137	Plan review & inspection for Med-Gas/ Med-Gas Storage or similar process where the knowledge or experience of the Authority Having Jurisdiction (the City) is limited. For the purposes of this provision	\$65.00	\$65.00	Plan review & inspection for Med-Gas/ Med-Gas Storage or similar process where the knowledge or experience of the Authority Having Jurisdiction (the City) is limited. For the purposes of this provision	Assessed through JFRD		
138	Special Event Review (Fire)	\$100/tent or food truck	\$100/tent or food truck			Temporary Tent	\$40.00/ea
139	Any other permit required by the FFPC not listed above	\$50.00	\$50.00	Any other permit required by the FFPC not listed above	Assessed through JFRD		
140	Resubmittal Review Fees	1st resubmittal – no charge 2nd resubmittal - \$100.00 3rd resubmittal – four (4) times original permit fee	1st resubmittal – no charge 2nd resubmittal - \$100.00 3rd resubmittal – four (4) times original permit fee	Resubmittal Review Fees	Assessed through JFRD		
141	New Business Tax Receipt	\$50.00 (home based businesses are exempt)	\$50.00 (home based businesses are exempt)				
142	Annual Inspections for Commercial properties (attached to Business Tax Receipts)	\$115/commercial license on site	No Occupancy used for address .. \$0.0 Desk within Occupancy/ Beauty Salon Chair .. \$10.00 Beauty Salon Booth (With Key) .. \$15.00 0 – 100sf... \$20.00 101 – 500sf... \$25.00 501- 750sf... \$ 50.00 751 – 1,000 ... \$ 60.00 1001 – 1,250 ... \$70.00 1251 – 1,500sf...\$80.00 1,501 – 3,000sf...\$122.00 3,0001 – 6,000sf...\$160.00 6,001 – 12,000sf...\$239.00 12,001sf and over...\$400.00	Annual Inspections for Commercial properties (attached to Business Tax Receipts)	Assessed through JFRD		
143	Re-Inspection Fees	1st reinspection - \$50.00 Each additional reinspection - \$100.00	1st reinspection - \$50.00 Each additional reinspection - \$100.00	Re-Inspection Fees	Assessed through JFRD		
144	<b>PUBLIC WORKS FEES</b>						
145	Residential Right-of-Way Permit		\$100.00 (driveway aprons only)	Right-of-Way Review (Engineering Only)	\$25.00	Right-of-Way Review	\$25.00
146	Right-of-Way Use Permits (except Residential driveways)		\$100.00	Tree removal permits	SF/Residential uses - \$125/lot MF/Residential uses - \$250 Commercial/Industrial Uses - \$250	Tree Removal Permits	\$150.00

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2							
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147	Commercial Right-of-Way Permit		\$500.00				
148	Trenchless Utility Right-of-Way Permit excluding fee exempt (based on avg 350 feet per permit)		\$150 for first 500 ft (plus \$10 each 100 feet thereafter)				
149	Open Cut Utility Right-of-Way Permit excluding fee exempt (based on average 550 feet per permit)		\$300 for first 1,000 ft (plus \$20 each 500 feet thereafter)				
150	<b>Water Meter Connection</b>	¼" Tap...\$1,140.00 1" Tap...\$1,904.00 1 ½" Tap...\$3,796.00 2" Tap...\$6,076.00 3" Tap...\$11,400.00 6" Tap...\$37,996.00 8" Tap...\$60,796.00	¼" Tap...\$1,211.00 1" Tap...\$2,022.00 1 ½" Tap...\$4,031.00 2" Tap...\$6,453.00 3" Tap...\$12,107.00 6" Tap...\$40,352.00 8" Tap...\$65,565.00	<b>Water Meter Connection</b>	Inspection Fees: 2" and less - \$50.00 More than 2" - \$200.00 Reinspection - \$50.00  Impact Fees ¼" Tap...\$1,140.00  1" Tap...\$1,904.00  1 ½" Tap...\$3,796.00  2" Tap...\$6,076.00  3" Tap...\$11,400.00  6" Tap...\$37,996.00.00  8" Tap...\$60,796.00	<b>Water Meter Connection</b>	Inspection Fee - \$200.00  ¼" Tap...\$525.00  1" Tap...\$560.00  1 ½" Tap...\$1,090.00  2" Tap or greater...\$1,150.00  Jax Beach has water impact fees in addition to these fees.
151	<b>Sewer Meter Connection</b>	¼" Tap...\$4,050.00 1" Tap...\$6,764.00 1 ½" Tap...\$13,487.00 2" Tap...\$21,587.00 3" Tap...\$40,500.00 6" Tap...\$134,987.00 8" Tap...\$215,987.00	¼" Tap...\$4,301.00 1" Tap...\$7,183.00 1 ½" Tap...\$14,323.00 2" Tap...\$22,925.00 3" Tap...\$43,011.00 6" Tap...\$143,356.00 8" Tap...\$229,378.00	<b>Sewer Meter Connection</b>	Cost of Labor and Materials + 10% for handling	<b>Sewer Meter Connection</b>	Inspection Fee - \$200.00  6" Tap...\$750.00  8" Tap or greater...\$1,125.00  Jax Beach has sewer impact fees in addition to these fees.
152	Deposit Charge for Service	\$150.00	\$160.00			<b>Deposit</b>	2X the amount of the average monthly bill
153	Set-Up Service Charge	\$25.00	\$27.00	<b>Set-Up Service Charge</b>	\$20.00 New Customer Service	<b>Set-up Service Charge</b>	\$125.00
154	New Connection Surcharges	\$175.00	\$66.00				
155	Construction Water Service	\$40.00	\$43.00				
156	Reconnection Fee for Accounts in arrears	\$25.00 (operating hours) \$75.00 (after operating hours and weekends)	\$100.00			<b>Reconnection Fees for Accounts in Arrears</b>	5% of the total bill \$20.00 Normal Hours \$25.00 After Hours PLUS 2X the amount of the average monthly bill
157	Initial Backflow Inspection		\$35.00				
158	Initial Grease Trap Inspection		\$35.00			<b>Initial Grease Trap Inspection</b>	\$35.00

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3	<b>Fee Type</b>	<b>Neptune Beach Current</b>	<b>Neptune Beach Proposed</b>	<b>Atlantic Beach</b>	<b>Atlantic Beach Fees</b>	<b>Jacksonville Beach Backflow Inspection</b>	<b>Jacksonville Beach Fees</b>
159	Annual Backflow Inspection		\$50.00				\$0.00
160	Annual Grease Trap Inspection		\$50.00			Annual Grease Trap Inspection	Required, but do not see fee information
161	Initial Erosion Control Inspection		\$25.00			Initial Erosion Control Inspection	Required. Ordinance says fees may be established, but do not see fee information in supplied documentation
162	Intermediate Erosion Control Inspection		\$25.00			Intermediate Erosion Control Inspection	Required. Ordinance says fees may be established, but do not see fee information in supplied documentation
163	Final Erosion Control Inspection		\$25.00			Final Erosion Control Inspection	Required. Ordinance says fees may be established, but do not see fee information in supplied documentation
164	Reinspection Fee		1st reinspection - \$50.00 2nd reinspection - \$75.00 3rd reinspection - \$150.00  Failure to comply by 3rd inspection results in a notice of violation and hearing before the Magistrate.			Reinspection Fees	\$40.00/inspection
165	Stormwater Management Utility Fee	Residential - \$18.41/living unit Commercial - \$26.59/ERU	Residential - \$20.00/living unit Commercial - \$29.00/ERU	Stormwater Management Utility Fee	\$8.39/month	Stormwater Management Utility Fee	Residential - 1 ERU x No. of D.U. Non-Residential - Impervious area x 1 ERU
166	<b>FINANCE DEPT FEES</b>						
167	Business Tax Receipts	All Professional, Retail, and Service Establishments 0 – 1,500sf...\$75.00  1,501 – 3,000sf...\$115.00  3,0001 – 6,000sf...\$150.00  6,001 – 12,000sf...\$225.00  12,001sf and over...\$375.00  Home Occupation...\$65.00  Food Trucks...\$65.00  Insurance Companies...\$140.00  Vending Machines...\$5.00  Home-based Day Care...\$50.00 (fee is exempt from increase FL Statute)	All Professional, Retail, and Service Establishments 0 – 1,500sf...\$80.00  1,501 – 3,000sf...\$122.00  3,0001 – 6,000sf...\$160.00  6,001 – 12,000sf...\$239.00  12,001sf and over...\$400.00  Home Occupation...\$70.00  Food Trucks...\$100.00  Insurance Companies...\$150.00  Vending Machines...\$5.00  Home-based Day Care...\$50.00 (fee is exempt from increase FL Statute)	Business Tax Receipts	MANUFACTURING : 0-1,500 sf - \$59.03 1,501 - 5,000 sf - \$99.56 5,001sf - 15,000sf - \$133.11 15,000sf and over - \$333.39  PROFESSIONAL SERVICES: 0-1,500 sf - \$59.03 1,501 - 5,000 sf - \$99.56 5,001sf - 15,000sf - \$133.11 15,000sf and over - \$333.39  Plus cost of specific city licensure for each profession except pharmacists  RETAIL ESTABLISHMENTS: 0-1,500 sf - \$59.03 1,501 - 5,000 sf - \$99.56 5,001sf - 15,000sf - \$133.11 15,000sf and over - \$333.39  Plus cost per service station pump and/or alcohol license for each bar/lounge/tavern, or country club, dance hall, restaurant, and hotel/motel	Business Tax Receipts	AGRICULTURE, FORESTRY, AND FISHING: Between \$79.20 - \$132.00  CONSTRUCTION: Between \$79.20 - \$330.00  MANUFACTURING: Between \$79.20 - \$220.00  TRANSPORTATION: Between \$79.20 - \$1,375.00  WHOLESALE TRADE: \$79.20  RETAIL TRADE: Between \$39.60 - \$495.00  FINANCE: Between \$66.00 - \$220.00  SERVICES: Between \$13.20 - \$2,500.00  NONCLASSIFIABLE: Between \$79.20 - \$100.00
168	<b>POLICE DEPT FEES</b>						
169	Incident/Crash/Research Copies	\$0.15/page	\$0.15/page				
170	Fingerprints (Neptune Beach residents)	\$5.00/card	\$5.00/card				



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171	<b>Complex Personnel/Records Request*</b>		<p>Cost = Rate of employee time by number of hours required to complete the request (plus cost of pages/CD/DVD).</p> <p>Paper copies of records \$0.15 per page + \$0.05 for double-sided copy for documents over 2 pages (\$0.20 per sheet).</p> <p>*Complex Public Records include requests that contain complex, or historical information, or those that call for bulk data reports or recurring data subscriptions. Such determination will be made in the Records Division's discretion.</p>	<b>Complex Personnel/ Records Request*</b>	<p>8 1/2" x 14" paper or smaller - \$0.10/1-sided page or \$0.15/2-sided page Larger than 8 1/2" x 14" - \$0.25/ 1-sided page or \$0.30/2-sided page</p> <p>Research or extensive time fees - \$50/hour</p>		<p>Copies per page 8 1/2" x 14" paper or smaller - \$0.15 Copies 8 1/2" x 14" per duplex pages \$0.20 Color Copies 8 1/2" x 14" - \$0.25 Color copies per duplex page \$0.30 Black &amp; White Copies (11 x 17) \$0.35 Black &amp; White Copies duples (11 x 17) \$0.40 Color Copies (11 x 17) \$0.45 Color Copies per duplex (11 x 17) \$0.50 or \$0.55 Certification of record copies in addition to per page copy fee \$1.00 Plats per page \$6.00 Maps per page \$3.00 Copy of zoning map/sheet \$15.00 Lien Certificates (per parcel) \$40.00 County Maps, Aerial Photos \$ Actual cost of materials, overhead &amp; Labor Audio tapes, recording or CDs \$ 5.00 each Production or reproduction of DVDs \$10.00 each Electronic Delivery Fee in addition to per page copy fee \$2.00</p> <p><b>**EXTENSIVE RECORDS - CHARGE LOWEST WAGE OF DEPARTMENTAL EMPLOYEE AT THE HOURLY RATE IN ADDITION TO COPY FEE</b></p>



Agenda Item #9B  
 Res. No. 2022-08  
 Employee Handbook

**CITY OF NEPTUNE BEACH  
 CITY COUNCIL MEETING  
 STAFF REPORT**

<b>AGENDA ITEM:</b>	Agenda Item # 9B – Res. No. 2022-08, Employee Handbook
<b>SUBMITTED BY:</b>	City Manager Stefen Wynn City Clerk/HR Director Catherine Ponson
<b>DATE:</b>	October 13, 2022
<b>BACKGROUND:</b>	<p>The City of Neptune Beach began the update of an entire new handbook in May 2021. It has been reviewed by Department Heads and the City Attorney.</p> <p>This employee handbook replaces the Personnel Policy from 1994, as amended, and Employee Handbook dated May, 2018.</p> <p>This item was deferred at the Special Meeting on October 17, 2022.</p> <p>The existing Personnel Policy and Employee Handbook have been included in this packet.</p> <p><u>Section 602</u> of the new policy adds a new Medical and Parental Leave Policy that provides three weeks for medical-related leave.</p>
<b>BUDGET:</b>	
<b>RECOMMENDATION:</b>	Consider adoption of the new Employee Handbook
<b>ATTACHMENT:</b>	Resolution No. 2022-08 Employee Handbook



**RESOLUTION NO. 2022-08**

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA,  
ADOPTING AN EMPLOYEE HANDBOOK; AND PROVIDING AN  
EFFECTIVE DATE**

**WHEREAS**, the City of Neptune Beach desires to adopt a new Employee Handbook;  
and

**WHEREAS**, the City of Neptune Beach has determined that a handbook describes  
some of the expectations of employees and to outline the policies, programs, and benefits  
available to employees; and

**THEREFORE, BE IT RESOLVED**, by the City of Neptune Beach City Council:

**Section 1.** This Employee Handbook supersedes the Personnel Policy, Employee  
Handbook and all Employee Policies previously adopted by the City of Neptune Beach.

**Section 2.** The City of Neptune Beach Employee Handbook, dated November 1,  
2022, a copy of which is attached hereto, is hereby approved and adopted.

**Section 3.** This Resolution and the Employee Handbook attached hereto shall take  
effect upon adoption. All employees of the City shall be provided a copy of such Employee  
Handbook and shall sign an acknowledgement and receipt therefor.

Done and adopted by the City Council of Neptune Beach, Florida, at the Regular  
Council Meeting held this 7<sup>th</sup> day of November, 2022.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICENCY:

\_\_\_\_\_  
\_\_\_\_\_  
City of Neptune Beach Attorney



# **EMPLOYEE HANDBOOK**

**ISSUE DATE: 11/01/2022**



WELCOME!

It is our privilege to welcome you to the City of Neptune Beach and we wish you every success as an employee of our City. Neptune Beach is an outstanding City, due in part to the dedication of the workforce. We believe that each employee contributes directly to the City's growth and success, and that our employees, residents, and customers of City-related services are our most important assets.

This handbook was developed to describe some of the expectations of employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the handbook as soon as possible, as it will answer many questions about employment at the City of Neptune Beach.

We hope that your experience here will be challenging, enjoyable, and rewarding.

Sincerely,

The City of Neptune Beach City Council

## Table of Contents

<b>INTRODUCTION.....</b>	<b>1</b>
040 Introductory Statements.....	1
060 Resident Relations.....	1
<b>EMPLOYMENT.....</b>	<b>2</b>
101 Nature of Employment.....	2
102 Employee Relations.....	2
103 Equal Employment Opportunity.....	2
104 Business Ethics and Conduct.....	3
105 Nepotism in the Workplace.....	4
106 Employee Medical Examinations.....	5
107 Immigration Law Compliance.....	5
108 Conflicts of Interest.....	6
110 Outside Employment.....	9
112 Non-Disclosure.....	9
114 Disability Accommodations.....	10
115 Lactation Accommodations.....	11
116 Job Posting.....	11
<b>EMPLOYMENT STATUS &amp; RECORDS.....</b>	<b>13</b>
201 Employment Categories.....	13
202 Access to Personnel Files.....	14
203 Employment Reference Checks.....	14
204 Personnel Data Changes.....	15
205 Introductory Period.....	15
208 Falsification of Employment Applications.....	15
209 Performance Evaluations.....	15
210 Job Descriptions.....	16
212 Salary Administration.....	16
214 Medical Information Privacy.....	17
216 Social Security Number Policy.....	20
<b>EMPLOYEE BENEFIT PROGRAMS.....</b>	<b>21</b>
301 Employee Benefits.....	21
303 Paid Time Off (PTO).....	22
304 Personal Days.....	23
305 Holidays.....	23
306 Workers' Compensation Insurance.....	24
308 Time Off to Vote.....	26
309 Bereavement Leave.....	26
310 Jury Duty.....	26
311 Witness Duty.....	27
312 Benefits Continuation (COBRA).....	27
313 Tuition Reimbursement and Educational Assistance.....	28
314 Genetic Information Nondiscrimination Act (GINA).....	29
316 Health Insurance.....	29
317 Group Life and AD&D Insurance.....	30
320 Voluntary Benefits.....	30
321 Retirement Savings Plans.....	30
322 Employee Assistance Program (EAP).....	31
323 Clothing and Boot Allowance.....	31
324 Licensing and Certification.....	31

<b>TIMEKEEPING/PAYROLL</b> .....	<b>32</b>
401 Timekeeping .....	32
403 Paydays .....	32
405 Employment Demotions and Terminations .....	32
409 Administrative Pay Corrections.....	33
410 Pay Deductions and Setoffs .....	33
<b>WORK CONDITIONS &amp; HOURS</b> .....	<b>34</b>
501 Safety .....	34
502 Work Schedules .....	35
504 Use of Phone and Mail Systems .....	35
505 Non-Smoking.....	35
507 Overtime/Compensatory Time/Flex-Time .....	36
508 Use of Equipment, Machines, Tools and Vehicles.....	37
509 “Call In” and “On Call” Employees .....	39
510 Emergency Closings .....	39
512 Business Travel Expenses .....	40
513 City Credit Cards.....	41
514 Visitors in the Workplace .....	42
515 Social Media.....	42
516 Computer and Email Usage.....	44
517 Internet Usage.....	45
518 Workplace Monitoring .....	46
519 Speaking to the Media .....	47
522 Workplace Violence Prevention .....	47
526 Mobile Device Usage .....	48
<b>LEAVES OF ABSENCE</b> .....	<b>52</b>
601 Family and Medical Leave Act (FMLA).....	52
602 Medical and Parental Leaves .....	55
603 Personal Leave.....	57
604 Military Leave .....	58
605 Domestic or Sexual Violence Leave.....	59
<b>EMPLOYEE CONDUCT &amp; DISCIPLINARY ACTION</b> .....	<b>59</b>
701 Employee Conduct and Work Rules.....	59
702 Drugs and Alcohol Use/Testing.....	60
703 Sexual and Other Unlawful Harassment.....	64
704 Attendance and Punctuality .....	67
705 Personal Appearance .....	67
706 Return of Property .....	68
708 Resignation .....	69
710 Security Inspections.....	69
711 Facilities Security .....	70
712 Solicitation.....	70
716 Progressive Discipline .....	71
718 Grievance and Problem Resolution .....	72
722 Workplace Etiquette .....	73
<b>MISCELLANEOUS</b> .....	<b>74</b>
801 Political Activity.....	74
802 Whistleblower Policy .....	75
<b>EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM</b> .....	<b>78</b>

## **INTRODUCTION**

### **040 Introductory Statements**

For purposes of these work guidelines all employees shall be referred to as "employee(s)." The City of Neptune Beach will be referred to as the "CONB".

Supervisory responsibilities defined in this employee handbook may be designated with multiple titles including "the immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the City Manager, and/or the Mayor" since these are the primary supervisory positions with responsibility for employees who report to them. This designation does not imply that employees should bypass the normal organizational structure by contacting the City Manager or the Mayor instead of their immediate Supervisor, the Division Chief, or their Department Head.

These work guidelines have been designed to acquaint employees with the CONB and provide them with information about working conditions, employee benefits, and some of the policies affecting their employment. Employees are responsible to read, understand, and comply with all provisions of the handbook. It describes many of their responsibilities as an employee and outlines the programs developed by the CONB to benefit employees. One of management's objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook may anticipate every circumstance or question about policy. As the CONB continues to grow, the need may arise and the CONB reserves the right to revise, supplement, or rescind any policies or portion of the employee handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting employees or the CONB to end our employment-at-will relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur and employees will be expected to acknowledge in writing that they have received those changes. Nothing in this employee handbook shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

### **060 Resident Relations**

Residents are among the City's most valuable assets. Every employee represents the CONB to residents and the public. The way employees do their jobs presents an image of the entire City. Residents judge all of the employees by how they are treated with each employee contact. Therefore, one of the first business priorities for all employees is to assist any resident or potential resident. Employees should not engage in arguments, debates, or lengthy discussions with residents regarding the CONB's policies, procedures, or services. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention employees give to residents. Any employee who receives a complaint from a resident should refer the individual to the City Manager's Office.

Personal contact with the public, manners on the telephone, and the communications sent to residents are a reflection not only of each employee, but also of the professionalism of the CONB. Positive resident relations not only enhance the public's perception or image of the CONB, but also pay off in greater resident loyalty.



# EMPLOYMENT

## 101 Nature of Employment

Employment with the CONB is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the CONB may terminate the employment-at-will relationship at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the CONB and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at the CONB's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the City Council. Any discrepancy between this handbook and the personnel rules contained in the City's Code of Ordinances (the Code), shall be interpreted in favor of the Code. All references to "City Manager" contained in this handbook mean the City's Chief Executive Officer as defined in the Code, Sec. 2-81, or his or her designee. When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this employee handbook, those policies and procedures will prevail.

## 102 Employee Relations

The CONB believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other government employers in this area. If employees have concerns about working conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager.

Experience has shown that when employees deal openly and directly with their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager, the work environment can be excellent, communications can be clear, and attitudes can be positive. Management believes that the CONB amply demonstrates its commitment to employees by responding effectively to employee concerns.

The City Manager will make determinations as to changes or alterations in salary, leave or other special circumstances. In addition, the City Manager may determine that a transfer or reassignment of any employee is necessary to fulfill the business needs and requirements of the City. Employee compensation, hours of employment, work locations, and all other terms and conditions of employment are subject to modification by the City's discretion subject to oversight and review. Statements or representations made by City representatives concerning the terms and conditions of employment will not be binding on the City unless reduced to writing and signed by the appropriate authority.

## 103 Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the CONB will be based on merit, qualifications, and abilities. The CONB does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information

as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws. The State of Florida recognizes marital status as a protected class.

The CONB will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including recruitment, selection, job assignment, transfer, promotions and demotions, compensation, benefits, social and recreational programs, discipline, termination, and access to training, development, and educational assistance programs.

The City will consider requests for religious accommodations. Such requests may include time off for attendance at religious services, an absence for observance of a religious holiday, or an employee's attire. The City will try to balance employees' rights regarding religious expression with the City's need to maintain an efficient and productive workplace. Reasonable accommodations may be made for an employee's religious beliefs, unless such an accommodation results in an undue hardship for the City, or creates an unsafe working condition.

The City is committed to acknowledging and valuing diversity and creating an environment in which each individual's unique strength and abilities are developed and valued. All employees share in the responsibility of creating and fostering this environment, and are expected to demonstrate mutual respect and acceptance in the workplace. Diversity among employee enhances communication, problem-solving and decision-making skills, thereby improving the City's productivity and performance. A diverse workforce mirrors the diverse make-up of the surrounding communities and residents, enabling the City to better understand, and more effectively respond to, market changes. The City strives for excellence in its ability to create an inclusive, respectful, and equitable environment for all employees through leadership, policies, and practices.

Employees are encouraged to contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager with questions or concerns regarding any type of discrimination in the workplace. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination may be subject to disciplinary action, up to and including termination of employment.

## 104 Business Ethics and Conduct

The successful business operation and reputation of the CONB is built upon the principles of fair dealing and ethical conduct of all employees. The CONB's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the CONB is dependent upon residents' trust and the City is dedicated to preserving that trust. Employees owe a duty to the CONB and its residents to act in a way that will merit the continued trust and confidence of the public.

The CONB will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

In general, the use of good judgment, based on high ethical principles, will guide employees with respect to lines of acceptable conduct.

Employee should:

- Not make unauthorized commitments or promises that bind the CONB.
- Not use their position for private gain.
- Put forth an honest effort in the performance of their duties.
- Act impartially and not give preferential treatment to private organizations or individuals.
- Protect and conserve CONB property and funds.

Refer to Policy #108 – Conflicts of Interest for additional information.

If a situation arises where it is difficult to determine the proper course of action the matter should be discussed openly with a Department Head, the City Manager, and if necessary, with the Mayor for advice and consultation.

Employees are required to immediately report any observed, known or perceived violations of any policy or law. Reports should immediately be made to an immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager. All reports will be investigated in a timely manner with care and consideration given to confidentiality and privacy, pursuant to Florida State Statute 112.3188. Employees are expected to fully cooperate in any investigation involving issues relating to the City’s rules, regulations, procedures, or any other aspect of the City’s business. The City shall ensure employees who utilize this procedure for reporting potential, perceived, or actual policy or procedural violation are free from all retaliation due to reporting or cooperating in an investigation.

Compliance with this policy of business ethics and conduct is the responsibility of every CONB employee. Disregarding or failing to comply with this standard of business ethics and conduct may lead to disciplinary action, up to and including termination of employment.

## 105 Nepotism in the Workplace

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment may be carried over into day-to-day working relationships. Accordingly, the CONB follows Florida State Statute 112.3135 Restriction on Employment of Relatives with regards to nepotism.

For purposes of this policy, a relative is defined as a husband or wife, father or mother, stepfather or stepmother, father-in-law or mother-in-law, son or daughter (including an adopted child), stepson or stepdaughter, daughter-in-law or son-in-law, brother or sister, stepbrother or stepsister (including a brother or sister by half-blood), brother-in-law or sister-in-law, niece or nephew, aunt or uncle, daughter-in-law or son-in-law, or first cousin.

A “Public official” is defined as an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

“Employed” is defined an individual who is employed by the CONB on a regular full-time, regular part-time, or temporary/seasonal basis. The term includes an individual who is a party to an employment contract with the CONB. However, the term does not include an individual who holds an elected office.

“Direct line of supervision” is defined as an elected or appointed officer or employee who is in a position to affect the terms and conditions of another employee’s employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluations. The term does not include the responsibilities of the executive, legislative body, or fiscal body of the CONB, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the City, or persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.

A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population. This subsection does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.

Employees may contact the City Manager for additional information on nepotism in the workplace.

## 106 Employee Medical Examinations

To help ensure that employees are able to perform their duties safely, medical examinations may be required in certain job categories. After an offer has been made to an applicant entering a designated job category, a medical examination may be performed at the CONB’s expense by a health professional of the CONB’s choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam and a satisfactory or negative drug test. Routine medical examinations for current employees of the Police Department and Public Works Department may be required based upon the Florida Police Accreditation Coalition’s and the Florida Department of Transportation’s (FDOT’s) requirements.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Refer to Policy #214 – Medical Information Privacy for additional information.

## 107 Immigration Law Compliance

The CONB is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed a Form I-9 with the CONB within the past three-years, or if their previous Form I-9 is no longer retained or valid. In addition, the CONB utilizes E-Verify, an

Internet-based system that compares information from an employee's Employment Eligibility Verification Form I-9, to data from U.S. Department of Homeland Security and the Social Security Administration records to confirm employment eligibility.

The Form I-9 may be completed by the employee prior to their first day of work, but federal law requires that this form be completed no more than three-days after the employee starts their employment. Failure to complete this form will cause the employee not to be established as an employee with the CONB and they will not be able to be paid through the CONB's payroll system until the form is properly completed.

Employees may contact the City Manager's Office for additional information on immigration law compliance. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## 108 Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the CONB wishes the business to operate and does not supersede Florida State Statutes Chapter 112. The purpose of these guidelines is to provide general direction so that employees may seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with outside firms must be conducted within a framework established and controlled by the City Council. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that may be interpreted to involve unusual gain require specific approval from the City Council.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a dependent as a result of the CONB's business dealings. For purposes of this policy, a relative is defined as a husband or wife, father or mother, stepfather or stepmother, father-in-law or mother-in-law, son or daughter (including an adopted child), stepson or stepdaughter, daughter-in-law or son-in-law, brother or sister, stepbrother or stepsister (including a brother or sister by half-blood), brother-in-law or sister-in-law, niece or nephew, aunt or uncle, daughter-in-law or son-in-law, or first cousin. "Elected official" refers to a member of the City Council, or any other elected City official.

No elected or appointed official, or employee shall:

- Personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or other municipality; or as an agent providing any surety, bail, or bond required by law.
- Accept any free or preferred services, benefits, or concessions from any person or municipality.
- Make or attempt to make private purchases, for cash or otherwise, in the name of the City, nor shall he or she otherwise use or attempt to use his or her position to secure unwarranted privileges or exemptions for himself or herself or others.

No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or

frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

### **Contracts**

The CONB may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected or appointed official or a business entity that is wholly or partially owned by a relative of an elected or appointed official. The CONB may also enter into a contract or renew a contract with an individual or business entity if all of the following are satisfied: the elected or appointed official files with the CONB a full disclosure, which must be in writing, describe the contract or purchase to be made, describe the relationship that the elected or appointed official has to the individual or business entity that contracts or purchases, be affirmed under penalty of perjury, be submitted to the City Council and be accepted by the City Council in a public meeting prior to final action on the contract or purchase. The CONB must make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected. In addition, the CONB must satisfy all other requirements under Florida State Statutes 112.311-112.326. This does not affect the initial term of a contract in existence at the time the term of office of the elected or appointed official of the CONB begins.

### **Disclosure of Personal Interest by Official Vote**

An elected or appointed official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote, and so it appears in the minutes, any personal interest and/or special private gain or loss that affects or gives the appearance that it affects the elected or appointed official's consideration and vote on the measure. In addition, the official may recuse himself or herself from voting on the measure as provided for by Florida State Statutes 112.3143.

### **Disclosure of Personal Interest in Nonvoting Matters**

An elected or appointed official or employee who must exercise discretion to any matter, other than casting a vote, and who has a personal interest in the particular person or entity being regulated or supervised that affects or gives the appearance that it affects the exercise of the discretion shall disclose the interest on a form provided by and filed with the City Clerk before the exercise of the discretion. In addition, the elected or appointed official, or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter.

### **Acceptance of Gratuities, etc.**

All elected offices and employees are bound by the "gift" provisions of state laws, including Florida State Statutes 112.313(2) and (4), 112.3148, 112.31485, and 112.3215 and the Florida Commission on Ethics revised *Overview of Laws Relating to "Things of Value", Gifts, and Expenditures*. As such, an elected or appointed official, or employee may not accept, directly or indirectly, any money, gift, or other compensation or favor of any kind from anyone other than the CONB for the performance of an act, or refraining from performance of an act, that he or she would be expected to perform, or refrain from performing, in the regular course of his or her duties; or that might reasonably be interpreted as an attempt to influence his or her discretion, or reward him or her for past exercise of discretion, in executing municipal business.

### **Use of Information**

An elected or appointed official, or employee may not disclose any information obtained in his or her official capacity or position of employment that is made confidential under federal or state law, or with the intent to result in financial gain for himself or herself or any other person or entity, except as authorized by law.

### **Use of Municipal Time, Facilities, Etc.**

An elected or appointed official, or employee may not use or authorize the use of municipal time, facilities,

equipment, or supplies for private gain or advantage to himself or herself, or to any private person or entity, except authorized by legitimate contract or lease that is determined by the governing body to be in the best interest of the CONB.

#### **Use of Position or Authority**

An elected or appointed official, or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the CONB, or attempt to use his or her position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, ordinance, or policy of the CONB.

#### **Use of City Seal or Logo**

Employees may not use a symbol that imitates the City seal or logo, or that may be mistaken therefore, that is designed, intended or likely to confuse, deceive, or mislead the public, for private or commercial purposes, or for any purpose other than the official business of the City, without written authorization from the City Clerk, or the City Manager.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to their immediate Supervisor, the Division Chief, the Department Head, the City Clerk, the City Manager, the Mayor, or a member of the City Council, as soon as possible the existence of any actual or potential conflict of interest so that safeguards may be established to protect all parties.

The City Attorney is designated as the Ethics Officer for the CONB. The City Attorney shall investigate any credible complaint against an appointed official or employee charging any violation, or may undertake an investigation on his or her own initiative when he or she acquires information indicating a possible violation and make recommendations for action to end and seek retribution for any activity that, in the City Attorney's judgment, constitutes a violation of this policy. This may include filing appropriate documentation with the Florida Commission on Ethics. Upon conclusion of an investigation, the City Attorney may render a verbal or written advisory ethics opinion based upon this policy and other applicable laws. Upon written request of an elected or appointed official, or employee potentially affected by a provision of this policy, the City Attorney shall notify and consult with the Florida Commission on Ethics. The City Attorney may request the governing body hire another attorney, individual, or entity to act as Ethics Officer when he or she has or will have a conflict of interest in the particular matter.

When a complaint of a violation of any provision is lodged against a member or members of the CONB's governing body, the governing body shall either determine that the complaint has merit, determine the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. When a violation of this policy also constitutes a violation of a personnel policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel provision rather than a violation of this policy.

While this policy is comprehensive it is not all-inclusive. An elected official or appointed member of a separate municipal board, commission, authority, corporation, or other instrumentality who violates this policy is subject to punishment as provided in the CONB charter or applicable law and, in addition, is subject to censure by the governing body. An appointed official or an employee who violates any provision of this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees may contact their Department Head, the City Clerk, or the City Manager for additional information regarding conflicts of interest.

## 110 Outside Employment

No City employee shall engage in any outside employment without a written authorization from the City Manager, or his or her designee. In the case of the City Clerk, the City Manager, or the City Attorney, City Council approval is required. Such authorizations shall not be granted if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with the employee's City employment, or is likely to cast discredit upon, or create embarrassment for the City.

All employees will be judged by the same performance standards and will be subject to the CONB's scheduling demands, regardless of any existing outside work requirements. If the CONB determines that an employee's outside work interferes with performance or the ability to meet the business requirements of the CONB as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain as an employee with the CONB.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the CONB for materials produced or services rendered while performing their jobs. Refer to Policy #108 – Conflicts of Interest for additional information.

## 112 Non-Disclosure

The protection of confidential information is vital to the interests and the success of the CONB. Florida State Statute 112.313(8) states what is considered to be public record and the CONB will comply with all guidelines. Such confidential information includes information acquired in the course of one's work, and may include:

- Business matters, present and prospective
- Computer processes
- Computer programs and codes
- Facilities security information
- Financial information
- Legal strategies
- Marketing strategies and related information
- Pending projects and proposals
- Research and development strategies
- Resident, constituents, and local business preferences, lists and related information
- Security operations and related information
- Technological data
- Vendor/supplier lists and related information

Chapter 119.071 3 (b) of the Florida Sunshine Laws also state general exemptions from inspection or copying of public records, which include but are not limited to:

1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution.
2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency before, on, or after the effective date of this act.



3. Information made exempt by this paragraph may be disclosed:
  - a. To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
  - b. To a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an agency; or
  - c. Upon a showing of good cause before a court of competent jurisdiction.

Dissemination, use, removal, and transportation of such information must be treated with caution and discretion and may only be done when required in the normal course of business. Confidential records of the City are not to be removed from the premises without prior consent of the City Manager.

While the City's normal operations require the full flow of information throughout the organization, confidential information available to one department of the City may be communicated to other departments only when required in the normal course of business.

All employees have a responsibility to respect, and maintain the privacy and confidentiality of another employee's protected health care and other information. Anyone inappropriately disclosing such information, without prior authorization or permission, will be subject to disciplinary action, up to and including termination of employment. Refer to Policy #214 – Medical Information Privacy for additional information.

Researching confidential information from City records about individuals, groups, businesses, or other employees for non-business-related reasons is prohibited. Use or disclosure of such knowledge or information in an inappropriate manner may result in civil and/or criminal penalties for the employee and for the City.

Only authorized City representatives may release information to the public. All records requests received by City Departments must be referred to the City Clerk.

Employees who are exposed to confidential information may be required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose trade secrets or confidential business information may be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

## 114 Disability Accommodations

The CONB is committed to complying fully with the Americans with Disabilities Act and its Amendments Act (ADAAA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis in accordance with both federal and state laws.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, benefits, training, and lines of progression. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

The CONB will make reasonable accommodations for the known physical, emotional, and mental disabilities of otherwise qualified employees, unless the accommodation would impose an undue hardship on the City. Because the need for an accommodation is often not apparent, it is the responsibility of the employee to submit a request for accommodation to his or her Department Head. The employee may be asked to provide medical evidence to support the need for the requested accommodations.

Employees with life-threatening illnesses, such as cancer, heart disease, AIDS, etc. often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The CONB supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the CONB will make reasonable accommodations in accordance with all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. The CONB will take reasonable precautions to protect such information from inappropriate disclosure. Department Heads and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information may be subject to disciplinary action, up to and including termination of employment. Refer to Policy #214 – Medical Information Privacy for additional information.

The CONB is also committed to not discriminating against any qualified employees because they are related to or associated with a person with a disability. The CONB will follow any state or local law that provides individuals with disabilities greater protection than the ADAAA.

This policy is neither exhaustive nor exclusive. The CONB is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADAAA and all other applicable federal, state and local laws.

Employees may contact the City Manager's Office for additional information regarding disability accommodations. Employees may raise questions or complaints about the ADAAA compliance without fear of reprisal.

## 115 Lactation Accommodations

The CONB supports breastfeeding mothers by accommodating the mother who wishes to express milk during her workday when separated from her newborn child. Any full-time employee who is breastfeeding will be provided up to two break periods of 20-minutes each to express milk for her newborn. Also, a reasonable place to express milk, other than a restroom, will be provided for the mother. The employee and her Department Head will agree on the times for these breaks. In addition, the CONB will provide an area for the milk to be stored.

Employees may contact their Department Head, the Human Resources Coordinator, or the City Manager's Office for additional information regarding lactation accommodations.

## 116 Job Posting

The CONB makes every effort to post a job internally when one becomes vacant and is designated by the City Council to be filled. Vacant jobs will be posted on the City's social media pages and website, at the City Hall and Public Works Buildings, and with the Florida League of Cities and the International City/County Management Association (ICMA). Nonexempt positions covered by the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) and the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) will be posted internally for 10 calendar days before being posted externally.

Current employees who have an interest in the open position may complete an application at the City Manager's Office. The Supervisor, Division Chief, or Department Head are responsible for reviewing all applications under their purview, and making recommendations to the Human Resources Coordinator, and the City Manager on whom they would like to extend an offer. For current employees applying for a job within another department, the hiring Department Head has the authority to review personnel records and talk with the current Department Head regarding the employee's performance and attendance prior to the initial interview. All internal and external hiring is subject to the approval of the City Manager.

### **Promotion**

A promotion is an assignment of an employee from one position to another, which has a higher maximum rate of pay, rank, and responsibility. Vacancies in positions above the lowest rank in any category shall be filled as far as practical by the promotion of current, eligible employees. If the City Manager determines there are no qualified employees eligible for promotion, then the position will be filled from a list of eligible applicants as determined by the recruitment process. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for affecting an increase in compensation. When an employee in one pay range is promoted to a position in another pay range and the employee's current rate of pay is less than the minimum rate for the new position, the employee's pay shall be raised to the minimum rate. When the employee's pay falls above the new minimum rate, the employee will move to the new skill level at the next higher step from his or her old pay rate.

### **Transfer**

When an employee desires to transfer from one position to another, it must be approved by the City Manager. The transfer of an employee from one position to another without significant change in level of responsibility may be effective:

- When the new employee meets the qualification requirements for the new position.
- If it is in the best interest of the City.
- If it meets the personal needs of the employee as consistent with the other requirements of this rule.
- When a reasonable accommodation is needed when an employee is unable, due to a disability, to continue to perform the essential functions of his or her job.

An employee who transfers from one City department to another will retain and carry forward all benefits accrued as of the date of the transfer. As a general rule, lateral transfers require no increase in compensation. Employees in one classification who transfer from a position of a higher rate of pay to a position of a lower rate of pay shall have their pay rate reduced to the appropriate rate of pay for the new position.

All applications will be kept in the City Clerk's Office for a period of three-years from the date of application. The City Manager has the sole authority to approve all Department Head recommendations for the hiring of either external candidates or internal employees to fill vacant jobs within the CONB.

Nothing in this section shall impair or limit the City's ability to transfer employees from one position to another position if the City determines that it is in the best interest of the City to affect such a transfer.

Employees may contact the City Manager's Office for additional information regarding job postings.

## EMPLOYMENT STATUS & RECORDS

### 201 Employment Categories

It is the intent of the CONB to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment-at-will relationship at any time is retained by both the employee and the CONB.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws, and include those employed under the provisions of government programs or grants. Exempt employees are paid on a salary basis that does not vary from week to week based upon the quality or quantity of work performed. In other words, exempt employees are paid "to get the job done." Thus, an exempt employee's pay will not be reduced in any fashion for partial day absences, except when permitted by law, such as unpaid intermittent FMLA leave. Any deductions from an exempt employee's salary will be in compliance with acceptable parameters for such deductions. For example, the following types of deductions are permissible with regard to exempt employees' pay:

- No work is performed in a workweek;
- Absences of one or more full days for personal reasons other than sickness or disability if all earned and applicable paid time off has been exhausted;
- Fees received by the employee for jury or witness duty or military leave may be applied to offset the pay otherwise due to the employee for the week;
- Penalties imposed by infractions of safety rules of major significance;
- Unpaid disciplinary suspensions of one or more full days in accordance with the City's disciplinary policy;
- Deductions for the first and last week of employment, when only part of the week is worked by the employee; and
- Deductions for unpaid leave taken in accordance with an approved absence under the Family and Medical Leave Act.

#### **Complaint Procedure**

Employees who believe their pay has been improperly reduced should immediately contact the City Clerk's Office.

The CONB will investigate the employee's concern and determine whether an inadvertent improper deduction has been made. If the deduction was in fact improper, the CONB will reimburse the employee on the next regularly scheduled pay date. The CONB complies with all applicable laws concerning the payment of wages and will correct any inadvertent improper deduction should it occur and monitor the situation to ensure no further issues arise.

An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the City Manager.

In addition to the above categories, each employee will belong to one other employment category:

**REGULAR FULL-TIME** employees are those who are not in a temporary or introductory status and who are regularly scheduled to work a full-time schedule of 30-hours or more per week. Generally, they are eligible for the CONB's benefit package, subject to the terms, conditions, and limitations of each benefit

program.

**REGULAR PART-TIME** employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 30-hours per week. Regular part-time employees may be eligible for some benefits sponsored by the CONB, subject to the terms, conditions, and limitations of each benefit program.

**INTRODUCTORY** employees are those Police Department employees whose performance is being evaluated to determine whether further employment is appropriate. Refer to Policy #205 – Introductory Period for additional information.

**TEMPORARY or SEASONAL** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits such as workers' compensation insurance and Social Security, they are ineligible for all of the CONB's other benefit programs.

## 202 Access to Personnel Files

The CONB maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance evaluations and salary increases, and other employment-related records.

Personnel files are the property of the CONB and access to the information they contain is restricted. Generally, only Department Heads and management employees of the CONB who have a legitimate reason to review information in a file are allowed to do so. For those employees of the Northeast Florida Public Employees Local 630 or the Neptune Beach Public Safety Department's Labor Council, personnel files may be open for investigation by the appropriate union steward in the investigation of any grievance, either in the presence of, or with the oral permission of the CONB. Refer to the collective bargaining agreements for additional information regarding personnel files.

Employees who wish to review their own file may contact the City Clerk's Office. With reasonable advance notice, employees may review their own personnel file in the City Clerk's Office and in the presence of an individual appointed by the CONB to maintain the files. Any disagreement or objection to information contained in the personnel file may be submitted in writing to the City Clerk. Under no circumstance may an employee alter, copy, or remove any document in their personnel file. Personnel files may not be removed from City-owned property.

Former employees and other individuals who are not employed by the City will not be permitted access to personnel files. Additionally, requests by former employees for copies of documents in their personnel file will not be honored, unless it is requested by a court of law.

## 203 Employment Reference Checks

The City Clerk's Office will respond to those reference check inquiries that are submitted via telephone, email, fax, or mail. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No employment data will be released without a written authorization and release signed by the employee who is the subject of the inquiry.

## 204 Personnel Data Changes

It is the responsibility of each employee to promptly notify the CONB of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, recent educational accomplishments, and other such status reports should be accurate and current at all times. If any personal data has changed, employees should notify the City Clerk's Office. Any unreported changes in personal status may impact an employee's eligibility under some of the City's benefits.

## 205 Introductory Period

According to Florida statute 443.131(3)(a)(2), civilian employees shall be considered probationary employees during the first 90-days of employment with the City for performance standards. The 90-day probationary period shall be used to assess an employee's work ability, knowledge, and attitude. At any time during the 90-day period, the probationary employee may be rejected and employment terminated. This probationary period also applies to any employee who has been promoted. All employees shall be considered probationary employees during the first 180-days for benefits eligibility.

New employees in the Police Department will have a one-year (365-day) introductory period from the initial date of their employment. The CONB uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the CONB may end the employment-at-will relationship at any time during the introductory period, with or without cause or advance notice. Upon satisfactory completion of the introductory period, employees enter the "regular" employment classification and will be entitled to the rights and protections, if any, afforded to a Police Officer pursuant to the Florida State Statute 110.227.

During the introductory period, new employees in the Police Department 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 CONB provided benefits, subject to the terms and conditions of each benefit program and in accordance with the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA). Employees should read each Summary Plan Description (SPD) for each specific benefit program for additional information on eligibility requirements.

## 208 Falsification of Employment Applications

The CONB relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## 209 Performance Evaluations

Department Heads and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation may be conducted no less than annually or at the discretion of the immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager to provide the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, discuss positive, purposeful approaches for meeting goals, and support changes in job status and/or salary level.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

## 210 Job Descriptions

The CONB makes every effort to create and maintain accurate job descriptions for all positions within the municipality. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a Supervisory responsibilities section, a qualifications section (including education and/or experience and any certification required), a physical demands section, and a work environment section.

The CONB maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Immediate Supervisors, Division Chiefs, Department Heads, the Human Resources Coordinator, and the City Manager prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up-to-date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Employees should contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager for additional information regarding job descriptions.

## 212 Salary Administration

The salary administration program at the CONB was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to the City's success, the CONB is committed to paying its employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in other municipalities or organizations in the area.

Compensation for every position is determined by several factors, including the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers. The CONB periodically reviews its salary administration program and restructures it as necessary.

Merit increases in pay are used to reward successful performance. To be eligible for a merit increase, an employee must be employed with the CONB for at least 12-months of continuous service before the merit award date.

Merit increases are not guaranteed and are based on individual performance, departmental performance, and the CONB financial situation. When provided, a merit increase may accompany a performance review if the employee's performance and salary level so warrant. An employee whose pay is at the maximum of the salary range may not be granted a merit increase that would cause the base salary to exceed the maximum of the pay range for that position. The amount of the increase should be consistent with the approved merit budget.

Department Heads will recommend whether an employee should receive a merit increase based on his or her annual performance review and the amount of increase appropriate in regards to the performance results. Larger merit increases will be awarded to employees who consistently exceed performance standards. Increases will not be granted to employees whose performance has been rated as unsatisfactory overall. The following factors are the basis for awarding merit pay to employees:

- The employee's performance as reported in the annual performance review.
- The appropriate pay level within the range for the employee, considering the employee's performance and the performance of others in the pay range.
- Pay increase funds available.
- Recommendation of the Department Head, as approved by the City Manager.
- Employee temporarily assigned to an acting Department Head position by the City Manager (not to exceed 180-days).

Employees should bring their pay-related questions or concerns to the attention of their Immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager, who are responsible for the fair administration of departmental pay practices.

Employees may contact the City Manager for additional information regarding the salary administration program.

## 214 Medical Information Privacy

This Medical Information Privacy policy describes how health information about employees may be used and disclosed by the CONB and how employees may obtain access to this information. The CONB is committed to maintaining and protecting the confidentiality of employees' personal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The City Manager is the designated Privacy Officer for all employee medical information.

This policy of privacy practices applies to the medical plans of the CONB that are covered by privacy regulations, e.g. medical, dental, and vision plans (collectively referred to as the Benefit Plans). The Benefit Plans are required by federal and state law to protect the privacy of employees' individually identifiable health information and other personal information and to provide employees with notice about their policies, safeguards, and practices. When the Benefit Plans use or disclose employees' protected health information, the Benefit Plans are bound by the terms of this policy, or a revised policy, if applicable.

The Benefit Plans will not use employees' protected health information or disclose it to others without the employees' authorization, except for the following purposes:

### **Treatment**

The Benefit Plans may disclose an employee's protected health information, or an employee's covered dependents' protected health information, to a health care provider or administrator for its provision, coordination, or management of the employees' health care and related services. For example, prior to providing a health service to an employee, the employee's doctor may ask for information concerning whether and when the service was previously provided to the employee. The Benefit Plans may use and disclose an employee's protected health information for treatment activities of a health care provider.

### **Payment**

The Benefit Plans may use and disclose an employee's protected health information to facilitate payment of premiums for an employee's coverage, and to determine and fulfill their responsibility to provide an employee's medical, dental, and vision benefits. For example, an employee's protected health information may be used to make coverage determinations, administer claims, and coordinate benefits with other



coverage employees may have. The Benefit Plans may also disclose an employee's protected health information to a health plan or administrator to determine an employee's eligibility for coverage, or for the health care provider to obtain payment for health care services provided to the employee.

### **Health Care Operations**

The Benefit Plans may use and disclose an employee's protected health information for their health care operations, or the health care operations of a third-party administrator of the Benefit Plans. For example, the Benefit Plans may use protected health information to conduct quality assessment and improvement activities. Other health care operations may include providing appointment reminders or sending an employee's information about treatment alternatives or other health-related benefits and services. The Benefit Plans also may disclose an employee's protected health information to another health plan or provider that has a relationship with an employee, to conduct quality assessment and improvement activities (for example, to perform case management).

### **Disclosure to Employer or Operating Organization**

The Benefit Plans may disclose an employee's protected health information to the CONB, or to an organization acting on the behalf of the CONB, to monitor, audit, and otherwise administer the employee health benefit plans in which employees participate. The CONB and its operating companies are not permitted to use protected health information for any purpose other than administration of an employee's medical, dental, and vision benefits. The Benefit Plans will not disclose protected health information to the CONB for the purposes of employment-related actions or decisions, or in connection with any other benefit or employee benefit plan. The Benefit Plans will identify employees who are authorized to receive and use protected health information.

### **Disclosure to Health Care Vendors and Accreditation Organizations**

The Benefit Plans may disclose an employee's protected health information to companies with whom they contract, if they need it to perform requested services. For example, the Benefit Plans may provide protected health information to vendors who provide important information and guidance to plan members with chronic conditions such as diabetes and asthma. Protected health information may be disclosed to accreditation organizations such as the National Committee for Quality Assurance (NCQA) for quality measurement purposes. When the Benefit Plans enter into these arrangements, they will obtain a written agreement to protect an employee's protected health information.

### **Public Health Activities**

The Benefit Plans may disclose an employee's protected health information for the following public health activities and purposes: 1) to report health information to public health authorities that are authorized by law to receive such information for the purpose of controlling disease, injury, or disability; 2) to report child abuse or neglect to a government authority that is authorized by law to receive such reports; 3) to report information about a product or activity that is regulated by the U.S. Food and Drug Administration (FDA) to a person responsible for the quality, safety, or effectiveness of the product or activity; and, 4) to alert a person who may have been exposed to a communicable disease, if the Benefit Plans are authorized by law to give this notice.

### **Health Oversight Activities**

The Benefit Plans may disclose an employee's protected health information to a government agency that is legally responsible for oversight of the health care system or for ensuring compliance with the rules of government benefit programs, such as Medicare or Medicaid, or other regulatory programs that need health information to determine compliance.

### **For Research**

The Benefit Plans may disclose an employee's protected health information for medical research purposes, subject to strict legal restrictions.

**To Comply with the Law**

The Benefit Plans may use and disclose an employee's protected health information to comply with the law.

**Judicial and Administrative Proceedings**

The Benefit Plans may disclose an employee's protected health information in a judicial or administrative proceeding or in response to a legal order.

**Law Enforcement Officials**

The Benefit Plans may disclose an employee's protected health information to the police or other law enforcement officials, as required by law or in compliance with a court order or other process authorized by law.

**Health or Safety**

The Benefit Plans may disclose an employee's protected health information to prevent or lessen a serious and imminent threat to the employee's health or safety or the health and safety of the general public.

**Government Functions**

The Benefit Plans may disclose an employee's protected health information to various departments of the government such as the U.S. Military, or the U.S. Department of State.

**Workers' Compensation**

The Benefit Plans may disclose an employee's protected health information when necessary to comply with workers' compensation laws.

**Other**

The Benefit Plans may disclose an employee's protected health information when necessary to file claims with re-insurers or stop-loss carriers, or to obtain coverage with re-insurers or stop-loss carriers. The Benefit Plans may also disclose an employee's protected health information to subrogation vendors to recoup payments made by the Benefit Plans that were reimbursed by other insurance arrangements.

**Uses and Disclosures with an Employee's Written Authorization**

The Benefit Plans will not use or disclose an employee's protected health information for any purpose other than the purposes described in this policy without the employee's written authorization. For example, the Benefit Plans will not supply protected health information to another organization for its marketing purposes or to a potential employer with whom an employee is seeking employment without the employee's signed authorization. Employees may revoke an authorization that has previously been given by sending a written request to the City Manager, but not with respect to any actions the Benefit Plans have already taken.

Employees may request restrictions on the use and disclosure of the employee's protected health information for the treatment, payment, and health care operations purposes explained in this policy. While the Benefit Plans will consider all requests for restrictions carefully, the Benefit Plans are not required to agree to a requested restriction.

Employees may ask to receive communications of their protected health information from the Benefit Plans by alternative means of communication or at alternative locations. While the Benefit Plans will consider reasonable requests carefully, they are not required to agree to all requests.

Employees may ask to inspect or to obtain a copy of their protected health information that is included in certain records the Benefit Plans maintain. Under limited circumstances, the Benefit Plans may deny employees access to a portion of their records. If employees request copies, the Benefit Plans may charge

employees copying and mailing costs.

Employees have the right to ask the Benefit Plans to amend protected health information that is contained in the Benefit Plans records. If the Benefit Plans determine that the record is inaccurate, and the law permits the Benefit Plans to amend it, the Benefit Plans will correct it. If the employee's doctor or another person created the information that the employee wants to change, the employees should ask that person to amend the information.

Upon written request, employees may obtain an accounting of disclosures the Benefit Plans have made of their protected health information. The accounting that the Benefit Plans provide will not include disclosures made before April 14, 2003, disclosures made for treatment, payment or health care operations, disclosures made earlier than six-years before the date of the request, and certain other disclosures that are exempted by law. If employees request an accounting more than once during any 12-month period, the Benefit Plans may charge those employees a reasonable fee for each accounting statement after the first one.

Employees may contact the City Clerk to obtain a paper copy of this policy, even if the employees previously agreed to receive notices electronically. Employees must also contact the City Clerk, if they wish to make any of the requests listed above.

If employees want additional information about privacy rights, do not understand their privacy rights, are concerned that the Benefit Plans have violated their privacy rights, or disagree with a decision that the Benefit Plans made about access to protected health information, they may contact the City Clerk or the City Manager.

Employees may also file written complaints with the Secretary of the U.S. Department of Health and Human Services. The CONB will not take any action against employees if they file a complaint.

The CONB may change the terms of this policy at any time. If the CONB changes this policy, the City may make the new policy terms effective for all protected health information that the Benefit Plans maintain, including any information the Benefit Plans created or received before the CONB issued the new policy. If the CONB makes any changes to the Medical Information Privacy policy, notice of the changes will be provided to employees.

## 216 Social Security Number Policy

To protect employees' personal information, the CONB prohibits the use of employees' Social Security numbers for identification purposes, except as allowed by law. The CONB will not:

- Publicly post or publicly display in any manner an employee's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- Print an employee's Social Security number on any card required for the employee to access products or services provided by the CONB.
- Require an employee to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- Require an employee to use his or her Social Security number to access an Internet website, unless a password or unique personal identification number or another authentication device is also required to access the Internet website.
- Print an employee's Social Security number on any materials that are mailed to the employee, unless law requires the Social Security number to be on the document to be mailed.

However, Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process; or to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the Social Security number.

In instances where the CONB previously used an employee's Social Security number in a manner inconsistent with this policy, it will continue using that employee's Social Security number in that manner, if all of the following conditions are met:

- The use of the Social Security number is continuous. If the use is stopped for any reason, the conditions listed above will apply.
- The employee is provided an annual disclosure that informs the employee that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by those conditions listed above.

A written request by an employee to stop the use of his or her Social Security number in a prohibited manner will be implemented within 30-days of the receipt of the request. There will be no fee or charge for implementing the request. The CONB will not deny services to an employee because the employee makes a written request to stop the use of his or her Social Security number.

The CONB will continue to collect, use, or release Social Security numbers as required by federal or state law, and may use Social Security numbers for internal verification or administrative purposes.

Employees should contact the City Manager for additional information regarding the use of their Social Security number.

## **EMPLOYEE BENEFIT PROGRAMS**

### **301 Employee Benefits**

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Human Resources Coordinator or the City Manager may identify the programs for which employees are eligible. Details of many of these programs may be found elsewhere in the employee handbook.

The following benefit programs may be available to eligible employees:

- Benefits Continuation (COBRA)
- Bereavement Leave
- Clothing and Boot Allowance
- Family and Medical Leave Act (FMLA)
- Group Life and AD&D Insurance
- Health Insurance
- Holidays
- Jury Duty
- Licensing and Certification
- Military Leave
- Paid Time Off (PTO)
- Retirement Savings Plans
- Small Necessities Leave
- Time Off to Vote
- Voluntary Benefits
- Witness Duty

- Workers' Compensation Insurance

Most benefit programs require contributions from employees; however, some are fully paid by the CONB.

### 303 Paid Time Off (PTO)

Paid time off (PTO) is available to eligible employees to provide opportunities for rest, relaxation, personal illness or injury, illness or injury of a member of the employee's household, and personal pursuits.

Employees in the following employment classification(s) are eligible to accrue and use PTO as described in this policy:

- Regular full-time employees

The amount of PTO an employee accrues each year increases with the length of their employment as shown in the following schedule:

<b>Length of Employment</b>	<b>Number of Hours Accrued per Pay Period</b>	<b>Number of Hours Accrued per Year</b>	<b>Number of Days Accrued Per Year</b>
Calendar Year One through Calendar Year Four	6.15-Hours	160-Hours	20-Days
Calendar Year Five through Calendar Year Nine	7.07-Hours	184-Hours	23-Days
Calendar Year Ten through Calendar Year 14	8.00-Hours	208-Hours	26-Days
Calendar Year 15 through Calendar Year 19	8.92-Hours	232-Hours	29-Days
Calendar Year 20 through Calendar Year 24	9.85-Hours	256-Hours	32-Days
Calendar Year 25 and thereafter	10.77-Hours	280-Hours	35-Days

Employees in the Finance Department shall be required to take at least five consecutive workdays off each year, in order to enhance security and internal control by letting someone else do their job while the respective person is on PTO, thereby providing a second check of the work.

PTO may only be taken when an eligible employee has accrued time available. PTO may be taken in increments of one-hour for nonexempt employees and four-hours for exempt employees. To take paid time off, employees should request approval from their immediate Supervisor, the Division Chief, the Department Head, or the City Manager at least five-days in advance for a request of two to four days off and at least two-weeks in advance for five or more days off. No more than 10 consecutive days off will be allowed unless permission is given due to extenuating circumstances.

Requests will be reviewed based on a number of factors, including business needs and staffing requirements. A Department Head and the City Manager have the authority to approve or deny all PTO requests. A department's practices and policies will prevail in the determination of PTO requests. Employees may appeal to the City Manager for a determination of their entitlement, if not in agreement with the decision of the Department Head.

To take unscheduled paid time off, employees should notify their immediate Supervisor, the Division Chief, the Department Head, or the City Manager prior to the beginning of the assigned working hours. For three-days or more of unscheduled paid time off, employees should present a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for the period of the absence, and that the employee is again able to return to work and perform his or her duties, or other sufficient

information to permit reasonable inquiry about such services.

Paid time off may be accumulated to a maximum of 496-hours for non-union employees and for the Northeast Florida Public Employees Local 630 employees, and 640-hours for the Neptune Beach Public Safety Department's Labor Council employees. Employees may sell up to 80-hours of paid time off four times annually, once per quarter, as long as they maintain a minimum of 80-hours.

Accrued but unused PTO will be paid out upon voluntary termination after five-years of employment. Upon a voluntary termination of employment with less than five-years, the employee will be paid for 75-percent of all unused paid time off. Employees who are involuntarily terminated will not be paid out for any accrued but unused PTO. PTO is paid at the employee's current pay rate at the time of the paid time off and will be considered hours worked for the purposes of performing the calculation of overtime.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

### 304 Personal Days

Personal days are provided to eligible employees to use for vacation, illness or injury, and personal business. Employees in the following employment classification(s) are eligible to earn and use personal days as described in this policy:

- Regular full-time employees

All employees will earn two personal days (12-hours for 6-hour employees, 16-hours for 8-hour employees, and 24-hours for 12-hour employees) per year upon hire and on January 1 each calendar year thereafter. Sworn Police Officers in the collective bargaining unit will only earn one personal day.

Personal days may be used in minimum increments of one-hour. Employees who have an unexpected need to be absent from work should notify their immediate Supervisor, the Division Chief, the Department Head, or the City Manager before the scheduled start of their workday, if possible. The employee's immediate Supervisor, the Division Chief, the Department Head, or the City Manager must also be contacted on each additional day of an unexpected absence. Personal days may not be carried over from year-to-year.

To schedule planned personal days, employees should request advance approval from their immediate Supervisor, the Division Chief, the Department Head, or the City Manager. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Personal days must be taken during the calendar year earned or they will be forfeited.

Personal days are paid at the employee's base pay rate at the time of absence and will be considered hours worked for the purposes of performing the calculation of overtime. Upon termination of employment, all unused personal days will be forfeited.

### 305 Holidays

The CONB may grant the following paid holidays to all eligible employees:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents Day (third Monday in February)

- Memorial Day for Sworn Police Officers (May 15)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving (fourth Friday in November)
- Christmas Eve (December 24)
- Christmas Day (December 25)
- Two floating holidays

Employee classification(s) who are eligible for paid holidays include:

- Regular full-time employees

A recognized holiday that falls on a Saturday may be observed on the preceding Friday. A recognized holiday that falls on a Sunday may be observed on the following Monday. If a recognized holiday falls during an eligible employee's approved paid time off, holiday pay will be provided instead of the paid time off that would otherwise have applied.

Any employee who is required to work on a holiday will be paid time and one-half the employee's regular straight time hourly rate for any hours worked, in addition to his or her straight time pay for the holiday, or the CONB may schedule the employee to take a day off on another date mutually agreed to by the employee and the CONB at the time and one-half rate.

Holiday pay will be calculated based on the employee's current rate of pay on the date of the holiday times the number of hours the employee was scheduled to work and will be considered hours worked for the purposes of performing the calculation of overtime.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

### 306 Workers' Compensation Insurance

The CONB provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable federal and state legal requirements, workers' compensation insurance may provide benefits after seven-days or, if the employee is hospitalized, immediately. Employees on a workers' compensation leave for seven or less days will need to utilize their paid time off during the waiting period for workers' compensation benefits. If the employee has no earned but unused paid time off, the employee will not receive any compensation until the workers' compensation benefits begin.

An employee who sustains work-related injuries or illnesses must inform their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. At the time the injury occurs, the need to see a doctor will be determined. Within 72-

hours of the incident report being submitted, an accident or injury form must be completed by the involved employee, or if necessary, by the Supervisor, or the Department Head. The CONB may select the physician and/or facility seeing all workplace injuries and in accordance with state laws. However, the employee may request one change in writing and may select another physician from the employer's list of no less than three unaffiliated physicians. Reports of injury are necessary to comply with federal and state laws and initiate workers' compensation benefits. Failure to notify an immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager about a work-related injury or illness immediately may result in an employee losing workers' compensation benefits with regards to that particular injury or illness. In addition, disciplinary action, up to and including termination of employment may be initiated when failing to report an injury.

Any employee injured on the job, who must leave the worksite, may be subject to a drug and alcohol test. Refusal to submit or positive results may result in disciplinary action, up to and including termination of employment. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

The CONB maintains a return-to-work program. Following an appointment with a physician, the physician will communicate with the immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager any restrictions the employee may have as a result of the injury or illness. The immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, the City Manager will determine what accommodations may be made to assign the employee to restricted work duty. If no work is available at the CONB, to satisfy the restrictions, the immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager will maintain close communications between the employee and physician to ensure proper and timely treatment for the injury or illness. The CONB may return the employee to work as soon as he or she is either released with restrictions that may be accommodated by the CONB, or fully released, whichever comes first.

The employee must be accompanied by a physician's release upon return to work. An employee who is on workers' compensation leave and does not return to work immediately following release from the health care provider will be considered to have voluntarily terminated employment as of the date of the release. Health insurance coverage and other insurance benefits will continue on the same basis as coverage would have been provided had the employee been continuously employed during the period of a workers' compensation leave as long as the employee pays their regular portion of the premium on a timely basis. Employees must arrange with the City Clerk's Office to pay their portion of all payroll-related deductions.

An employee who is self-employed or accepts other employment or works for any other employer during a workers' compensation leave must report such work immediately to their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager. An employee who works in one of the above capacities at any time during their workers' compensation leave, performing work of a like or similar character or exertion as that which the employee performed for the CONB may be considered to have voluntarily terminated his or her employment as the date such work began.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) differ from what is written in this policy, those policies and procedures will prevail. The CONB will follow all other federal and state employment-related policies that run concurrent with workers' compensation guidelines, such as FMLA, ADAAA, etc.

Employees may contact the Human Resources Coordinator or the City Manager's Office for additional information regarding workers' compensation insurance.



## 308 Time Off to Vote

The CONB encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If nonexempt employees are unable to vote in an election during their nonworking hours, the CONB may grant up to two-hours of paid time off to vote.

Employees should request time off to vote from their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager at least two working days prior to the Election Day. Advance notice is required so that the necessary time off may be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

Employees may contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager for additional information regarding time off to vote.

## 309 Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their immediate Supervisor, the Division Chief, the Department Head, or the City Manager immediately. Bereavement leave may be provided to eligible employees in the following classifications:

- Regular full-time employees

Up to five consecutive days of paid bereavement leave may be provided to eligible employees in the event of a death of a spouse, child or stepchild, brother or sister, mother or father, stepparent or foster parent, grandchild, grandparent, children-in-law, or other residents of the household of the employee. In the case of married employees, the same members of the spouse's family are also included. Bereavement leave is limited to ten-days per calendar year. Employees who need additional time off may use any available paid time off to cover the bereavement leave time, with the City Manager's approval.

Employees may be granted four-hours of paid bereavement leave to attend or serve as a pallbearer at the funeral of another City employee.

The City Manager must approve all bereavement leave. Bereavement leave must be taken in consecutive workdays and must be taken within a reasonable time of the death. The CONB may request verification of the facts surrounding the bereavement leave and grant or deny the bereavement leave, as deemed appropriate. If an employee fails to return from bereavement leave as scheduled and without notice for three days, he or she will be considered to have voluntarily terminated his or her employment with the City.

Bereavement leave will be calculated based on the employee's current pay rate at the time of absence times the number of hours the employee was scheduled to work and will be considered hours worked for the purposes of performing the calculation of overtime.

## 310 Jury Duty

The CONB encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees
- Regular part-time employees

The CONB will pay eligible employees their regular pay during a jury duty leave for up to ten-days. Employees may use any earned but unused paid time off to cover the term of the absence if the time is greater than ten-days, however are not required to do so. In order to receive jury duty pay, employees must present the jury summons and pay notification to the City Clerk's Office.

Employees must show the jury duty summons to their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager as soon as possible so that the Department Head may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits. Either the CONB, or the employee may request an excuse from jury duty if in the CONB's judgment, the employee's absence would create serious operational difficulties.

### 311 Witness Duty

The CONB encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the CONB, they will receive paid time for the entire period of witness duty. Any employee who is called to testify in court by the CONB will be paid his or her current rate of pay for the time expended.

An employee of the Neptune Beach Public Safety Department's Labor Council whose appearance is required in traffic or criminal court, civil court, pretrial conferences, filing affidavits, and depositions as a result of a matter arising out of the course of his or her employment shall receive a minimum of three-hours pay at time and one-half his or her normal wage, if such attendance is outside of the employee's regular working hours.

Employees will be granted time off to appear as a witness when requested by a party in a court of law when subpoenaed to do so other than by the CONB. Employees may use any available paid time off to receive compensation for the period of the absence, however are not required to do so.

The subpoena should be shown to the employee's immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager immediately after it is received, so that operating requirements may be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

### 312 Benefits Continuation (COBRA)

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

The CONB provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the CONB's medical insurance plan. The notice contains important information about the employee's rights and obligations, as well as the cost of benefits, under COBRA. Employee's may contact the City Clerk or the City Manager's Office directly for additional information on benefits continuation.

### 313 Tuition Reimbursement and Educational Assistance

Each employee and their Department Head bear the responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, for upgrading skills necessary to meet technological changes. Employees who are eligible for tuition reimbursement and educational assistance include:

- Regular full-time employees who have completed at least one-year of employment

The CONB developed the following guidelines to help employees develop or enhance job-related and skill through tuition reimbursement and educational assistance:

- Applications for assistance for each term of education may only be made for attendance at a school of recognized educational standing, e.g. a high school, college, university, correspondence school, or vocational/technical school. Employees may be required to furnish information as to the accreditation of an institution.
- Eligible employees seeking assistance and meeting all the requirements for participation may receive full reimbursement of tuition for courses directly related to their job and 50-percent reimbursement of tuition for courses indirectly related to their job. The employee's Department Head shall recommend to the City Manager, whose decision shall be final as to whether the course of study is determined to be directly or indirectly job-related.
- Applications for assistance will not be considered if the employee is receiving funds for the same course work from any other source, or if the course work is available through in-service training conducted by the City, or other approved agency. In the case of partial funding from a source other than the City, the City may, upon approval of the City Manager, reimburse the remaining tuition expense up to the established limits. Should an employee knowingly accept assistance from the City while at the same time receiving assistance from another source and not notify the City, he or she will be ineligible for further assistance from the City and any funds paid to the employee from the other source will be deducted from the employee's pay.
- Request for assistance shall not be considered for more than two courses per quarter, semester, or school term, unless authorization is obtained by the City Manager **and** relevant Department Head before the beginning of the school term.
- This program is offered to assist employees who are pursuing additional training and/or education on their own time. The City realizes, however, that certain courses are offered only during working hours and will consider request for such attendance on a case-by-case basis. Employment responsibilities shall come first and approval to attend during working hours will be an exception as opposed to a practice. Any employee granted an exception will have to arrange with his or her Department Head to work an equivalent amount of time during each pay period through a flexible schedule. Refer to Policy #507 – Overtime/Compensatory Time/Flex-Time for additional information.
- The City will not approve a request for assistance from an employee who is the subject of disciplinary action at the time of the request.
- Reimbursement for course work is subject to the successful completion of the course(s) by the employee with a grade of satisfactory or no less than a "C" or 2.0 on a 4.0 scale. Such reimbursement shall be 100-percent for a grade of "A", 90-percent for a grade of "B", or 80-percent for a grade of "C". No reimbursement will be made for any grade less than a "C". A grade of "C-" will not be reimbursed.
- Employees who receive reimbursement under this policy for two or more years, e.g. four semesters, six quarters, or 16-months in a vocational/technical school shall be required to remain in the employment of the City for at least one full year from the date of course completion, or any of the participation periods.

- An employee who terminates employment with the City during the course work shall not be entitled to further reimbursement from the City.
- Employees on leaves of absences, or on a layoff, are not eligible.

### **Procedure for Reimbursement**

- An employee should obtain a tuition reimbursement application form from the City Clerk's Office, complete the form in duplicate and forward the application to his or her Department Head.
- The Department Head, after making his or her recommendation, will send the application (in duplicate) to the City Manager's Office.
- The City Manager will approve or disapprove the application. One copy is returned to the employee. The other copy is retained in the employee's personnel file.
- Within ten-days of completion of the course and after final grades have been received, the employee must submit his or her copy of the approval application to the City Manager's Office, along with his or her grade and tuition/registration receipts.
- The City Manager, after verification of grades and receipts, will forward the approved documentation to the Finance Department for cost reimbursement of tuition, registration, and receipts, including book receipts.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

Employees may contact their Department Head for additional information regarding tuition reimbursement and educational assistance.

### **314 Genetic Information Nondiscrimination Act (GINA)**

The CONB follows all federal and state laws with regards to the Genetic Information Nondiscrimination Act (GINA). The CONB may not use genetic information or genetic testing in furtherance of a workplace wellness program unless certain requirements are met. The CONB is not prohibited from requesting or requiring genetic information for genetic monitoring of the biological effects of toxic substances in the workplace if certain requirements are met. The CONB will treat genetic testing information consistent with the requirements of all other federal and state laws.

Employees may contact the City Manager's Office for additional information regarding GINA.

### **316 Health Insurance**

The CONB's health insurance plan provides employees and their dependents access to medical, dental, and vision insurance benefits. Employees in the following employment classifications may be eligible to participate in the health insurance plan on the first day of the month after starting employment:

- Regular full-time employees

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the CONB and the insurance carrier.

Details of the health insurance plan are described in the Summary of Benefits and Coverage (SBC). An SBC and information on the cost of coverage will be provided in advance of enrollment to eligible

employees. Employees may contact the City Clerk's Office for additional information regarding health insurance.

### 317 Group Life and AD&D Insurance

Group life and AD&D insurance offers an employee and their family important financial protection. The CONB provides a group life and AD&D insurance plan for eligible employees. Employees in the following employment classifications are eligible to participate in the group life and AD&D insurance plan on the first day of the month after starting employment:

- Regular full-time employees

Eligible employees may participate in the group life and AD&D insurance plan subject to all terms and conditions of the agreement between the CONB and the insurance carrier.

Details of the group life and AD&D insurance plan including benefit amounts are described in the Summary Plan Description (SPD) provided to eligible employees. Employees may contact the City Clerk's Office for additional information regarding group life and AD&D insurance.

### 320 Voluntary Benefits

The CONB provides employees with the opportunity to purchase voluntary benefits from a third-party vendor through payroll deduction. Employees in the following employment classifications are eligible to participate in the voluntary benefit plans on the first day of the month after starting employment:

- Regular full-time employees

These voluntary benefit plans include:

- Accident-Only Insurance
- Cancer Indemnity Insurance
- Critical Illness Benefit Rider
- Short-Term Disability Insurance
- Long-Term Disability Insurance
- Additional Term Life Insurance

Employees may contact the City Clerk's Office for additional information regarding the voluntary benefit plans.

### 321 Retirement Savings Plans

The CONB understands the need for employees to be proactive in considering their future needs for retirement. Below are the plans offered to eligible employees by the CONB. Employees in the following employment classifications are eligible to participate in the retirement savings plans.

- Full-time employees after six-months of employment

#### **401(a) Money Purchase Plan**

The CONB has established a 401(a) money purchase plan to provide employees the potential for future financial security at or upon retirement. The City contributes seven-percent of the employee's salary to the 401(a) money purchase plan upon completion of six-months of continuous employment, contingent upon

the employee contributing a minimum of three-percent of their salary to the 457(b) Deferred Compensation Plan.

#### **457(b) Deferred Compensation Plan**

The CONB has established a 457(b) deferred compensation plan to provide employees the potential for future financial security at or upon retirement. Upon hire, eligible employees may begin to contribute the minimum required to the 457(b) deferred compensation plan. However, employees may elect additional amounts they want to contribute and how they want to direct the investment of their plan account, so that they are able to tailor their own retirement package to meet their individual needs.

Employees who have been employed by the CONB for ten or more years may contribute up to ten-percent of earnings for the plan year, which will be matched by City contributions.

Employees may contact the City Clerk's Office for additional information regarding the retirement savings plans.

### **322 Employee Assistance Program (EAP)**

The CONB offers an Employee Assistance Program (EAP) to all employees and their family members, to assist employees and their families with personal problems and/or work-related problems that may impact their job performance, physical health, or mental and emotional well-being.

Employees may contact the City Clerk's Office for additional information regarding the Employee Assistance Program (EAP).

### **323 Clothing and Boot Allowance**

The CONB will provide a clothing and boot allowance for those employees who are required to wear a uniform or meet certain safety standards as established in collective bargaining agreements (CBA's) or departmental Standard Operating Procedures (SOP's).

Employees should contact the City Manager's Office for additional information on the clothing and boot allowance.

### **324 Licensing and Certification**

The CONB may directly pay for specific job-related license and certification requirements applicable to each job classification. The City Manager is responsible for approving such expenditures in advance and the type of licensure and/or certification required is left to his or her sole discretion and requirements of the job description. Invoices for approved licenses and certifications should be submitted to the City Manager's Office for payment upon receipt.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

Employees may contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager for additional information regarding licensing and certification.

## **TIMEKEEPING/PAYROLL**

### **401 Timekeeping**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the CONB to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period through the ExecuTime Digital Time Card system. They should also record the beginning and ending time of any split shift, departure from work for personal reasons, or the use of paid time off, or any other type of approved leave on their time records. Overtime work must always be approved before it is performed.

It is the employees' responsibility to certify the accuracy of all time recorded. The employee's Department Head will review and approve the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the Department Head must verify the accuracy of the changes.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

### **403 Paydays**

The CONB pays employees on a biweekly basis (normally 26-pays per year). The payroll week is from Saturday through Friday. Employees may have pay directly deposited into their bank accounts. If they do, they must provide advance written authorization to the CONB. Employees will receive an itemized statement of wages when the CONB makes direct deposits.

Employees may contact the Finance Department for additional information regarding paydays.

### **405 Employment Demotions and Terminations**

A demotion is an assignment of an employee from one position to another, which has a lower maximum rate of pay, rank, and responsibility. An employee may be demoted for any of the following reasons:

- The employee's position is being eliminated and he or she would otherwise have been laid off.
- The employee does not possess the necessary qualifications to render satisfactory service to the position he or she holds.
- The employee's position is being reclassified to a higher grade and the employee lacks the necessary qualifications to successfully perform the job.
- There is a lack of work, need, or funds.
- Another employee who is returning from an authorized leave granted in accordance with the rules on leave will occupy the position to which the employee is currently assigned.
- The employee voluntarily requests such a demotion and it is available.
- As a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job.

When an employee in one position is demoted to a lower position and the employee rate of pay is higher than the maximum rate for the new position, the employee's salary shall be reduced to an appropriate rate for the new position.

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the organization.
- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons.
- Job abandonment - voluntary employment termination initiated by an employee after three-days of absence without notice, as stated in a collective bargaining agreement (CBA).
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

In the case of a layoff, temporary employees shall be laid off first. Then, the order of layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

The CONB may schedule exit interviews at the time of the employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, and repayment of outstanding debts to the CONB. Suggestions, complaints, and questions may also be voiced. Employee benefits will be affected by employment termination in the following manner. All accrued and earned benefits that are due and payable at termination will be paid according to each policy.

Since employment with the CONB is based on mutual consent, both the employee and the CONB have the right to terminate the employment-at-will relationship, with or without cause. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. Refer to Policy #708 – Resignation for additional information.

## 409 Administrative Pay Corrections

The CONB takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their Department Head who will contact the Finance Department so that corrections may be made as quickly as possible, or on the next regularly scheduled pay date.

## 410 Pay Deductions and Setoffs

The law requires that the CONB make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The CONB may deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The CONB matches the amount of Social Security taxes paid by each employee. Some Police Department employees do not pay into the Social Security "wage base" in accordance with federal laws.

The CONB offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. The CONB may not make any deductions from an employee's paycheck outside of those that are either required by law or authorized in writing by the employee.

Pay setoffs are pay deductions taken by the CONB, usually to help pay off a debt or obligation to the CONB, or others.



Employees may contact their Department Head or the Finance Department for additional information or if they have questions concerning why deductions were made from their paycheck or how they were calculated.

## **WORK CONDITIONS & HOURS**

### **501 Safety**

To assist in providing a safe and healthful work environment for employees, residents, and visitors, the CONB has established a workplace safety program. This program is a top priority for the CONB. The Safety and Compliance Officer has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

All employees must wear the appropriate personal protective equipment (PPE) required to perform their job safely or while in certain designated areas of the work environment. Employees who are unsure what PPE they are required to wear at any given time should refer to their immediate Supervisor, the Division Chief, the Department Head, the Safety and Compliance Officer, or the City Manager.

If an accident results in an injury, no matter how minor the injury may be, employees are required to report the incident to their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager. At the time the injury occurs, the need to see a doctor will be determined. All workplace injuries will be seen by a physician selected by the CONB. However, the employee may request one change in writing and may select another physician from the employer's list of no less than three unaffiliated physicians. Reports of injury are necessary to comply with the laws and initiate workers' compensation benefits. Failure to notify an immediate Supervisor, a Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager about a work-related injury or illness immediately may result in an employee losing workers' compensation benefits with regards to that particular injury or illness. Refer to Policy #306 – Workers' Compensation Insurance for additional information.

Any employee injured on the job, may be subject to a drug and alcohol test. Refusal to submit or positive results may result in disciplinary action, up to and including termination of employment. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

The CONB will provide educational programs regarding human immunodeficiency viruses (HIV) and other infectious diseases utilizing public health sources, e.g. Health Resources and Services Administration (HRSA). The programs will include, but not be limited to the handling of injuries and exposure of bodily fluids.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their immediate Supervisor, or bring them to the attention of the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports may be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work-related activities. Employees must immediately report any unsafe condition to their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report, or remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

## 502 Work Schedules

The CONB is open for business Monday through Friday, 52-weeks per year unless there is a scheduled holiday. Operational needs and/or emergencies, however, may necessitate the establishment of other work hours, days, or weeks on a temporary or permanent basis.

The CONB will establish the standard workday, workweek, and starting and ending times for each department, taking into account current and anticipated workloads, public service needs and other factors. Each department is responsible for communicating these work parameters to their employees. No established schedule will be construed as a guarantee of work hours or as a restriction on the CONB's right to restructure the workday or workweek.

Minors aged 15 and younger may not work before 7:00 a.m. or after 9:00 p.m. and work no more than eight-hours per day or 40-hours per week. On school nights, they may not work before 7:00 a.m. or after 7:00 p.m. and no more than three-hours per day and 15-hours in a week. Minors aged 16 and 17 may not work before 6:30 a.m. or after 11:00 p.m. and no more than eight-hours per day. When school is in session, they may work no more than 30-hours per week.

At the discretion of the CONB, nonexempt employees may be authorized to take rest and meal periods during each shift. Rest and meal periods will not interfere with the proper performance of the employee's work responsibilities and will be set by the immediate Supervisor, the Division Chief, the Department Head, and the City Manager.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

## 504 Use of Phone and Mail Systems

Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse the CONB for any charges resulting from their personal use of the telephone or fax machine.

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

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Employees should confirm information received from the caller and hang up only after the caller has done so. All employees are responsible for answering the CONB's telephones, as needed.

## 505 Non-Smoking

In keeping with Florida state and local laws and the CONB's intent to provide a safe and healthful work environment, smoking, e-cigarettes, chewing tobacco, and other tobacco product use are not permitted in City-owned or leased vehicles, or in the workplace except in those locations that have been specifically designated as smoking areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

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

## 507 Overtime/Compensatory Time/Flex-Time

When operating requirements or other needs cannot be met during regular working hours, employees may be given the opportunity for overtime work assignments. All overtime work must receive prior authorization from a Department Head or the City Manager. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation for all nonexempt employees will be paid at a rate of time and one-half for any time worked over 40-hours in a standard workweek, in accordance with federal and state wage and hour restrictions, or for any time over ten-hours in one day, for those employees under the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA). An employee's time off while using paid time off, personal days, holidays, bereavement leave, and paid military leave will be considered hours worked for purposes of performing the calculation of overtime.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this employee handbook, those policies and procedures will prevail.

### **Compensatory Time**

The CONB encourages the use of "compensatory time" for nonexempt employees in lieu of overtime in some cases. Compensatory time is earned at the rate of one and one-half times for all hours worked over 40 in a standard workweek, or for any time over ten-hours in one day, for those employees under the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA). For example, a nonexempt employee who works one-hour of overtime will receive one and one-half hours of compensatory time instead of overtime pay.

The equitable distribution of overtime is also an important consideration with respect to an employee's ability to utilize compensatory time. Any compensatory time taken shall be approved by the appropriate Department Head or the City Manager.

A Department Head will be authorized to establish a limit on the amount of compensatory time employees in their department shall be permitted to accrue.

Employees will be permitted to use compensatory time as long as the use of compensatory time does not "unduly disrupt" the operation of their department. Upon termination of employment, employees will be paid for all accrued, but unused compensatory time in accordance with the standards set forth in the Fair Labor Standards Act (FLSA).

### **Flex-Time**

In certain situations, an employee may request permission from their immediate Supervisor, the Division Chief, the Department Head, or the City Manager to work an adjusted or flexible work schedule. The schedule must not cause a reduction in the ability of that employee's department to properly perform its duties and responsibilities and is considered time for time taken within the same workweek. Further, the establishment of a flexible schedule may not result in the need to hire other employees, or the use of overtime to cover those "traditional" hours not worked by the employee working a flexible schedule. A flexible schedule may allow for nonexempt employees to work more than eight-hours in a day but must not exceed 40-hours in a week. Nonexempt employees will be eligible for overtime pay for all hours worked in excess of 40-hours in one workweek.

Employees disregarding or failing to comply with this policy may be subject to disciplinary action, up to and including termination of employment.

## 508 Use of Equipment, Machines, Tools and Vehicles

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

Employees should immediately notify their immediate Supervisor, the Division Chief, the Department Head, or the City Manager, if any equipment, machines, tools, or vehicles appear to be damaged, defective, or need repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

Regulations and procedures regarding the routine maintenance and care of City-owned equipment, machines, tools, and vehicles shall be issued to employees by the appropriate Department Head, with City Manager approval. An immediate Supervisor, the Division Chief, the Department Head, and the City Manager may answer any questions about an employee's responsibility for maintenance and care of equipment, machines, tools, and vehicles used on the job.

Damage to equipment, machines, tools, or vehicles not owned by the City must be reported to the appropriate Police Department., as well as the Florida Department of Law Enforcement (FDLE). If FDLE is not available, the Jacksonville Sheriff's Office (JSO) shall be notified.

### **Take-Home Vehicles**

A Department Head or the City Manager, at his or her discretion, may assign in writing a take-home vehicle on a temporary basis, e.g. overnight, on-call, etc., or on a permanent basis when needed on a 24-hour basis by an employee of the City who lives in Duval County, St. Johns County, Clay County, Nassau County, and up to the Baker County Line, and with the following guidelines:

- Take-home vehicles may not be driven outside one county in each direction, including: St. Johns County to the South, Nassau County to the North, Clay County to the Southwest, and the Baker County line to the West, except in the performance of City business and authorized by the City Manager.
- Employees authorized to take a vehicle home must drive the vehicle to and from work by the most direct route without deviation.
- Take-home vehicles may only be used for personal purposes on a "de minimis" basis, e.g. an occasional personal errand during a commute to or from work.
- Other employees or non-employees may ride in a City-owned vehicle as long as the bona fide purpose is not for carpooling or commuting. Carpooling or commuting on a regular basis to and from work in a City-owned vehicle is not allowed.
- Employees, who are assigned or have access to City-owned vehicles, must have an appropriate, valid operator's license and proof of an insurance endorsement.
- Employees may not possess or use alcohol or other controlled substances while operating a City-owned vehicle.

No employee shall use a City-owned vehicle for personal business or permit any unauthorized person to use or operate a vehicle. Employees driving a City-owned vehicle may not carry passengers except another City employee, elected City Officials, approved volunteers, clients, or persons engaged in, or advising on matters relating to City business. Spouses who are City employees may accompany the employee to a meeting in which the employee is representing the City, with prior approval of the City Manager.

The City reserves the right to search City-owned take-home vehicles at any time, for any purpose. Employees have no expectation of privacy in City-owned vehicles.

Employees must notify their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety and Compliance Officer, or the City Manager in the event of an accident. This includes accidents that do not result in personal injury or damage to equipment. By knowing about accidents, the CONB may investigate the case and determine if corrective action is required to prevent recurrence. Refer to Policy #306 – Workers’ Compensation Insurance and Policy #501 – Safety for additional information. A drug and/or alcohol test will be administered. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

Employees driving City-owned vehicles who are involved in accidents while not during the course of their work or during working hours are responsible for all liabilities arising from the accident. All vehicular accidents shall be reported as soon as possible by the Department Head to the vehicle maintenance shop. The Vehicle Maintenance Supervisor shall inform the appropriate Department Head, in writing, of any violations of these procedures.

With the exception of emergency vehicles, speed limit and motor vehicle statutes and ordinances must be followed at all times. No employee shall operate City-owned equipment, machines, tools, or vehicles while under the influence of alcohol, any illegal drug, or any prescribed drug, which may impair his or her ability to operate the equipment, machine, tool, or vehicle safely. Alcoholic beverages and illegal drugs are not allowed in any City-owned vehicle except in the case of law enforcement activities. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

All precautions must be taken to ensure the safety and security of City-owned vehicles. This includes, but is not limited to, locking all doors and/or compartments, removing any valuables from view in the vehicle, and properly parking vehicles in accordance with applicable laws and ordinances.

Traffic citations, fines, or other actions taken by any police jurisdiction against an employee while driving or operating a City-owned vehicle or piece of equipment shall be provided to the appropriate Department Head. Employees must pay any fines and comply with all penalty requirements. Any misuse of a City-owned vehicle will subject the employee to disciplinary action, up to and including termination of employment. Unauthorized use of City-owned vehicles may be construed as a misappropriation of City-owned vehicles, subjecting the violator to criminal sanctions.

Employees operating City-owned equipment and vehicles must maintain the ability to legally operate assigned equipment or vehicles. Violation of this policy may subject employees to disciplinary action, up to and including termination of employment.

Employees of the CONB who are assigned a City-owned vehicle for duty to domicile travel are subject to Internal Revenue Service (IRS) rulings regarding such usage. The use of such a vehicle for commuting is considered by the IRS to be a taxable benefit. A value must be established based on the round-trip mileage from the employee’s place of residence to their place of business times the current allowances for mileage and the total annual amount reported to the Internal Revenue Service on each employee’s W-2.

No employee of the CONB may request, use, or permit the use of City-owned equipment, machines, tools, or vehicles, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. The improper, careless, negligent, destructive, or unsafe use or operation of equipment, machines, tools, or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

### **Use of Personal Vehicles for CONB-Related Business**

If a City-owned vehicle is not available, employees may use personal vehicles for City-related business during their workday. Employees driving a personal vehicle for City-related business must meet the requirements for driving a City-owned vehicle as stated earlier in this policy.

Employees who use their personal vehicle for City-related business will be reimbursed for mileage at the mileage rate established by the Internal Revenue Service (IRS). Appropriate expense reports must be submitted to the Accounting Department. Refer to Policy #512 – Business Travel Expenses for additional information.

A parking space will be provided for employees who are required to use their personal vehicle as a condition of employment.

It is expected that employees driving a personal vehicle on City-related business will pay all the expenses related to the usage of a personal vehicle, e.g. repairs, maintenance, insurance, etc., and maintain their personal vehicle in a roadworthy condition at all times. The CONB will not be liable for repairs, maintenance, insurance, or replacement of a personal vehicle.

Any City department may further regulate the use of equipment, machines, tools, and vehicles with the approval of the City Manager, so long as those regulations do not conflict with this policy.

### **509 “Call In” and “On Call” Employees**

The definition of “on call” is being designated to be available to answer calls for his or her respective department during nonscheduled hours. An employee who may be called in to work is required to be available to respond to the workplace in a timely manner. Nonexempt employees who are “called in” to work outside of normal working hours will receive overtime for two-hours, or the actual time worked, whichever is greater.

Employees of the Neptune Beach Public Safety Department’s Labor Council who are recalled to duty, after having left for the day, or on a regularly scheduled day off, paid time off, or compensatory day, or more than two-hours prior to the start of their regular scheduled tour of duty shall be guaranteed a minimum of three-hours of pay at time and one half their regular wage.

Employees of the Neptune Beach Public Safety Department’s Labor Council is assigned to on call duty, the employee must be available and fit to return for duty promptly. An employee assigned to on call duty will receive one-hour of straight time pay for every working hour of on-call duty. In the event an employee assigned to on call duty fails to respond to a call to work or reports to work unfit, he or she will forfeit the on call pay and will be subject to disciplinary action, up to and including termination of employment.

### **510 Emergency Closings**

At times, emergencies such as severe weather, fires, power failures, or earthquakes, may disrupt the CONB’s operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during nonworking hours, employees will receive official notification by their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager.

If, in the sole discretion of the City Manager, it is determined that civil emergency conditions exist, including but not limited to riots, civil disorders, hurricane or other weather-related conditions, or similar catastrophes, the provisions of any collective bargaining agreements (CBAs) may be suspended during the time of the declared emergency, except for work performed during emergencies shall be compensated as

set forth in the CBAs.

When the decision to close is made AFTER the workday has begun, time off from scheduled work will be paid. When the decision to close is made BEFORE the workday has begun, time off from scheduled work may be paid. In cases where an emergency closing is not authorized, the following guidelines apply:

- Employees must inform their immediate Supervisor, the Division Chief, the Department Head, or the City Manager of the absence and the reason for the absence. The employee shall report to work immediately should weather conditions change allowing safe travel to the workplace.
- If an employee is unfavorably late due to severe weather conditions, the employee will not lose paid time unless the delay is longer than 60-minutes. Employees may use any available paid time off, compensatory time, or unpaid time for this time, or they may use flex-time with approval of their Department Head for delays of longer than 60-minutes but less than one-half day.

If the employee reports to work and is not needed or the department has been closed, the employee shall be paid for four-hours. Employees may use available paid time off, compensatory time, flex-time with approval of their Department Head, or unpaid time for the remainder of the day.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay. If the needs of the City require it, an employee may be temporarily assigned to another department at the employee's existing rate of pay.

## 512 Business Travel Expenses

The CONB may reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the City Manager, or his or her assigned designee. The City Council shall approve travel for the City Manager. Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives may be reimbursed by the CONB. Employees are expected to limit expenses to reasonable amounts per the guidelines below.

A travel reimbursement may generally be provided for the following expenses:

- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Mileage costs for use of personal cars, only when less expensive transportation is not available and payable at the mileage rate established by the Internal Revenue Service (IRS).
- Car rental fees, only for compact or mid-sized cars, if appropriate.
- Actual costs incurred for parking.
- Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- Taxi, Uber, or Lyft fares, only when there is no less expensive alternative with tips not exceeding 20% of the ground transportation fare.
- Cost of reasonable accommodations at a lodging rate published in the Federal Travel Regulations Guide. The City will pay the prevailing single room rate per traveler per night at the place of lodging. Hotel accommodations will be paid in advance by a City check made payable to the hotel, or charged to the City credit card.
- Reasonable cost of meals, in accordance with the current Meals and Incidental (M&I) rates published in the Federal Travel Regulations Guide. To qualify for the M&I rate, the employee must

remain in an official travel status for four-hours or more. On arrival and departure dates, meals will be reimbursed at 75-percent of the published rate. These amounts include up to a 20% tip and applicable taxes.

- Charges for telephone calls, fax, and similar services required for business purposes.
- Personal expenses incurred in traveling to include: personal telephone calls, laundry, personal entertainment, alcoholic beverages, and in-room movies are not reimbursable.

Employees who are involved in an accident while traveling on City-related business must promptly report the incident to their immediate Supervisor, the Division Chief, the Department Head, or the City Manager. Vehicles owned, leased, or rented by the CONB may not be used for personal use without prior approval.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

All expenditures for travel above \$500.00 inclusive shall be approved by any two authorities, including the Chief Financial Officer, the City Manager, the Vice Mayor, or the Mayor, prior to any registration or tickets purchased. Unbudgeted expenditures in excess of \$9,999.99 shall be approved by the Chief Financial Officer and the City Manager, as well as the Mayor or Vice Mayor, prior to purchase.

It is the responsibility of the employee to prepare and submit the Travel Expense Reconciliation/ Reimbursement Voucher with original, itemized receipts for expenses incurred within 30-days from the date of returning from the travel. Any expense considered excessive will be disallowed.

Employees should contact their immediate Supervisor, the Division Chief, the Department Head, or the City Manager for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, may be grounds for disciplinary action, up to and including termination of employment.

## 513 City Credit Cards

The City Manager is authorized to obtain credit cards for City departments at the request of the Department Director. The Department Head will be responsible for the safekeeping of the credit cards issued to his or her department. Credit cards will be kept in a secured location. The City Manager will maintain a usage log for each card identified by account number.

Employees may be issued a City credit card for work-related purchases. It is the responsibility of the employee to ensure that all charges on these cards are work-related charges. Employees will have to reconcile their credit card statements and submit receipts and/or other documentation for all work-related charges. In addition, employees may have access to make purchases on a City account for work-related purchases. Personal use of City credit cards or accounts will not be tolerated. Employees using City credit cards or accounts for personal use may be subject to disciplinary action, up to and including termination of employment; and the amount of the charge for non-work-related purchases must be repaid to the CONB by the employee.

Employees may contact the City Manager for additional information if they are issued a City credit card.



## 514 Visitors in the Workplace

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

Employees are responsible for the conduct and safety of their visitors. Visitors of employees are defined as persons at a City-owned facility for social reasons, or any purpose other than directly job-related.

If an unauthorized individual is observed on the CONB's premises, employees should immediately notify their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager, or, if necessary, direct the individual off of the property.

## 515 Social Media

Social media are defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Generally, these guidelines set forth in this social media policy should be applied to any online medium where information may reflect back on the image of the CONB, employees, agents, or residents. Examples include but are not limited to: blogs, LinkedIn, Twitter, Facebook, Instagram, Snapchat, YouTube, Web 2.0, AlertNeptune, Pinterest, Reddit, Nextdoor, Wikipedia or other wikis, etc. Any comments that the CONB employees may leave on others' blogs, chatrooms, Facebook pages, online journals, edits to wikis, responses to tweets, postings on message boards/forums, opinions on online polls or any product/services the CONB employees may author, as well as any file-sharing, including but not limited to Dropbox, Airdrop, or Google Drive are included in this policy. Employees are prohibited from accessing personal social media sites on the City-owned computers and electronic systems unless expressly authorized by the City Manager, and in order to effectively perform the duties of their job.

All social media accounts, blogs, Web pages and related content carrying the CONB brand identity are and will be owned and licensed by the CONB, as appropriate. Personal accounts, blogs, Web 2.0, and other Web pages and related content that do not carry the CONB's brand identity may be owned, licensed and operated by any employee. These sites should remain personal in nature and be used to share personal opinions or non-work-related information. City employees must never use their City email account or password in conjunction with a personal social networking, Web 2.0, or social media site. City employees who choose to have a personal social media, Web 2.0, or social networking account, and who choose to comment on posts about official City business must have the expressed written authorization of the City Manager, unless otherwise notified. If the CONB is referenced in any media as approved by the City Manager, or his or her assigned designee, all social media guidelines must apply or employees may be subject to disciplinary action, up to and including termination of employment.

Employees are prohibited from speaking on behalf of the City and identifying themselves as a representative of the City on non-City social media sites, except as authorized in writing by the City Manager. If an employee is authorized to speak on behalf of the City on non-City social media sites, the employee must read, sign, and return to the City Clerk the Employee Agreement for Use of Social Media form prior to accessing the social media site. A copy of the signed form will be maintained in the employee's personnel file. Employees who have received approval are prohibited from posting inappropriate content as set forth in this policy and should recognize that the City disclaims responsibility and/or liability to the fullest extent allowed by law for any inappropriate content or posting on any network or website.

All official City-related communication through social media, Web 2.0, and social networking outlets should remain professional in nature and should always be conducted in accordance with the City's policies, practices, and expectations. Employees must not use official CONB social media, Web 2.0, or social networking sites for political purposes to conduct private commercial transactions, or to engage in private business activities.

Employees who are not directly responsible for disseminating information to the public are not allowed to publish or comment on the City's social media page. All City social media sites require prior approval of the City Manager before any City account may be created. Such approval shall be based on whether such site furthers the City's interest, expectation, and ability in deciding what is, "spoken" on behalf of the City on social media sites; and to communicate with a broader audience to further the goals of the CONB and the missions of its individual departments, where appropriate.

While employees have the right to comment freely on social media about matters of public concern and issues or events of political, social, or other importance to the CONB community, these comments must not be unduly disruptive to the City's operations, or interfere with the employee's job duties. All employees should consider and follow these additional guidelines when posting on social media sites:

- Do not post or link any materials that are threatening, intimidating, coercing, or otherwise interfering with the performance of coworkers, or residents.
- Do not disclose information acquired in the course of one's work.
- When reposting or referencing a post on one of the City's online sites, provide a link to the original post or story.
- When relevant, employees should identify their affiliation with the City and their area of concentration. This adds credibility to the employee and the City.
- Do not evade guidelines by posting anonymously or under a screen name.
- Do respect the laws regarding copyrights, trademarks, rights of publicity and other third-party rights. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information that they use and accurately cite copyrighted works that they identify in the City's online communications. Do not infringe on City-owned logos, brand names, taglines, slogans, or other trademarks.
- If a negative post or comment is found online about the City or an employee, try not to counter with another negative post. Remedy the situation through a positive action.
- Employees who publish content to any website outside of the City's official online presence (this may include City websites as well as the City's presence on third-party sites) and it has something to do with subjects associated with the City, employees should consider a disclaimer such as this: "The postings are my own and do not necessarily represent the City's positions, strategies, or opinions."

As stated in Policy #517 – Internet Usage, all equipment, services, and technology provided to access the Internet remain at all times the property of the CONB. As such, the CONB reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. In addition, employees should understand that all information transmitted via the Internet is not considered to be confidential in nature and employees should not expect privacy of any information transmitted. Employees are also required to provide the CONB with all passwords used to access the Internet via City-owned equipment, services and technology, as requested by management.

The Website Administrator will monitor the City-related social media, Web 2.0, and social networking outlets at least once a day to respond to messages and remove any messages deemed removable. If a City social media site allows comments or posts by third-parties, the City may terminate the site at any time. If the City continues to use the social media site, the City reserves the right to edit or remove any

inappropriate content posted to the site. The City also reserves the right to turn off the ability of employees or third-parties to post or comment, in its discretion. The City does not intend to create a public forum, but to maintain a forum related to topics posted by the City.

City employees may not post the following information on any CONB social media sites, Web 2.0, or social networking outlets that includes:

- Confidential information
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM
- Comments not related to a topic posted by the City
- Content that promotes, fosters, or perpetuates discrimination
- Sexual content or links to sexual content
- Conduct or encouragement of illegal activity
- Information that may tend to compromise the safety or security of the public
- Accusations of immoral or illegal conduct
- Events, issues, or promotions not directly sponsored by, or related to the CONB
- Personal email addresses

Employees also may not remove their name or domain information from postings on a City-related social media site, nor access a City-related social media site anonymously to conceal their identity.

Social media sites are subject to applicable public records laws. Any content maintained in a social media format related to City business is a public record. Under Florida State Statutes Chapter 119, every response and submission to the City's website, including communication posted by the City and communication received from employees or residents is a public record and may be posted for as long as the Website Administrator allows for such item to remain posted. If any submission is removed by the City as allowed by City policy, all such removed submissions will be stored by the City offline and will be considered a public record available for inspection to the extent allowed by Florida State Statutes Chapter 119. Requests for public records may be made via the website but must be directed to the City Clerk.

While this policy is comprehensive, it is not all-inclusive. Employees who are in violation of any portion of this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees may contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Chief Information Officer, or the City Manager for additional information regarding social media.

## 516 Computer and Email Usage

Computers, computer files, the email system, and software furnished to employees are the CONB's property and intended for business use. However, incidental and occasional brief personal use of City-owned computers is permitted within reasonable limits. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer, Internet activity, and email usage may be monitored. All employees with computer access will provide log-in information and any changes to log-in information to the Chief Information Officer.

The CONB strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the CONB prohibits the use of computers and the email system in ways that are discriminatory, disruptive, obscene, threatening, harassing, intimidating, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to:

- Ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for employees, citizens, or visitors.
- Copying, pirating or downloading software and electronic files without permission.
- Participating in the viewing or exchange of pornography or obscene materials.
- Attempting to break into the computer system of another organization or employee.
- Refusing to cooperate with a security investigation.
- Disclosing information acquired in the course of one's work.
- Sending or posting messages that disparage another organization's products or services while engaged in performing their work tasks from a City-owned computer or mobile device.

The CONB purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, neither the CONB nor any employee has the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The CONB prohibits the illegal duplication of software and its related documentation or the installation of such software on City-owned equipment.

Employees should notify their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Chief Information Officer, or the City Manager upon learning of violations of this policy. Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law. Employees may contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Chief Information Officer, or the City Manager for additional information regarding computer and email usage.

## 517 Internet Usage

Internet access to global electronic information resources on the World Wide Web is provided by the CONB to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits, as long as it is reasonable, occurs during rest or meal periods, does not interfere with work, does not consume significant bandwidth so as to slow or otherwise impeded City operations, does not violate law, is conducted pursuant to this Internet use policy and is not conducted for profit.

All Internet data that is composed, transmitted, or received via the City's computer communications systems is considered to be part of the official records of the CONB and, as such, is subject to disclosure to law enforcement or other third-parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of the CONB. As such, the CONB reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. Data that

is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, marital status, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not obtained authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by the CONB in violation of law or the CONB policies may result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and may result in disciplinary action:

- Stealing, using, or disclosing someone else's code or password without authorization.
- Disclosing information acquired in the course of one's work.
- Violating copyright laws.
- Failing to observe licensing agreements.
- Engaging in unauthorized transactions that may incur a cost to the CONB or initiate unwanted Internet services and transmissions.
- Jeopardizing the security of the CONB's electronic communications systems.

While this policy is comprehensive, it is not all-inclusive. Employees who are in violation of any portion of this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees may contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Chief Information Officer, or the City Manager for additional information regarding Internet usage.

## 518 Workplace Monitoring

Workplace monitoring may be conducted by the CONB to ensure quality control, employee safety, security, and resident satisfaction. Employees who regularly communicate with residents may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our residents' image of the CONB as well as their satisfaction with our service.

Computers furnished to employees are the property of the CONB. As such, computer usage and files may be monitored or accessed. Employees tampering with a computer to bypass monitoring systems may be subject to disciplinary action, up to and including termination of employment. Refer to Policy #516 – Computer and Email Usage for additional information.

The CONB may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Recording events, phone calls, cell phone calls, meetings, or any other communication is prohibited unless appropriately authorized by the CONB and the recording is in accordance with federal and state laws. Any permitted recordings are the sole property of the City and shall not be used in any manner other than for official City-related business.

Because the CONB is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## 519 Speaking to the Media

The CONB strives to anticipate and manage crisis situations in order to reduce disruption to employees and to have met and to maintain the City's presence as a highly reputable municipality. To best serve these objectives, the CONB will respond to the news media in a timely and professional manner only through the designated spokesperson(s).

All media inquiries to a department should be reported to the City Manager in a timely manner via email. All media requests for public records must be filed with the City Clerk's Office through a public records request. If an employee receives a public records request from the media, it must immediately be forwarded to his or her Department Head, who will in turn submit it to the City Clerk. Employees who may speak to the media are encouraged to follow the guidelines below:

- When speaking with the media, employees must remember that they represent the CONB. All conversations should be polite, clear, professional in tone, and free of personal judgments and derogatory remarks. Despite the pressure of a reporter's deadline, employees should not hesitate to say they do not know the answer to a question. City employees should not speculate, extrapolate, offer opinions, or provide partial answers.
- When giving an interview or information to the media, employees would always consider that they are **ON THE RECORD**. At no time should an employee say something off the record as anything that is said may end up in a news report.

Employees may contact the City Manager for additional information or guidance on speaking to the media.

## 522 Workplace Violence Prevention

The CONB is committed to preventing workplace violence and to maintaining a safe work environment. The CONB has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during working hours or on its premises.

All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from being brought into City-owned facilities without proper authorization. This policy provision does not apply to Public Safety department employees, acting within their normal scope and capacity of employment.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to an immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the

City Manager. This includes threats by employees, as well as threats by residents, vendors, solicitors, or other members of the public. These situations may include knowledge of personal or family relationships that could bring violence into the workplace, or internal and external threats against coworkers. When reporting a threat of violence, employees should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to an immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager. Employees should not place themselves in harm's way. Employees who see or hear a commotion or disturbance near their workstation should not try to intercede or see what is happening.

The CONB will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the CONB may suspend employees, either with or without pay, pending an investigation.

The CONB encourages employees to bring their disputes or differences with other employees to the attention of their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager before the situation escalates into potential violence. The CONB is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns. Employees are required to notify the appropriate Department Head or the City Manager of any active protective orders or restraining orders they may have in place against another individual.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## 526 Mobile Device Usage

The CONB may provide a mobile device or a mobile device allowance for Department Heads and other assigned employees where the urgency of communication requires the use of such device as a business tool. The mobile devices or allowances are provided to assist Department Heads and other assigned employees in communicating with management and other employees, residents, vendors, and others with whom they may conduct business.

Employees eligible for a City-owned or issued mobile device or the monthly mobile device allowance are those whose job duties regularly include emergency call back, irregular working hours, other job-related factors that require the employee to routinely utilize a mobile device, such as the need to download and transmit data, where lack of timely communications with or from the employee has the potential to result in financial and/or operational harm to the City, and where the use of a mobile device routinely enhances their ability to perform the work of the City. With the approval of the City Manager, a monthly allowance more than the normal monthly allowance may be provided to any employee whose necessary City-related business justifies the need for a greater number of plan minutes or cellular data usage.

The responsibility for the use, care, and maintenance of City-owned or issued mobile devices rests with the departments and the employees to which the devices are assigned or issued. Personal and business use of assigned City-owned or issued mobile devices must comply with the CONB's Acceptable Use Policy Number 601.

Employees receiving a mobile device allowance must either maintain an active mobile device contract or a pay-as-you-go mobile device and may use their mobile device for both business and personal purposes, as needed. The employee must provide their contact information to their immediate Supervisor, the Division

Chief, the Department Head, the Human Resources Coordinator, or the City Manager and must immediately notify both parties if their contact information changes. The approved mobile device allowance will be paid monthly as a part of the employee's paycheck and will be subject to all applicable payroll taxes. This allowance does not constitute an increase in base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, or calculation of overtime, etc.

### **Security-Related Requirements**

All employees using City-owned or issued mobile devices shall comply with the following security requirements.

- **Mobile Device Management (MDM) Software** – All devices are required to have MDM installed and registered by the Information Technology (IT) Department prior to issue to the employee. Any mobile device, whether new, transferred from another employee, or currently in an employee's possession, must have MDM installed.
- **Password Policy Concurrency Requirements** – Employees who use a City-owned or issued mobile device must protect the mobile device through the use of a strong password consistent with CONB's Acceptable Use Policy Number 602.
- **Device Lock Requirements** – The settings of City-owned or issued mobile devices must be maintained in a manner so that the device locks itself and requires a password if it is idle for one or more minutes. The use of the device must be suspended after three failed log-in attempts. Mobile device lock pin-codes must be at least six-digits in length and issued by the IT Department.
- **Operating System Requirements** – The original operating system of a City-owned or issued mobile device must be maintained and kept current with security patches and updates. Altering, deviating, or changing the original operating system of a City-owned or issued mobile device is prohibited.
- **Software** – Any software on a City-owned or issued mobile device shall be used for City-related business. No software may be downloaded or installed on City-owned or issued mobile devices unless explicitly authorized by the IT Department.
- **Tampering Prohibited** – The security settings of City-owned or issued mobile devices may not be altered without consent of the IT Department, and with express permission from the City Manager.
- **Use by Others Prohibited** – The use of City-owned or issued mobile devices by anyone not authorized by the City, including but not limited to: an employee's family, friends, and business associates, is prohibited.
- **Cloud-Based Storage Regulated** – CONB-related content will not be backed up or otherwise stored to cloud-based storage or services without the consent of the City. Any back up or storage of CONB-related content with the consent of the City requires the employee to provide the City with access to the local or cloud-based storage to enable the City to review any such backups or other stored copies of the CONB-related content, when requested or required for the CONB's legitimate business purposes, including any security incident or investigation.
- **Wi-Fi and Hotspot Regulated** – All City-owned or issued mobile devices may not be used as a personal mobile hotspot without the consent of the IT Department. Further, all City-owned or issued mobile devices may not be used to transmit CONB-related data or information over an unsecured Wi-Fi network.
- **No Privacy** – Consistent with the CONB's Acceptable Use Policy Number 601, employees who are issued City-owned mobile devices for conducting City-related business may have no expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any such device, nor may employees have any expectation of privacy in their location in the event the City-owned or issued mobile device is equipped with location detection capabilities.
- **Inspection and Monitoring** – City-owned or issued mobile devices and their associated telephone numbers, if any, shall remain the sole property of the CONB. In accordance with the CONB's



Acceptable Use Policy Number 601, City-owned or issued mobile devices and all related records and content shall be subject to inspection or monitoring at any time after verbal or written notice to the employee that such inspection or monitoring is being conducted in response to a litigation request for discovery, a public records request, or an authorized administrative investigation of any kind.

- **Acquisition** – The acquisition of a City-owned or issued mobile device must be justified by the Department Director. Applicable procurement rules govern all acquisitions. All non-cell phone wireless devices shall be procured by the CONB's IT Department upon the request of the interested department. Departments are permitted to procure their own mobile devices as needed. However, every newly procured mobile device must be promptly delivered to the IT Department for MDM software installation. The IT Department will complete the installation and return the mobile device within one business day.
- **Inventory** – It is the responsibility of the employee and the department to maintain consistent accountability of all City-owned or issued mobile devices. In January and July of each year, departments must conduct a physical inventory of all City-owned or issued mobile devices and provide a written confirmation that all mobile devices are accounted for and in good working order. Departments are required to report to the IT Department immediately upon becoming aware of missing, lost, stolen, or malfunctioning mobile devices. If a City-owned mobile device is exchanged due to a malfunction, the department must notify the IT Department and include the exchange in the next physical inventory. Any City-owned or issued mobile device that is accessed by unauthorized persons or otherwise compromised must also be reported immediately to the Department Director, and to the IT Department.
- **Usage Monitoring** – Department Directors, or their designees are responsible for monitoring City-owned or issued mobile device usage, to include talk-time, text, and data-usage. The CONB prohibits the use of City-owned mobile devices in ways that are discriminatory, disruptive, obscene, threatening, harassing, intimidating, offensive to others, or harmful to morale.
- **Disposal** – All City-owned or issued mobile devices that become obsolete or replaced with newer devices must be promptly surrendered to the IT Department. Disposal shall be in accordance with §2-364 of the CONB's Code of Ordinances.

All employees who use their personal mobile devices in the course of their work shall comply with the Florida public records requirements and following security requirements:

- **Storage and Release of Information** – Employees using personal mobile devices to conduct City-related business must adhere to Florida public records laws regarding storage and release of information. Use of a personal mobile device to conduct City-related business requires that the employee cooperate with the CONB when the mobile device is a part of an investigation, litigation, or request for records.
- **Phone Numbers** – The phone numbers of personal mobile devices used for City-related business must be made available internally for City-related business and are subject to all applicable public records laws.
- **Records Retention** – All emails, voicemails, texts, messages, photographs, or recordings related to CONB business saved on a personal mobile device must be retained by the employee in accordance with the applicable retention schedules under the Florida public records law.
- **Records Requests** – If a public records request is made for written or voicemail communications, or social media postings relating to CONB business, employees using personal mobile devices for CONB-related business shall perform searches of their devices and provide a copy of all records responsive to the request that have not been previously transferred to the City.
- **Privacy** – Employees conducting City-related business on their personal mobile devices shall have no expectation of privacy for City-related business records. Voicemail messages, texts, and cell phone records created in the course of conducting City-related business may be considered public record and be subject to public review based on Florida State Statute Chapter 119. All business-

related messages must be forwarded to the employee's work email account.

- **Passwords and/or Encryption** – The use of passwords or encryption on an employee's personal mobile device used for CONB-related business does not provide any expectation of privacy or confidentiality in those records and does not diminish the public nature of government records on such devices.
- **Loss of a Personal Mobile Device** – The CONB is not liable for any damage to or the loss of personal mobile devices brought into the workplace.

Employees may have access to an organization-owned or personal mobile device while in vehicles and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees are prohibited from using mobile devices to conduct CONB business or personal matters while driving and should safely pull off the road and come to a complete stop before talking, emailing, texting, or engaging in data usage activities on the mobile device, unless utilizing a hands-free device. Texting while driving is a violation of Florida State Statute 316.305 and any employee who texts while driving a City-owned vehicle or during working hours will be subject to disciplinary action up to and including immediate termination. Employees who are charged with traffic violations resulting from the use of their mobile device will be solely responsible for all fines, penalties, and other liabilities that result from such actions. Employees also may not use an organization-owned or personal mobile device when operating machinery during the course of their shift.

Exceptions to the use of an organization-owned or personal mobile device while in vehicles includes:

- A motor vehicle that is stationary and not being operated.
- The operator of the motor vehicle who is performing official duties as an operator of an authorized emergency vehicle as defined in F.S. 322.01, to include: law enforcement, fire service, or emergency medical service employees.
- Reporting an emergency or criminal or suspicious activity to law enforcement authorities.
- Receiving messages that are related to the operation or navigation of the motor vehicle; safety-related information, to include: emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio broadcasts.
- Using a mobile device for navigation purposes.
- Using a mobile device that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function.
- Conducting wireless communications that do not require reading text messages, except to activate, deactivate, or initiate a feature or function.

As a representative of the CONB, mobile device users are reminded that the regular business etiquette of turning a mobile device to the off, vibrate, or silent settings employed when speaking from City-owned phones or in meetings applies to conversations conducted over a mobile device.

Employees are to refrain from talking on their personal mobile devices, texting, emailing, or accessing data during working hours and should conduct their personal business before their shift, during their lunch period or after hours.

Conduct that is in violation of these guidelines may be subject to prompt disciplinary action, up to and including termination of employment. The CONB may notify appropriate law enforcement authorities for any violation of this mobile device usage policy that includes illegal activities. The CONB reserves the right to pursue appropriate legal actions to recover any financial losses suffered as a result of violations of this policy.

Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## LEAVES OF ABSENCE

### 601 Family and Medical Leave Act (FMLA)

Under the Federal Family and Medical Leave Act of 1993, as amended (FMLA), an employee may be eligible for a period of job-protected unpaid leave if they meet the criteria set forth in the FMLA.

#### General Eligibility

To qualify for FMLA leave an employee:

- must be an employee of the CONB;
- must have worked at the City for at least 12-months;
- must have worked at least 1,250 hours (paid time off does not count towards the 1,250 hours) during the past 12-month period before the leave is to begin; and
- must work at a worksite at which the City employs at least 50 employees within a 75-mile radius.

#### Types and Duration of FMLA Leave

##### Basic FMLA Leave and Active Duty Leave

An employee may be eligible for up to 12-weeks of unpaid leave in a rolling 12-month period for the following reasons:

- the birth of a child and to care for such child or placement for adoption or foster care of a child;
- to care for an immediate family member (spouse, child under 18-years old or 18 and over that is incapable of self-care, or parent) with a serious health condition;
- because of a serious health condition which renders an employee unable to work; or
- “Active Duty Leave,” defined as leave due to any qualifying exigency arising out of the fact that an employee’s spouse, son (of any age), daughter (of any age) or parent is a “covered military member”. “Covered military member” means a member of the Armed Forces or a member of the Reserves (including the National Guard or Reserves) who is on “covered active duty,” or has been notified of an impending call or order to covered active duty. For members of the Armed Forces, “covered active duty” means duty during deployment of the member with the Armed Forces to a foreign country. For members of the Reserves, “covered active duty” means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.

##### Military Caregiver Leave

An employee also may take military caregiver leave to care for a spouse, son (of any age), daughter (of any age), and parent or next of kin (i.e., closest living relative) who is a “covered service member.” A “covered service member” is (i) a current service member of the Armed Forces or Reserves, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (ii) a veteran of the Armed Forces (including the National Guard and Reserves) who is discharged (other than dishonorably discharged) within the five-year period before the eligible employee takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. For a current service member, “serious injury or illness” means an injury or illness incurred or aggravated by the covered service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. For a veteran, “serious injury or illness” means an injury or illness that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work, regardless of whether the injury or illness manifested before or after the individual became a veteran.

Eligible employees are entitled to a total of 26-weeks of unpaid military caregiver leave during a single 12-month period. This single 12-month period begins on the first day an eligible employee takes military caregiver leave and ends 12-months after that date. The leave entitlement described in this paragraph applies on a per-covered service member, per-injury basis. However, no more than 26-weeks of leave may be taken within a single 12-month period by any covered employee. Even in circumstances where an employee takes other leave covered by the federal FMLA under the bullets in the basic FMLA Leave and Active Duty Leave section above, the combined leave shall not exceed 26-weeks during that 12-month period.

### **Definitions**

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- in-patient care (i.e., an overnight stay) in a hospital or other medical care facility (including any period of incapacitation or any subsequent treatment in connection with such in-patient care);
- a period of incapacitation of more than three consecutive full calendar days, and any subsequent treatment or period of incapacitation relating to the same condition that also involves (i) treatment two or more times by a health care provider or under the supervision of a health care provider within 30-days of the start of the incapacitation, or (ii) treatment by a health care provider on at least one occasion within seven-days of the start of the incapacitation which results in a regimen of continuing treatment under the supervision of a health care provider;
- any period of incapacitation due to pregnancy, or for prenatal care;
- any period of incapacitation due to a chronic serious health condition requiring periodic visits of at least twice a year for treatment by a health care provider;
- a period of incapacitation which is permanent or long-term due to a condition for which treatment may not be effective, during which the employee (or family member) must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
- any period of absence to receive multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacitation of more than three consecutive calendar days in the absence of medical intervention or treatment.

A "qualifying exigency" refers to the following circumstances:

- Short-notice deployment - to address issues arising when the notification of a call or order to active duty is seven-days or less;
- Military events and related activities - to attend official military events or family assistance programs or briefings;
- Childcare and school activities -for qualifying childcare and school-related reasons for a child, legal ward or stepchild of a covered military member;
- Care of the military member's parent - for certain activities related to the care of a covered military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice, or social service providers;
- Financial and legal arrangements - to make or update financial or legal affairs to address the absence of a covered military member;
- Counseling - to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or child, legal ward, or stepchild of the covered military member;
- Rest and recuperation - to spend up to 15-days for each period in which a covered military member is on a short-term rest leave during a period of deployment;

- Post-deployment activities - to attend official ceremonies or programs sponsored by the military for up to 90-days after a covered military member's active duty terminates or to address issues arising from the death of a covered military member while on active duty;
- Additional activities for other events where the City and the employee agree on the time and duration of the leave.

### **When Spouses Work Together**

A husband and wife, when both are eligible for FMLA and both work at the City, are eligible for either a combined 12-weeks of unpaid leave for the birth or placement of a child, or to care for a parent who has a serious health condition. A husband and wife will be eligible for a combined 26-weeks of unpaid military caregiver leave as discussed above. If the husband or wife taking military caregiver leave also takes leave for the birth or placement of a child, or to care for a parent who has a serious health condition, that leave also may count toward the 26-weeks of combined military caregiver leave during a single 12-month period.

### **Notice of Need for FMLA Leave**

If the leave is foreseeable (birth or placement, planned medical care, leave due to active duty of an immediate family member), the employee must provide at least 30-day's advance notice. If circumstances prevent providing the 30-day's advance notice, then the employee should provide as much notice as possible. If an employee fails to give the required notice for foreseeable leave with no reasonable excuse, the employee may be denied the taking of the leave until the employee provides adequate notice of need for the leave. Employees should make every reasonable effort to schedule medical treatments so as not to disrupt the ongoing operations of the department.

### **Intermittent FMLA Leave**

Intermittent leave also may be available depending upon an employees' serious health condition, or an employee's immediate family member's serious health condition. Intermittent or reduced schedule leave for the birth or placement of a child for adoption or foster care may be taken only with approval from the City Manager in writing. Military caregiver leave may be taken intermittently or on a reduced leave schedule when medically necessary. Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular 12-week schedule. If intermittent or reduced leave is approved, the CONB may require the employee to schedule the leave so as not to unduly disrupt its operations, or the employee may be placed in an alternate position which better accommodates the intermittent leave schedule.

Employees taking intermittent leave must follow the CONB's standard call-in procedures absent unusual circumstances.

### **Documentation Supporting FMLA Leave**

An employee's reason for the leave must be covered under FMLA and they must provide a completed FMLA Certification of Health Care Provider Form supporting the need for the leave. A request for reasonable documentation of family relationship verifying the legitimacy of a FMLA leave may also be required.

The employee will have 15-days in which to return a completed certification form following receipt of the form from the CONB. If the employee fails to provide timely certification after being required to do so, they may be denied the taking of the leave under the FMLA. If the certification form is incomplete or insufficient, an employee will be given written notification of the information needed and will have seven-days after receiving such written notice to provide the necessary information. \

If there is reason to doubt the validity of the medical certification, a second opinion, at the expense of the CONB, related to the health condition may be required. If the original certification and the second opinion differ, a third opinion, at the expense of the CONB, may be required. The opinion of the third health care provider, which the CONB and the employee jointly select, will be the final and binding decision.

A request for Active Duty Leave must be supported by the Certification of Qualifying Exigency for Military Family Leave form as well as appropriate documentation, including the covered military member's active duty orders. A request for military caregiver leave must be supported by the Certification for Serious Injury or Illness of Covered Service member form as well as any necessary supporting documentation.

### **Recertification**

Under certain circumstances as provided by law, including, but not limited to situations in which the need or nature of the approved leave changes, the CONB may, in its sole discretion, require recertification of an employee's serious health condition.

### **Return to Work**

If an employee's position is eliminated during their FMLA leave time, e.g. layoff, departmental restructuring, etc. the employee will not be entitled to return to his or her former or an equivalent position. Employee's whose FMLA leave was for their own personal medical condition must, prior to reinstatement, submit a medical certification to the City Manager's Office as to their ability to return to work, subject to a second medical opinion as deemed necessary by the CONB, or a third medical opinion as provided in the FMLA. Employees who do not return to work immediately following release from the health care provider as fully restored to perform all the essential functions of his or her position, will be considered to have voluntarily terminated employment as of the date of the release. Employment will be terminated if an employee is not able to return to work at the end of the FMLA.

### **Substitution of Paid Leave**

Employees must substitute all earned paid time off for unpaid FMLA leave. FMLA and any paid time off, run concurrently. The entire 12-week FMLA is not in addition to the paid leave, however, is any remaining portion after the paid leave time is subtracted. If an employee requires leave in excess of the weeks for which they are eligible, they will not be assured a position with the CONB upon their return.

### **Benefits during FMLA Leave**

During the approved FMLA leave, the employee's coverage under the CONB's benefits will continue, but if the employee goes without pay, they must pay their share of any payroll-related deductions, if applicable. It is the employees' responsibility to make arrangements with the Finance Department to pay their portion of the payroll-related deductions during the unpaid period of absence. All other benefits will be suspended during the leave.

## **602 Medical and Parental Leaves**

The CONB may provide a medical or parental leave of absence to eligible employees who wish to take time off from work duties for a medical-related leave for the employee, for the employee to care for the medical-related needs of an immediate family member, or for the birth, adoption, or foster care of a child. Employees must first utilize all available paid time off, personal days, and compensatory time prior to being approved for a paid medical or parental leave. Family and Medical Leave Act (FMLA) benefits will run concurrently with an approved medical or parental leave.

Employees in the following employment classification(s) may be eligible to request a medical or parental leave as described in this policy:

- Regular full-time employees

### **Medical Leave**

Medical leave may be granted to eligible employees after one-year of continuous employment for their own serious health condition, or for the serious health condition of their immediate family member. Immediate

family member is defined as spouse or domestic partner, parents and parents-in-law, children (natural, step, adopted) under 18-years old or 18 and over that is incapable of self-care, siblings, and grandparents and grandparents-in-law. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- In-patient care, e.g. an overnight stay, in a hospital or other medical care facility (including any period of incapacitation or any subsequent treatment in connection with such in-patient care);
- A period of incapacitation of more than three consecutive full calendar days, and any subsequent treatment or period of incapacitation relating to the same condition that also involves treatment two or more times by a health care provider or under the supervision of a health care provider within 30-days of the start of the incapacitation, or treatment by a health care provider on at least one occasion within seven-days of the start of the incapacitation which results in a regimen of continuing treatment under the supervision of a health care provider;
- Any period of incapacitation due to pregnancy, or for prenatal care;
- Any period of incapacitation due to a chronic serious health condition requiring periodic visits of at least twice a year for treatment by a health care provider;
- A period of incapacitation which is permanent or long-term due to a condition for which treatment may not be effective, during which the employee (or family member) must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
- Any period of absence to receive multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacitation of more than three consecutive days in the absence of medical intervention or treatment.

Recognizing that an employee's leave needs are varied, the CONB provides two types of medical leave as described below:

- **An Employee's Serious Health Condition** - An employee may apply for a paid medical leave for up to three-weeks when needed for their own serious health condition. The employee may also request an additional three-weeks of unpaid leave followed by the use of up to two-weeks of the employee's available, but unused paid time off or personal days, or two-weeks of unpaid time off if no paid time off is available. Prior to the start of the three-week paid leave, the employee must provide their intended return date with their manager. Exceptions to this policy may be made depending on the circumstances.
- **Serious Health Condition of an Immediate Family Member** - An employee may request up to three-weeks of paid leave with the expectation to use up to one-week initially and reserve the ability to use the remaining days over the next three-months as needed. Exceptions to this policy may be made depending on the circumstances and the leave must be pre-approved by the City Manager.

### **Parental Leave**

Parental leave may be granted to eligible employees after one-year of continuous employment for time off for maternal and paternal partners for the birth, adoption, or foster care of a child. Recognizing that parental leave needs are varied, the CONB provides three types of parental leave as described below:

- **Parental Leave/Maternity, Adoption, or Foster Care** – An employee may request three-weeks of paid leave followed by the use of up to two-weeks of the employee's available, but unused paid time off or personal days, or two-weeks of unpaid time off, if no paid time off is available. In the event of an adoption or foster care situation, the primary caregiver will qualify for equal or like benefits. Prior to the start of the three-week paid leave, the employee must provide their intended return date with their manager. Exceptions to this policy may be made depending on the circumstances.

- **Parental Leave/Paternity** – An employee may request up to three-weeks of paid leave with the expectation to use up to one-week initially and reserve the ability to use the remaining days over the next three-months as needed. Prior to the start of the three-weeks paid leave, the employee must provide their intended return date with their manager. Exceptions to this policy may be made depending on the circumstances.

### **Requesting a Leave**

As soon as eligible employees become aware of the need for a medical or parental leave of absence, they should request a leave from the City Manager in writing. Requests for a medical leave or parental leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of the absence. The City Manager has the sole discretion to either approve or deny a medical or parental leave of absence. An employee may only apply for one medical or parental-related leave during any calendar year.

### **Benefits**

During the approved medical leave or parental leave, PTO, personal days, holidays, and bereavement leave will be suspended and will resume upon the employee's return to active employment. Paid medical leave and parental leave run concurrent with family and medical leave and are not in addition to family and medical leave. See Policy #601 Family and Medical Leave Act (FMLA) for additional information. Health insurance benefits will continue in the same manner in which they were prior to the start of the leave unless the employee goes into an unpaid leave status. At that time, the employee is responsible for making prior arrangements with the Clerk-Treasurer's Office to pay for his or her portion of all payroll-related deductions.

### **Other Employment**

An employee who is self-employed or accepts other employment or works for any another employer during a medical or parental leave must report such work immediately to his or her Supervisor, or the City Manager. An employee who works in one of the above capacities at any time during his or her medical or parental leave may be considered to have voluntarily terminated his or her employment as the date such employment began. Refer to Policy #110 – Outside Employment for additional information.

### **Return to Work**

In the event that the employee returns to work at the end of the approved leave period, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the CONB cannot guarantee reinstatement in all cases. If an employee fails to report to work promptly at the expiration of the approved leave period, the CONB will assume the employee has resigned. The CONB will comply with federal and state laws regarding the use of medical and parental leaves of absence.

## **603 Personal Leave**

The CONB may provide a leave of absence without pay to eligible employees who wish to take time off from work to fulfill personal obligations. Employees must first use all available paid time off and compensatory time prior to requesting a personal leave of absence. Employees in the following employment classification(s) may be eligible to request personal leave as described in this policy:

- Regular full-time employees

Eligible employees may request personal leave only after having completed one-year of service. As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from the City Manager.



Personal leave may be granted for a period of up to 30 calendar days every one-year. If this initial period of absence proves insufficient, consideration may be given to a written request for a single extension of no more than 30 calendar days at the discretion of the City Manager. With the City Manager's approval, an employee may take any available paid time off as part of the approved period of leave. Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, medical, dental, and vision insurance benefits will be provided by the CONB until the end of the month in which the approved personal leave begins. During a personal leave of absence, the employee is responsible for paying their portion of all insurance benefits. It is the employees' responsibility to make arrangements with the Finance Department to pay their portion of the payroll-related deductions during the unpaid period of absence. All other benefits will be suspended during the leave. Paid time off benefits, personal days, holidays, and bereavement leave will be suspended during the approved personal leave period.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the CONB cannot guarantee reinstatement in all cases. If an employee fails to report to work promptly at the expiration of the approved leave period, the CONB will assume the employee has voluntarily terminated employment with the City.

## 604 Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. Uniformed Services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) or in accordance with Florida State Statute Chapter 115. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees who are members of the National Guard are entitled to up to 30-days of paid leave per year for a named event, declared disaster, or other emergency. The portion of any military leaves of absence in excess of 30-days will be unpaid. Employees may use any available paid time off for the unpaid absences, but are not required to do so. Further, employees who are Civil Air Patrol Members may receive unpaid leave for up to 15-days per year for purposes of participating in Civil Air Patrol training or missions. Employees may use any available paid time off for the unpaid absences, but are not required to do so.

All paid time off, personal days, holidays, and bereavement leave will be suspended during the leave, after the first 30-days and will resume upon the employee's return to active employment. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

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

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Paid military leave is paid at the employee's current pay rate at the time of the leave and will be considered hours worked for the purposes of performing the calculation of overtime.

Employees may contact the City Manager's Office for additional information regarding military leave.

## 605 Domestic or Sexual Violence Leave

The CONB makes available an unpaid domestic or sexual violence leave for employees. Employees may request and use up to three days of leave in any 12-month period if the employee or a family member of the employee is a victim of domestic violence or sexual violence. Employees must give their Department Head appropriate advance notice of the need for leave, except in cases of imminent danger to health or safety of the employee or the employee's family or household member.

Employees may use any available paid time off, or personal days for a domestic or sexual violence leave, but are not required to do so. Employees may contact their Department Head for additional information regarding domestic or sexual violence leave.

## EMPLOYEE CONDUCT & DISCIPLINARY ACTION

### 701 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, the CONB expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of City-owned or resident-owned property.
- Actual or attempted fraud against a resident, visitor, another employee, or the City.
- Falsification of timekeeping records or any other City-related document.
- Soliciting or accepting gratuities from residents or visitors.
- Working under the influence of alcohol or illegal drugs.
- Actual, or the suspicion of, manufacturing, distributing, dispensing, possessing, purchasing, selling, using, transferring, or being under the influence of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned vehicles or equipment.
- Fighting or threatening violence in the workplace.
- Being insubordinate, threatening, intimidating, coercing, disrespectful, or assaulting a coworker, resident, or vendor.
- Unauthorized use of City-owned equipment, machines, tools, or vehicles, etc. or the unauthorized transportation of passengers in a City-owned vehicle.
- Negligence or improper conduct leading to damage of City-owned or resident-owned property, or using City-owned supplies or equipment in a wasteful manner.
- Excessive documented tardiness or absenteeism, or failing to observe the starting and ending of a shift, breaks, or meal periods.
- Violation of safety or health rules, or failure to report an injury or accident regarding an employee.
- Smoking, e-cigarettes, chewing tobacco, and other tobacco use are not permitted on City-owned property and in City-owned vehicles.
- Gambling on any City-owned or resident's premises.
- Sexual or other unlawful or unwelcome harassment, discrimination, or retaliation.
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
- Unauthorized use of telephones, mail system, or other City-owned equipment.

- Unauthorized disclosure of business "secrets" or confidential information acquired in the course of one's work.
- Entering or leaving the City's facilities without permission.
- Violation of any personnel policy.
- Failing to report any observed or known violations of any policy.
- Immoral or indecent conduct, sleeping on duty, or interfering with the work performance of another employee.
- Performing personal business during working hours that limits or hinders job performance, including the excessive use of websites, web logs, social networking, and other electronic communication.
- Failure to wear prescribed uniform or clothing.
- Unsatisfactory performance, concealing defective work, or deliberately reporting inaccurate results or information.
- Fraudulently obtaining workers' compensation benefits.
- Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.

Employment with the CONB is at the mutual consent of the CONB and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## 702 Drugs and Alcohol Use/Testing

It is the CONB's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs.

While conducting business on behalf of the CONB, no employee may manufacture, distribute, dispense, possess, purchase, sell, use, or be under the influence of alcohol or illegal drugs or in possession of drug paraphernalia. In addition, the unauthorized use or possession of prescription drugs or over-the-counter drugs, or CBD oils is prohibited. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks.

To help ensure a safe and healthful working environment the CONB may conduct drug and alcohol testing under any one of the following circumstances:

- Post-offer testing of all applicants
- Reasonable suspicion of current employees
- Post-accident of current employees
- Random testing of current employees in accordance with DOT regulations
- Random testing of current employees who are assigned a take-home vehicle
- Return-to-duty for current employees

Employees may be asked to provide body substance samples, such as urine, blood, hair and/or saliva, to determine the illicit use of drugs and/or alcohol. The legal use of prescribed drugs, over-the-counter drugs, and CBD oils are permitted on the job only if they do not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that do not endanger other individuals in the workplace.

Employees who are taking prescription drugs, over-the-counter drugs, or who are using CBD oils at the time of the testing will be required to inform the testing facility of those legally prescribed drugs, over-the-counter drugs, or CBD oils that they are currently utilizing. This information will be considered

confidential under the guidelines of the Health Insurance Portability and Accountability Act (HIPAA). Refer to Policy #214 – Medical Information Privacy for additional information.

Employees who are not able to provide sufficient body substance samples will be evaluated by a physician selected by the CONB. If the physician cannot find a legitimate medical explanation for the inability to provide a body substance sample, it will be considered a refusal to test. In that circumstance the applicant and/or employee has violated one of the prohibitions of the policy.

Both drug and alcohol testing may be performed on an employee following any accident involving a fatality or any accident in which the driver receives a citation under any state or local law for a moving traffic violation arising from an accident. An accident is defined as an incident involving a vehicle in which there is a fatality, an injury treated away from the scene, or where the vehicle is towed from the scene. When a post-accident drug or alcohol test is required, it should be performed as soon as possible following the accident. If no alcohol testing may be made within eight-hours, attempts to collect a breath or blood sample will cease and if no urine specimen may be obtained within 32-hours, attempts to make such a collection will cease. As with any accident or injury, employees are required to contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the Safety & Compliance Officer, or the City Manager immediately. Refer to Policy #306 – Workers' Compensation Insurance, Policy #501 – Safety, and Policy #508 – Use of Equipment, Machines, Tools and Vehicles for additional information.

Random testing will be completed by a third-party vendor and may result in employees being selected in successive selections or more than once in a calendar year. Alternatively, some employees may not be selected in a calendar year. Any employee scheduled for a random test will be required to immediately proceed to the testing facility to submit for the test. If the employee is not present at work on that day, they are required to proceed to the testing facility on the next day that they are at work. Refusal to participate will be considered as the employee violating one of the prohibitions of the policy.

Return-to-duty testing may be required for employees who want to return to work after being off of work due to a leave of absence, suspension, or other long-term reason. Testing in this circumstance will be determined at the discretion of the Department Head or the City Manager. However, refusal to participate will be considered as the employee violating one of the prohibitions of the policy.

Violations of this policy and/or substitution, adulteration or refusal to submit to drug and/or alcohol testing may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program for current employees. Such violations may also have legal consequences and the CONB may cooperate with all law enforcement officials.

When a positive test is received by the CONB, a first offense means that the employee may be subject to disciplinary action, up to and including termination of employment. If the employee receives either a verbal or written documented form of progressive discipline or is suspended after a positive test result, he or she must submit to another test and have a negative result within six-weeks from the date he or she was tested positive for drugs and/or alcohol. The CONB will decide when the test will be administered. Before the employee returns to work, after the testing, he or she will be required to sign a reinstatement agreement that states under what conditions the employee will be reinstated and that random drug testing may be conducted on that employee up to one-year. Any subsequent positive results will result in an immediate involuntary termination of employment.

If the employee believes that the drug and/or alcohol test has produced a false positive, the employee may at his or her own expense submit for another drug test. If the retest produces a negative result, the employee may be reinstated if the CONB is satisfied that the retest conforms to the scientifically accepted methods

and procedures for collection.

### **Drug-Free Workplace Program**

The CONB participates in the drug-free workplace program under the Office of Criminal Justice Grants. As such, the CONB has established an ongoing drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the policy of maintaining a drug-free workplace, the availability of drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify their Department Head or the City Manager of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five-days of the conviction.

### **Voluntary Disclosure of Drug and/or Alcohol Use**

City employees who are dependent upon or abusing drugs and/or alcohol and sincerely wish to seek professional medical care should voluntarily discuss his or her situation with their Department Head in a private setting. Such voluntary request for treatment with substance abuse will be honored by the City. If substance abuse treatment is required, the employee will be removed from active duty pending completion of a treatment program. All substance abuse treatment will be at the employee's expense.

Affected employees may be allowed up to 30 consecutive calendar days for initial substance abuse treatment under the Family and Medical Leave Act (FMLA). The employee must use all available paid time off and compensatory time during this treatment. In the event that accumulated paid time off and compensatory time is insufficient to provide the medically prescribed treatment, the employee will be provided unpaid personal leave for the difference between the amount of accumulated leave and the number of days prescribed up to the maximum 30-day treatment period. Refer to Policy #603 – Personal Leave for additional information. Voluntary disclosure must occur before an employee is notified of, or otherwise becomes subject to, a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the Substance Abuse Professional (SAP) of the City. The SAP may suggest conditions of reinstatement of the employee that may include after-care, return-to-duty responsibilities, and random drug and alcohol testing requirements. The employee's Department Head and the City Manager will consider each case individually and set forth final conditions of reinstatement to active duty. The conditions of reinstatement must be met by the employee. Failure to complete treatment, or follow after-care conditions, or failure of any subsequent drug or alcohol test will result in disciplinary action, up to and including termination of employment.

Under the Florida Medical Marijuana Legalization Initiative, a “qualifying patient” may use marijuana with a prescription from a physician. A “qualifying patient” is defined as a person who (i) has been diagnosed to have a debilitating medical condition; (ii) has a physician certification; and (iii) has a valid qualifying patient identification card. Amendment Two does not require accommodation of any onsite medical marijuana use in a place of employment. Therefore, employees are prohibited from consuming, smoking, or ingesting marijuana in the workplace. In addition, the amendment does not allow for the “operation of a motor vehicle, boat, or aircraft while under the influence of marijuana. Florida's medical marijuana laws do not require the CONB to accommodate the medical use of marijuana in the workplace or any employee working while under the influence of marijuana.

### **Northeast Florida Public Employees Local 630**

The Northeast Florida Public Employees Local 630 Collective Bargaining Agreement provides the following details for employees. The following cut-off levels shall be used for the first specimen screening. All levels equal to, or exceeding the levels listed below shall be reported as positive.

<b>Name of Drugs/Alcohol</b>	<b>Cut-Off Levels</b>
Alcohol (Ethyl)	0.04g%
Amphetamines, e.g. Speed	1,000 mg/ml
Barbiturate, e.g. Amobarbital, Butobarbital, Phenobarbital, Secobarbital	300 mg/ml
Cocaine	300 mg/ml
Methaqualone, e.g. Quaalude	300 mg/ml
Opiates, e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone	300 mg/ml
Phencyclidine (PCP)	25 mg/ml
THC (Marijuana)	100 mg/ml

An applicant or employee whose drug test yields a positive result shall be given a second test using a gas chromatography/mass spectrometry (GC/MS) test. The second test shall use a portion of the same test sample withdrawn from the applicant or employee for use in the first test. If the second test confirms the positive test result, the employee shall be notified of the result, the particular substance found, and the concentration level in writing by the appropriate Department Head, or his or her designee.

The following cut-off levels shall be used for the confirmation specimen screening. All levels equal to, or exceeding the levels listed below shall be reported as positive.

<b>Name of Drugs/Alcohol</b>	<b>Cut-Off Levels</b>
Alcohol (Ethyl)	0.04g%
Amphetamines, e.g. Speed	500 mg/ml
Barbiturate, e.g. Amobarbital, Butobarbital, Phenobarbital, Secobarbital	150 mg/ml
Cocaine	150 mg/ml
Methaqualone, e.g. Quaalude	150 mg/ml
Opiates, e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone	300 mg/ml
Phencyclidine (PCP)	25 mg/ml
THC (Marijuana)	15 mg/ml

An employee whose second test confirms the original positive test result may, at the employee's own expense, have a third test conducted on the same sample at a laboratory accredited by the Joint Commission Accreditation of Hospitals (JCAH). If an employee's positive test result has been confirmed, the employee is subject to disciplinary action, up to and including termination of employment. The employee is entitled to a hearing before the City Manager.

Refer to the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) for additional information regarding drug and/or alcohol testing for member employees.

**Neptune Beach Public Safety Department's Labor Council**

The Neptune Beach Public Safety Department's Labor Council Collective Bargaining Agreement (CBA) provides the following information for member employees.

When drug and alcohol screening is required, a urinalysis test will be given to detect the presence of the following drug groups:

<b>Name of Drugs/Alcohol</b>
Alcohol (Ethyl)

Amphetamines, e.g. Speed
Barbiturate, e.g. Amobarbital, Butobarbital, Phenobarbital, Secobarbital
Cocaine
Methaqualone, e.g. Quaalude
Opiates, e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone
Phencyclidine (PCP)
THC (Marijuana)

Before a drug and/or alcohol test is administered, employees will be asked to sign a consent form permitting the release of the test results to their Department Head and/or the City Manager. This consent form shall provide space for employees to acknowledge that they have been notified of the City’s drug testing policy and to indicate current or recent use of prescription drugs or over-the-counter medications.

An employee whose drug test yields a positive result shall be given a second test using a chromatography/mass spectrometry (GS/MS) test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the first test. If the second test confirms the positive test results, the employee shall be notified in writing by their Department Head. An employee whose second test confirms the original positive test result may, at the employee’s own expense, have a third test conducted on the same sample at a laboratory approved by the City.

If an employee’s positive test result has been confirmed, the employee is entitled to a hearing before the City Manager. Refer to the Neptune Beach Public Safety Department’s Labor Council Collective Bargaining Agreement for additional information regarding drug and/or alcohol testing for member employees.

While this policy is comprehensive, it is not all inclusive and employees will be required to follow those regulations surrounding substance abuse, as appropriate. Employees should contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager if they have questions or concerns related to drugs or alcohol use/testing. Employees may raise their concerns without fear of reprisal.

### 703 Sexual and Other Unlawful Harassment

The CONB is committed to developing a work environment free of unlawful harassment and discrimination. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the CONB expects that all relationships among persons in the organization will be business-like and free of bias, prejudice, and harassment.

#### **Equal Employment Opportunity**

It is the policy of the CONB to ensure equal employment opportunity without harassment or discrimination on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, marital status, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws.

#### **Definitions of Harassment**

I. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purpose of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (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 or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; improper use of email or voice mail; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the work place of sexually suggestive objects or pictures including screen savers or improper emails or attachments; and other physical, verbal or visual conduct of a sexual nature.

II. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that derogates or shows hostility or aversion toward an individual on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, marital status, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by law or that of his or her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; derogatory jokes; and written or graphic material that derogates or shows hostility or aversion toward an individual or group or that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

Individuals found to be performing such harassing conduct may be subject to disciplinary action, up to and including termination of employment.

### **Individuals and Conduct Covered**

These policies apply to all employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the CONB, e.g., an outside vendor, consultant, or resident.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

### **Retaliation Is Prohibited**

The CONB encourages reporting of all perceived incidents of harassment or discrimination. It is the policy of the CONB to investigate such reports. The CONB prohibits retaliation against any individual who reports harassment or discrimination or participates in an investigation of such reports.

### **Reporting an Incident of Harassment, Discrimination, or Retaliation**

The CONB encourages reporting of all perceived incidents of harassment, discrimination, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victims of harassing conduct should discuss their concerns with their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the City Manager, the Mayor, or a member of the City Council.

In addition, the CONB encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The CONB recognizes, however, that an individual may



prefer to pursue the matter through informal or formal complaint procedures.

### **Complaint Procedures**

If for any reason an individual does not wish to address the offender directly, or if addressing the offender does not successfully end the offensive conduct, the individual should notify his or her immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the City Manager, the Mayor, or a member of the City Council. In addition, there may be instances in which an individual seeks only to discuss matters with one of the CONB designated representatives, and such discussion is encouraged.

An individual reporting harassment, discrimination, or retaliation should be aware however, that the CONB may find it necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual.

As noted above, individuals who believe they have been the victims of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, the City Manager, the Mayor, or a member of the City Council.

The CONB encourages the prompt reporting of complaints or concerns so that rapid and corrective action may be taken before relationships become irreparably damaged. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct, or may have other relevant knowledge.

Retaliation against an individual for reporting harassment or discrimination, or for participation in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination of employment. Acts of retaliation should be reported immediately and will be investigated and corrective action taken promptly. Corrective action may include, retraining, referral to counseling and/or disciplinary action up to and including termination of employment, withholding of a promotion or pay increase, reassignment, or temporary suspension without pay as deemed appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may appeal to the City Council.

### **Confidentiality**

The CONB will make all reasonable efforts to maintain the confidentiality of all parties involved in a harassment investigation. Confidentiality, however, cannot be guaranteed. For example, some details or identities may need to be revealed in order to fully investigate the harassment complaint.

### **False Claims of Sexual Harassment, Discrimination, and/or Retaliation**

In order to cover all possibilities of misconduct, the CONB reserves the right to discipline employees who have falsely accused another of sexual harassment, discrimination, and/or retaliation. This does not mean that a complaint will be considered "false" solely because it cannot be corroborated.

### **Conclusion**

The CONB has developed this policy to ensure that all its employees may work in an environment free from harassment, discrimination and retaliation. The CONB will make every reasonable effort to ensure that all necessary persons are familiar with these policies and aware that any complaint in violation of such

policies will be investigated and resolved appropriately.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of the CONB prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further those policies, not to form the basis of an exception to them. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees may contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager for additional information regarding sexual or other types of harassment.

## 704 Attendance and Punctuality

To maintain a safe and productive work environment, the CONB expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on the business operations of the CONB.

Employees are expected to report to work as scheduled, on time and prepared to start work. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their immediate Supervisor, the Division Chief, the Department Head, or the City Manager at least one-hour prior to the start of their shift, or as soon as possible in advance of the anticipated tardiness or absence. Department Heads shall keep daily attendance records of their employees.

Poor attendance and excessive tardiness are disruptive. Employees who are absent or tardy without notification and without a reasonable explanation more than three times within a six-month timeframe may be subject to disciplinary action, up to and including termination of employment.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

## 705 Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the CONB presents to residents and visitors. During working hours or when representing the CONB, employees are expected to present a clean, neat, and tasteful appearance. Employees should dress and groom themselves according to the requirements of their position and accepted social standards. This is particularly true if their job involves dealing with residents or visitors in person.

Department Heads are responsible for establishing a reasonable dress code appropriate to the jobs performed. If a Department Head feels that an employee's personal appearance is inappropriate, the employee may be asked to leave the workplace until they are properly dressed or groomed. Under such circumstance, nonexempt employees may not be compensated for the time away from work. Employees should consult their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager if they have questions as to what constitutes appropriate appearance. When necessary, a reasonable accommodation may be made to a person with a disability.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- Shoes must provide safe, secure footing, and offer protection against hazards.
- Tank tops and tube or halter tops, may not be worn under any circumstances.
- Hairstyles are expected to be in good taste. Unnaturally colored hair and extreme hairstyles, such as spiked hair, do not present an appropriate professional appearance.
- Long hairstyles should be worn with hair pulled back off the face and neck to avoid interfering with job performance.
- Excessive make-up is not permitted.
- Offensive body odor and poor personal hygiene are not professionally acceptable.
- Perfume, cologne, and after shave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.
- Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, are not professionally appropriate and must not be worn during working hours.
- Torso body piercings with visible jewelry or jewelry that may be seen through or under clothing must not be worn during working hours.
- Visible excessive tattoos and similar body art must be covered during working hours.

Employees in the Public Safety and Public Works departments may have additional dress code and safety requirements to include the use of personal protective equipment (PPE) and clothing as specified for the job task, e.g. wearing hard hats on the jobsite at all times, and wearing eye and face protection where there is danger from flying objects or particles. Employees are responsible to take proper care of PPE.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## 706 Return of Property

Employees are responsible for all CONB property to include:

- Credit cards
- Equipment, e.g. laptops, printers, etc.
- Guns, ammunition, or any other related equipment or accessories
- Identification badges
- Keys or key fobs
- Mobile devices
- Personal protective equipment (PPE)
- Security codes
- Tools
- Uniforms
- Vehicles
- Written materials or information

Employees must return all City-owned property immediately upon request, or upon termination of employment. Where permitted by applicable laws, the CONB may withhold from the employee's check or final paycheck the cost of any items that are not returned when required if the employee has signed a written agreement with the CONB allowing them to do so. The CONB may also take all action deemed appropriate to recover or protect its property.

## 708 Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with the CONB. Although advance notice is not required, the CONB requests at least two weeks' written notice from all employees. Employees who plan to retire are requested to provide the City with a minimum of two-months' notice. This will allow ample time for the processing of the appropriate pension forms and to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner. Prior to an employee's departure, an exit interview may be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits. Even if employees have accrued but unused paid time off remaining, they must work full days on their final two-weeks of employment with the City. If an employee does not provide advance notice as requested or work until the specified final day, the employee may be considered ineligible for rehire and will not be paid out for any accrued but unused paid time off. A resignation is irrevocable, unless approval to rescind is provided by the City Manager. Refer to Policy #405 – Employment Terminations for additional information.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

## 710 Security Inspections

The CONB wishes to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the CONB prohibits the manufacturing, distribution, dispensing, possession, transfer, sale, or use of such materials in its facilities. The CONB requires the cooperation of all employees in administering this policy. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

Computers, desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of the CONB. Accordingly, they, as well as any articles found within them, may be inspected by the City Manager, or his or her designee at any time, either with or without prior notice. This includes purses, briefcases, personal devices and motor vehicles located on the CONB's property, based on reasonable cause, as well as all City-owned property used by employees, whether secured or unsecured by a lock or locking device provided by the employee, based on reasonable suspicion. An employee's personal items may be held so that law enforcement officials may conduct the search. The CONB wishes to discourage theft or unauthorized possession of the property of employees, the CONB, visitors, and residents. To facilitate enforcement of this policy, the City Manager, or his or her designee may inspect not only desks and lockers, but also persons entering and/or leaving the premises and any packages or other belongings, including personal computing devices, data storage devices, or image-recording devices. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the CONB's premises.

Monitoring or reasonable suspicion searches conducted are not allegations or accusations of criminal conduct, nor are submission to such monitoring or search an admission of guilt. Employees are expected to cooperate in any such monitoring or searches. Employees may contact their immediate Supervisor, the

Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager for additional information regarding security inspections.

## 711 Facilities Security

While the Police Department completes building checks at the end of the business day, it is the responsibility of all employees to make sure the facilities and work areas are secure. Any employee entrusted with facility keys or key fobs should make certain the facility is secure when that employee is the last to leave. This includes, but is not limited to, turning off appropriate lights, and closing and locking all doors and windows. Employees should contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager to report any potential security risks or concerns.

## 712 Solicitation

In an effort to ensure a productive and harmonious work environment, persons not employed by the CONB may not solicit or distribute literature in the workplace at any time for any purpose.

The CONB recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not engaged in performing his or her work-related tasks.

In addition, the posting of written solicitations on City-owned bulletin boards is prohibited. Bulletin boards located in the City Hall, Public Services Building, and Public Safety Building are reserved for official organization communications on such items as:

- Employee announcements
- Internal memoranda
- Job openings
- City-related announcements
- Payday notice
- Workers' compensation insurance information

If an employee has a message of interest to the workplace, they may submit it to the City Manager's Office for approval. All approved messages will be posted by an employee specifically designated by the City Manager.

### **Northeast Florida Public Employees Local 630 Union**

The Northeast Florida Public Employees Local 630 Union is provided partial use of suitable bulletin boards, including at least one at each work location where employees are required to report for work assignments. The union may provide a bulletin board of standard size for its own exclusive use, with the approval of the CONB. These bulletin boards are reserved for the posting of the following information:

- Notices of union meetings
- Union elections
- Reports of union committee rulings
- Policies of the union
- Recreational and social affairs of the Union Notices of Public Bodies.

### **Neptune Beach Public Safety Department's Labor Council**

The Neptune Beach Public Safety Department's Labor Council is provided space within the confines of the Police Department Squad Room for a bulletin board for the City and Union or Fraternal Order of Police (FOP) notices. The bulletin board shall not exceed two-feet by three-feet in size and the location within the squad room shall be approved by the Chief of Police.

Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## **716 Progressive Discipline**

The purpose of this policy is to state the CONB's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels. The CONB's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with the CONB is based on mutual consent and both the employee and the CONB have the right to terminate the employment-at-will relationship, with or without cause or advance notice, the CONB may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, administrative leave when further investigation is warranted, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Copies of all progressive disciplinary action reports and/or coaching/counseling notes must be placed in the employee's personnel file in the City Manager's Office.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed:

- A first offense may call for a written verbal counseling when an employee's performance, work habits, or personal conduct are not meeting the job description expectations. The Department Head places a memo in the employee's file stating the date of the verbal reprimand, what was said to the employee, and the employee's response.
- A second offense may be followed by a written warning in situations where a verbal counseling has not resulted in the expected improvement, or when more severe initial action is warranted. Written warnings are sent by the appropriate Department Head to the employee within 24-hours of the event, and a copy is provided to the City Manager and placed in the employee's personnel file.
- A third offense may lead to an administrative leave with or without pay when further investigation is warranted. A written statement of the reason for the leave may be given to the employee at least 24-hours prior to the time the suspension becomes effective. However, when warranted, an employee may be placed on administrative leave without 24-hours' notice, if it is in the best interest of the City. The employee may request and be granted a hearing before the City Manager, within ten business days of the receipt of the employee's request by the City Manager. An employee determined to be innocent of the charges shall be returned to duty with full pay for the period of suspension. All records associated with an administrative leave shall become a permanent part of the employee's personnel file.
- A fourth offense may then lead to termination of employment.

As part of the performance management process, the City utilizes a Performance Improvement Plan (PIP) process. If appropriate and justified, a reasonable period for improvement through a performance

improvement plan (PIP) may be allowed in conjunction with a written verbal warning before initiating further disciplinary actions. The PIP process is designed to help an employee improve his or her performance, increase adherence to standards, and increase the employee's overall effectiveness in his or her job. PIP's will be documented and will be placed in the employee's personnel file. Should the employee not make material progress as defined in the PIP, the employee may be subject to disciplinary action, up to and including termination of employment.

The CONB recognizes that there are certain types of employee problems that are serious enough to justify either a suspension or administrative leave when further investigation is warranted, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, Policy #701 - Employee Conduct and Work Rules includes examples of problems that may result in immediate termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline. By using progressive discipline, the CONB hopes that most employee problems may be corrected at an early stage, benefiting both the employee and the CONB.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this policy, those policies and procedures will prevail.

## 718 Grievance and Problem Resolution

It is the policy of the CONB to ensure that employees who have questions, issues, and complaints arising from misunderstandings and the application of policies, procedures, and work rules be promptly heard, answered and action taken to resolve or clarify each situation.

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustments of employee grievances. A grievance is defined as an employee's feeling of dissatisfaction, a difference, disagreement, or dispute arising between an employee and his or her immediate Supervisor, the Department Head, or the organization with some aspect of his or her employment, application, or interpretation of regulations and policies, or a management decision affecting the employee. A grievance may be something real, alleged, or a misunderstanding concerning rules and regulations, or an administrative order involving the employee's health, safety, physical facilities, equipment, or material used, employee evaluation, promotion, position classification, or transfer. Such misunderstandings, complaints, points of view and opinions will be considered a grievance, except in cases where they related to an employee action arising out of pay, administrative leave, and termination.

The City shall attempt to address grievances informally, and both immediate Supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances, which will be resolved only after a formal appeal and review. Accordingly, the following procedure is established to ensure fair and impartial review:

- **Step 1** – The employee should talk with the individual with whom he or she has an issue to try and come to resolution of the problem or situation.
- **Step 2** – If talking with the individual does not satisfy the problem or situation, or if the employee alternately chooses to initially submit a problem for resolution, then the employee should make an oral or written presentation of the grievance to his or her immediate Supervisor. It shall be the Supervisor's responsibility to promptly investigate the grievance, discuss the matter with the

Department Head, and act, if possible. The Supervisor shall inform the employee in writing of the decision and any action taken within ten business days from the date the grievance was filed.

- **Step 3** – If the grievance cannot be resolved between the employee and their immediate Supervisor during Step 2 or if the situation is with the Supervisor, the employee may reduce the complaint or grievance to writing unless it is prohibited by applicable federal or state law and request that the written statement be delivered to the Department Head (or the City Manager if the original grievance was filed with the Department Head) within ten business days, or if such deadline is prohibited by law, during the time permitted by such law, of receipt of the Supervisor's response. If the grievance is filed with the City Manager or if the employee is not satisfied with the response of the Department Head, the employee should proceed to Step 4.
- **Step 4** – If the grievance is not resolved with the Department Head, the employee may request, in writing within ten business days, a review by the City Manager. The City Manager shall make such investigation and obtain the information sufficient to review the grievance within ten business days, and will respond to the employee and his or her Department Head in writing.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) differ from what is written in this policy, those policies and procedures will prevail.

Employees may contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager for additional information regarding grievance and problem resolution.

## 722 Workplace Etiquette

The CONB strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues may be addressed by politely talking with a coworker to bring the perceived problem to their attention. In most cases, common sense will dictate an appropriate resolution. The CONB encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not necessarily intended to be hard and fast work rules with disciplinary consequences. They are simply suggestions for appropriate workplace behavior to help employees be more conscientious and considerate of their coworkers and the work environment.

Employees should contact their immediate Supervisor, the Division Chief, the Department Head, the Human Resources Coordinator, or the City Manager if they have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- Return copy machine and printer settings to their default settings after changing them.
- Replace paper in the copy machine and printer paper trays when they are empty.
- Retrieve print jobs in a timely manner and be sure to collect all papers.
- Be prompt when using the manual feed on the printer.
- Keep the area around the copy machine and printers orderly and picked-up.
- Be careful not to take or discard others' print jobs or faxes when collecting papers.
- Avoid public accusations or criticisms of others in the workplace. Address such issues privately with those involved, or a Department Head or the City Manager.
- Try to minimize unscheduled interruptions of other employees while they are working.
- Communicate by email or phone whenever possible, instead of walking unexpectedly into



someone's office or workspace.

- Be conscious of how voices travel. Employees should try to lower the volume of their voices when talking on the phone or to others in open areas.
- Keep socializing to a minimum and try to conduct conversations in areas where the noise will not be distracting to others.
- Minimize talking between workspaces or over cubicle walls. Instead, conduct conversations with others in their workspace.
- Try not to block walkways while carrying on conversations.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of personal life/issues in public conversations that may be easily overheard.
- Monitor the volume when listening to music, voice mail, or a speakerphone when in the proximity of others.
- Clean-up and do not leave behind waste or discarded papers.
- Keep all desks and work areas neat and orderly.
- Thoroughly clean-up after utilizing break and kitchen areas.

Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities that are protected by law.

## **MISCELLANEOUS**

### **801 Political Activity**

Employees of the CONB are encouraged to support governments in the political system. However, there are limits on employee political activity. CONB employees may join civic, partisan, or political organizations, may attend political meetings and advocate the principles or policies of civic or political organizations in accordance with the Constitution and federal and state laws. Although any solicitation, refer to Policy #712 – Solicitation, by employees of the CONB during working hours is strictly prohibited, employees must make every effort to avoid the appearance of impropriety when engaging in political activities on their own time. Employees must note that they are engaging in political activity on their own time and not on behalf of the CONB. Employees must also refrain from discussing municipal business during political discussions. No CONB employee should be required to contribute money or anything of value to any candidate for nomination, or election to any office, campaign or political committee or be required to take part in any political campaign. In addition, receiving gifts, remuneration of any type or monetary reward in exchange for political activities while conducting or that conflict with municipal business is prohibited.

Also, City employees while on duty, in uniform, or on City property, are prohibited from participating in the following activities:

- Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a candidate for public office.
- Organizing, selling tickets to, promoting, or actively participating in a fundraising activity of a candidate for public office.
- Taking an active part in managing the political campaign for a candidate for public office.
- Soliciting votes in support of, or in opposition to, a candidate for public office.
- Acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a candidate for public office.
- Driving voters to the polls on behalf of a candidate for public office.
- Endorsing or opposing a candidate for public office in a political advertisement, broadcast, campaign literature, or similar material.

- Addressing a rally or similar gathering of the supporters of opponents of a candidate for public office.
- Initiating or circulating a nominating petition for a candidate for public office.
- Wearing campaign buttons, pins, hats, or other similar attachment, or distributing campaign literature in support or opposition to a candidate for public office.

The City Council may grant a City employee a leave of absence to become a candidate for any office other than an elective office for the City of Neptune Beach. No employee who is in an active employment status shall become a candidate for elective office for the City of Neptune Beach.

Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law. Employees may contact the City Manager for additional information regarding political activity.

## 802 Whistleblower Policy

Each employee and elected or appointed official of the CONB has an obligation to report in accordance with this Whistleblower Policy questionable or improper accounting, internal control, auditing, or fraud matters, and violations and suspected violations of CONB policies. In its continuing effort to build upon its strong corporate governance standards, the CONB has established procedures for its employees to convey complaints or to identify concerns (a “Complaint”) regarding (i) disclosure or threatened disclosure of violations of a law, rule, or regulation to the appropriate governmental agency; (ii) provision of testimony or information to the appropriate governmental agency regarding alleged violations of a law, rule, or regulation; (iii) objection to or refusal to participate in activity that is in violation of a law, rule, or regulation; (iv) improper use of governmental office; (v) gross waste of funds; or (vi) any other abuse or gross neglect of duty on the part of an agency, public officer, or employee (collectively, “Disclosure Matters”). These include:

- The submission of Complaints regarding questionable accounting, internal controls, auditing fraud matters or policy violations by employees, elected or appointed officials, and other stakeholders of the City, on a confidential and anonymous basis.
- The receipt, retention, and treatment of Complaints received by the City regarding accounting, internal controls, auditing fraud matters, or applicable organizational policies.
- The protection of employees reporting Complaints from retaliatory actions.

The CONB respects its employees’ legal right to report actual or suspected unlawful activity directly to government agencies, or to the City Manager, or the City Council. It is the City Manager’s and the City Council’s responsibility to ensure that the CONB employees feel comfortable reporting actual or suspected unlawful activity to government agencies, or to themselves.

### **Acting in Good Faith**

Anyone reporting a Complaint must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting, internal control, auditing practice, fraud, or a violation of policy. The employee must exercise sound judgment to avoid baseless allegations. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense, and may result in disciplinary action, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

### **Filing a Complaint**

Any CONB employee should submit a good faith Complaint regarding questionable treatment or alleged violations with respect to the Disclosure Matters that an employee cannot foresee resolving through the

CONB's grievance and problem resolution process. Employees should follow the procedures described below to submit a Complaint:

- The employee should first discuss their Complaint with their Department Head. If after this discussion, the employee continues to have reasonable grounds to believe the Complaint is valid, if the employee is uncomfortable speaking with his or her Department Head, or if the Department Head is a subject of the Complaint, the Complaint may be submitted in writing, confidentially and anonymously, through internal or regular mail, or may be delivered in person to the City Manager. If an employee desires to discuss the matter in person with the City Manager, he or she may call the City Manager instead of submitting the Complaint in writing. The City Manager will promptly report to the City Attorney, who has specific and exclusive responsibility to investigate all Complaints. If the City Manager, for any reason, does not promptly forward to the City Attorney, the reporting individual should directly report the Complaint to the City Attorney.
- If the Complaint involves the City Manager, the employee should contact the City Attorney by phone or U.S. Mail. Contact information for the City Attorney may be obtained through the City Clerk's Office.
- If the Complaint involves the City Attorney, the employee should contact the Florida Bar and the Jacksonville Bar Associations.
- Complaints should be factual and contain as much specific information as possible setting forth all of the information that the employee knows, in order to allow the representative to make a proper assessment. Any envelope containing a Complaint should be marked "*confidential and private.*"

### **Handling Complaints**

Upon receipt of a Complaint, the City Manager will notify the sender and acknowledge receipt of the Complaint within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted Complaints.

The City Manager will conduct a preliminary investigation of the Complaint to assess its nature, legitimacy, and significance. To the extent possible, all Complaints will be handled in a confidential manner. All submissions, inquiries, and discussions will be documented by the City Manager, and appropriate corrective action will be recommended to the City Attorney, if warranted by the preliminary investigation. The City Manager and the City Attorney will decide whether to proceed with further investigation, or close the file. The City Manager and the City Attorney have the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations. In addition, action taken will include a conclusion and/or follow-up with the employee, unless the Complaint was submitted anonymously, for complete closure of the Complaint.

Any complaint involving (a) the existence of material inaccuracies in the CONB's financial reports, or (b) a defalcation, fraud, or other intentional misconduct with respect to its cash and/or other financial assets, accounting, auditing, reporting, or internal controls, will be reported promptly to the City Council following the initial screening and any corrective action will be taken, as appropriate. All other Complaints not relating to the accounting, auditing, or reporting of, or the internal controls practices and procedures relating to the CONB's funds will be handled pursuant to the current policies and procedures applicable to such matters. The City Council will be notified within 24-hours of all Complaints, once a resolution to all Complaints have been reached, and prior to the final disposition. The City Manager will also forward appropriate recommendations to the City Council on any Complaints raised under this policy and the investigation and/or resolution of the same.

All submissions, inquiries, discussions and documentation will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Documentation related to the investigation will be maintained in confidential files. Access to the confidential files will be restricted to the City

Manager, the City Attorney, the City Council, and their designated representatives. This is important in order to avoid damaging the reputations of persons suspected, but subsequently found innocent of wrongful misconduct and to protect the CONB from potential civil liability. All such confidential files will be maintained for at least seven-years following the final disposition of the matter.

Any employee found to have violated any item within this policy may be subject to disciplinary action, up to and including termination of employment, and legal action even if the individual does not directly benefit from the intended action. Any employee who makes a Complaint under this policy by means of allegations that prove not to be substantiated and which also prove to have been made maliciously, recklessly, or with foreknowledge that the allegations were false will be subject to disciplinary action, up to and including termination of employment.

### **No Retaliation**

The CONB will not retaliate or discriminate against any employee who lawfully provides information to federal or state authorities, or to the CONB regarding any conduct that the employee reasonably believes constitutes unlawful activity or who participates in, or otherwise assists with an administrative proceeding, judicial proceeding, or investigation by government agencies, the City Manager, or the City Attorney. (collectively, the "Proceedings").

Specifically, the CONB will not discharge, demote, suspend, threaten, harass, or in any other manner discriminate against any employee in the terms and conditions of their employment because the employee participated in the proceedings. The CONB also respects its employees' legal rights to refuse to engage in unlawful activities and will not take any type of disciplinary action against employees who refuse to engage in unlawful activities.

Employees may contact the City Manager for additional information regarding the guidelines of the whistleblower policy.

## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

ISSUE DATE: 11/01/2022

The employee handbook describes important information about the City of Neptune Beach (CONB) and I understand that I should consult the City Manager regarding any questions not answered in the handbook. I have entered into my employment relationship with the CONB voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the CONB may terminate the employment-at-will relationship, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the CONB's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Manager of the CONB has the ability to adopt any revisions to the policies in this handbook.

When the Northeast Florida Public Employees Local 630 Collective Bargaining Agreement (CBA) or the Neptune Beach Public Safety Department's Labor Council's Collective Bargaining Agreement (CBA) or Departmental Standard Operating Procedures (SOPs) differ from what is written in this employee handbook, those policies and procedures will prevail.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF NEPTUNE BEACH  
PERSONNEL POLICY MANUAL



Resolution #93-46

Adopted September 7, 1993  
by the City Council  
As amended 11/4/96, 11/2/98, 6/5/00, 2/5/01, 11/5/01, 9/13/04,  
12/5/05, 12/07/10, 6/02/14

GENERAL PROVISIONS .....	6
Sec. 1.01. Purpose .....	6
Sec. 1.02. Policies and Procedures .....	6
Sec. 1.03. Administration .....	6
Sec. 1.04. Position Covered .....	6
Sec. 1.05. Amendments, Changes or Revisions of the Rules and Regulations.....	6
Sec. 1.06. Status of Department Rules and Regulations, Policies and Operating Procedures.....	7
Sec. 1.07. Nepotism.....	7
Sec. 1.08. Harassment Policy .....	7
4. Circumstances of each occurrence.....	11
5. Context of each occurrence (e.g., at work, on a break, off duty).....	11
7. Are other persons who are not members of the protected group subject to the same conduct?.....	11
8. What is the relationship of the harasser to the company? (e.g., supervisor, hourly employee, customer, supplier?).....	11
9. Did the employee's supervisor know of the harassment? .....	11
10. Should the supervisor have known of the harassment? .....	11
11. Provide both the charging party and accused with the findings, in writing.....	11
If unlawful harassment occurred, take immediate steps to remedy the situation.....	11
12. Did the employee complain to anyone about the harassment before now? .....	11
13. Review the personnel files of the employee and the person accused of the harassment for any evidence supporting or refuting the claim. ....	11
14. Are there any witnesses to the conduct?.....	11
15. Interview the witnesses. Two members of management should be present including one member of the protected group alleging harassment. Obtain written signed statements from all witnesses. ....	11
16. Interview the person accused of the harassment. Two members of management should be present including one member of the protected group alleging harassment. Obtain a written signed statement. ....	11
SECTION 2 .....	11
DEFINITION .....	11
Sec. 2.01. Definition of Terms used in the Personnel Rules and Regulations of the City of Neptune Beach .....	11
SECTION 3 .....	14
STANDARDS OF CONDUCT.....	14
Sec. 3.01. Policy .....	14
Sec. 3.02. Equal Employment Opportunity and Affirmative Action.....	15
Sec. 3.03. Conflict of Interest.....	15
Sec. 3.04. Political Activity.....	16
Sec. 3.05. Outside Employment .....	17
Sec. 3.06. Release of Information.....	17
Sec. 3.07. Solicitation and Distribution.....	18
Sec. 3.08. Employee Debts.....	18
Sec. 3.09. Use of City Property.....	18
Sec. 3.11. General Prohibitions .....	19
SECTION 4.....	19
EMPLOYMENT POLICIES .....	19
Sec. 4.01. Appointing Authority.....	19
Sec. 4.02. Position Control.....	20
Sec. 4.03. Types of Appointment .....	20
Sec. 4.04. Application Procedures.....	20
Sec. 4.05. Rejection of Applications. ....	21
Sec. 4.06. Processing Applications.....	21
Sec. 4.07. Announcement of Examination. ....	21
Sec. 4.08. Examinations. ....	22
Sec. 4.09. Examinations. ....	22
Sec. 4.10. Rating Examinations.....	22

Sec. 4.11.	Transfers .....	22
Sec. 4.12.	Promotions.....	22
Sec. 4.13.	Demotions.....	23
Sec. 4.14.	Reinstatements .....	23
Sec. 4.15.	Probationary Period.....	23
Sec. 4.16.	Hours of Work.....	24
Sec. 4.17.	Overtime .....	24
Sec. 4.18.	Attendance.....	24
Sec. 4.19.	Performance Rating .....	24
Sec. 4.20.	Employee Training .....	24
	SECTION 5 .....	25
	HOLIDAYS .....	25
Sec. 5.01.	Days Observed.....	25
	Martin Luther King Jr's Birthday Third Monday in January.....	25
Sec. 5.02.	Eligibility for Holiday Pay .....	25
Sec. 5.03.	Holiday on Work Day.....	26
Sec. 5.04.	Holiday on Leave Day.....	26
	SECTION 6 .....	26
	PERSONAL LEAVE PLAN .....	26
Sec. 6.01	Eligibility and Rate of Earning .....	26
Sec. 6.02.	Charging Leave.....	27
Sec. 6.03	Request for Leave.....	27
Sec. 6.04	Use.....	27
Sec. 6.05.	Unused Personal Leave.....	27
	SECTION 7 .....	28
	USE OF PERSONAL LEAVE AS SICK LEAVE.....	28
Sec. 7.01	Notification.....	28
Sec. 7.02	Pregnancy and Childbirth .....	28
Sec. 7.03	Vacation and Sick .....	28
	SECTION 8 .....	29
	LEAVE OF ABSENCES .....	29
Sec. 8.01.	Bereavement Leave.....	29
Sec. 8.02.	Court Leave. ....	29
Sec. 8.03.	Military Leave. ....	30
Sec. 8.04.	Leave Without Pay. ....	30
Sec. 8.05.	Service Connected Disability Leave.....	30
Sec. 8.06.	Absence Without Leave.....	31
Sec. 8.07.	Voting Leave .....	31
	SECTION 9 .....	31
	SEPARATIONS .....	31
Sec. 9.01.	Types of Separations.....	31
Sec. 9.02.	Resignation. ....	31
Sec. 9.03.	Retirement. ....	32
Sec. 9.04.	Disability .....	32
Sec. 9.05.	Death. ....	32
Sec. 9.06.	Reduction in Force (Lay off). ....	32
Sec. 9.07.	Dismissal or Discharge. ....	33
Sec. 9.08.	Exit Interviews.....	34
Sec. 9.09.	Return of Property and Financial Obligations. ....	34
	SECTION 10 .....	34
	DISCIPLINARY ACTION .....	34
Sec. 10.01.	Intent.....	35
Sec. 10.02.	Types of Offenses.....	35
Sec. 10.03.	Warning and Reprimand.....	37
Sec. 10.04.	Suspension.....	38



Sec. 10.05. Appeals.....	38
Sec. 10.06. Dismissal.....	38
SECTION 11.....	38
EMPLOYEE GRIEVANCE PROCEDURE.....	38
Sec. 11.01. Purpose.....	38
Sec. 11.02. Definition of a Grievance.....	39
Sec. 11.03. Procedure.....	39
Sec. 11.04. General Provisions.....	40
SECTION 12.....	40
DRUG TESTING.....	40
Sec. 12.01. Drugs To Be Tested For.....	40
Sec. 12.02. Job Applicant General Standard.....	41
Sec. 12.03. Current Employee Testing; General Standard.....	41
Sec. 12.04. Supervisor Training.....	41
Sec. 12.05. Prior Notice of Testing Policy.....	41
Sec. 12.06. Consent.....	42
Sec. 12.07. Refusal to Consent; Applicants.....	42
Sec. 12.08. Refusal to Consent- Employees.....	42
Sec. 12.09. Confirmation of Test Results.....	42
Sec. 12.10. Consequences of a Confirmed Positive Test Result.....	43
Sec. 12.11. The Right to a Hearing.....	43
Sec. 12.12. Mandatory EAP Referral.....	43
Sec. 12.13. Confidentiality of Test Results.....	43
Sec. 12.14. Privacy in Drug Testing.....	44
Sec. 12.15. Laboratory Testing Requirements.....	44
SECTION 13.....	44
INFECTIOUS DISEASE CONTROL.....	44
Sec. 13.01. General.....	44
Sec. 13.02. Employment.....	45
Sec. 13.03. Leave.....	45
Sec. 13.04. Disciplinary Action.....	45
Sec. 13.05. Procedure.....	45
Sec. 13.06. Training and Education.....	46
SECTION 14.....	46
SAFETY POLICY.....	46
Sec. 14.01. Safety Policy.....	46
Sec. 14.02. Accident Prevention.....	47
Sec. 14.03. Accident Reporting.....	47
Sec. 14.04. Workers' Compensation.....	47
Sec. 14.05. Safety Equipment.....	47
Sec. 14.06. Employee Safety Awards.....	48
SECTION 15.....	48
PERSONNEL RECORDS AND REPORTS.....	48
Sec. 15.01. Responsibility.....	48
Sec. 15.02. Records to be Considered Property of the City.....	48
Sec. 15.04. Forms.....	48
Sec. 15.05. Change of Status.....	48
Sec. 15.06. Department Personnel Records.....	49
SECTION 16.....	49
MISCELLANEOUS RULES AND BENEFITS.....	49
Sec. 16.01. Vehicles.....	49
Sec. 16.03. Insurance Benefits.....	49
Sec. 16.04. Deductions.....	49
Sec. 16.05. Educational Assistance.....	49
SECTION 17.....	50

POSITION CLASSIFICATION PLAN .....	50
Sec. 17.01. Purpose. ....	50
Sec. 17.02. Uses. ....	50
Sec. 17.03. Content.....	50
Sec. 17.04. Administration and Maintenance.....	51
Sec. 17.05. Allocation of Positions.....	51
Sec. 17.06. Position Reviews. ....	51
Sec. 17.07. Reclassification.....	51
Sec. 17.08. Position Control.....	52
Sec. 17.09. Appeal. ....	52
SECTION 18.....	52
COMPENSATION PLAN .....	52
Sec. 18.01. Purpose. ....	52
Sec. 18.02. Uses. ....	52
Sec. 18.03. Content.....	53
Sec. 18.04. Adoption and Amendment.....	53
Sec. 18.05. Appointment and Starting Rates.....	53
Sec. 18.06. Longevity.....	53
Sec. 18.07. Annual Salary Adjustments. ....	53
Sec. 18.08. Performance Salary Increases. ....	53
Sec. 18.09. Promotion. ....	56
Sec. 18.10. Demotion. ....	56
Sec. 18.11. Transfers. ....	56
Sec. 18.12. Trainee.....	57
Sec. 18.13. Compensation Plan for Non-Union Employees.....	57
SECTION 19 .....	58
CAREER CIVIL SERVICE AND CIVIL SERVICE BOARD .....	58
Sec. 19.01. Authority. ....	58
Sec. 19.03. The Civil Service Board. ....	58

SECTION I  
GENERAL PROVISIONS

Sec. 1.01. Purpose.

It is the purpose of these rules to establish policies and procedures which will serve as the basis for administrative action and decision-making concerning the various personnel activities and transactions. Procedures set forth in this manual are intended as a foundation for uniform and equitable employee relations. Rules and regulations are a reference in making decisions on a day to day basis involving personnel management of the City. This manual is intended as a guide for consistent actions. It does not constitute a contract of employment between the City and its employees.

Sec. 1.02. Policies and Procedures.

It is the policy of the City of Neptune Beach not to discriminate in employment, employee development, or employee advancement because of religious or political opinions or affiliations, race, color, national origin, sex, age, physical or mental disability, sexual orientation, gender identity or expression and marital status or other nonmerit factors, except where such factor is a bona-fide occupational qualification or is required by State and/or Federal law. The City shall not tolerate sexual harassment in any form. It is the policy of the City of Neptune Beach to:

1. Employ the best-qualified person available regardless of age, sex, race, color, and religion;
2. Provide a clean, healthy, and safe place to work;
3. Provide fair salary levels, benefits and classifications;
4. Offer opportunities for qualification and promotion within the organization wherever possible;
5. To promote employees based on ability and performance with due regard to length of service;
6. Apply regulations impartially to all municipal employees;
7. Develop supervisors with leadership ability;
8. Encourage employees to discuss with management any matter concerning either his/her or the City's welfare.

Sec. 1.03. Administration.

These rules shall be administered by the city manager or the city clerk, as appropriate.

Sec. 1.04. Position Covered.

These rules and regulations shall cover all employees in the City of Neptune Beach unless a collective bargaining contract approved by City Council provides different provisions, in that case those provisions shall prevail, excluding elected officials or officials appointed by the elected governing body, and contractual employees. Personnel employed under the provision of government programs or grants shall be considered exempt positions.

Sec. 1.05. Amendments, Changes or Revisions of the Rules and Regulations.

Amendments, changes or revisions to these rules and regulations shall be promulgated only by the City Council, with copies posted on City bulletin boards and distributed to City departments.

Sec. 1.06. Status of Department Rules and Regulations, Policies and Operating Procedures

- A. Any department rules, regulations, policies and procedures shall serve as supplements to these City rules and regulations.
- B. In the event of conflict in any section, the City rules and regulations shall prevail unless a collective bargaining contract approved by City Council provides different provisions, in that case those provisions shall prevail.

Sec. 1.07. Nepotism.

- A. No person shall hold a job over which a member of his/her immediate family exercises supervisory authority.
- B. The relationships that are forbidden in the supervisory chain are as follows:

Husband	Wife	Father	Mother
Stepmother	Stepfather	Father-in-Law	Mother-in-Law
Son	Stepson	Son-in-Law	Daughter
Stepdaughter	Daughter-in-Law	Brother	Half Brother
Stepbrother	Brother-in-Law	Sister	Half Sister
Stepsister	Sister-in-Law	Grandmother	Grandfather
Aunt	Uncle	Niece	Nephew
Granddaughter	Grandson	First Cousin	

- C. No employee may be employed, promoted or advanced in pay if any person in the supervisory chain of command above him/her is related to him/her to the degree that is listed above in this section.
- D. Any employee who is presently employed by the City and in violation of the statute may remain in his/her job, but he/she may not be promoted while in violation of this section.
- E. Employment of relatives within the same division is prohibited.
- F. This section shall apply to part-time and seasonal employees, as well as fulltime and permanent employees.

Sec. 1.08. Harassment Policy

Harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. Department Heads, supervisors and all employees are expected to take positive action to prevent, and whenever necessary, to eliminate or rectify situations of harassment. The desired standard of Neptune Beach employee behavior is one of cooperation and respect for each other, despite any differences.

All employees have a right to work in an environment free of discrimination, which includes freedom

from harassment - whether that harassment is based on sex, age, race, color, national origin, religion or beliefs, political affiliation or opinion, sexual orientation, marital status, pregnancy, handicap, disability, membership in other protected groups, or any other legally protected factors or status.

All management and supervisory personnel share in the responsibility for implementing this policy. It is the responsibility of each member of management to give this policy full support by leadership and personal example. Department Heads, supervisors and all employees are expected to take positive action to prevent, and whenever necessary, to eliminate or rectify situations of harassment. In addition, it is the duty of every Neptune Beach employee to create a job environment which is conducive to non-discrimination and free of harassment.

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance. Harassment of employees by supervisors, co-workers, customers, contractors, or suppliers, is prohibited.

#### Sec. 1.09. Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, will be considered sexual harassment, when:

- (a) Submission to, or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career; or
- (b) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
- (c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- (d) Sexual or Other Harassment. Other harassing conduct, whether physical or verbal, is prohibited. Examples include, but are not limited to:
  - (1) Sexual inquiries, slurs, jokes or degrading comments concerning sex, age, race, color, national origin, religion or beliefs, political affiliation or opinion, sexual orientation, marital status, pregnancy, handicap, disability, or membership in other protected groups;
  - (2) Repeated offensive sexual flirtations, advances, improper suggestions, propositions or degrading verbal comments;
  - (3) Unnecessary and unwelcome touching of an individual, for example, patting, pinching, unnecessary touching, or physical interference with the movement of the individual;
  - (4) Continual or repeated abuse of a sexual nature;
  - (5) Graphic verbal or descriptive comments or discussions about an individual's body or physical appearance; or

- (6) The display in the work place of sexually suggestive or pornographic objects or pictures.
- (7) Offensive jokes, comments, slurs, e-mail, memos, faxes, posters, cartoons or gestures.
- (e) Employee's Action. Any employee who believes that they may have experienced sexual harassment, or may have a complaint of harassment, is encouraged to:
  - (1) Record the times, places, and specifics of each incident, including any other individuals who might have observed the incident, their reactions, and any employment actions (demotion, failure to promote, dismissal, refusal of leave, etc.) that may have been taken against the employee.
  - (2) Bring it to the attention of the offending party by making your feelings absolutely clear. In many cases, the offending party may not realize that their behavior is offensive and the offensive behavior will stop; or
  - (3) Bring harassment behavior to the attention of their immediate supervisor, their department head, the Human Resource Manager, or the City Manager.

NOTE: Employees have the right to bypass their chain of command in selecting which person to make a complaint of harassment.

- (f) Investigation. The supervisor, department head or Human Resource Coordinator shall conduct an investigation in as confidential and discrete a manner as possible in order to insure that the rights of all parties are protected and that there will be no harassment, reprisal, or any other action that may be deemed threatening either during the investigation or thereafter.
  - (1) Informal. If an employee submits a complaint but declines to submit a signed complaint, the supervisor department head or Human Resource Coordinator will informally investigate the complaint by use of the Investigation of Harassment checklist and take action as appropriate.

NOTE: If the employee declines to sign a complaint and/or requests that their name remain anonymous, the action(s) that can be taken, including disciplinary action, may be severely limited based upon fairness to the accused; however, a complete and thorough investigation shall be conducted and appropriate action taken.

- (2) Formal. Prior to a formal investigation or taking of disciplinary action, any complaint received must be fully documented to include a statement of facts, and should be signed by the employee. A thorough investigation will be conducted by use of the Investigation of Harassment checklist. A summary of the investigation, disciplinary action taken or recommended (if appropriate), and disposition of the complaint will be provided through the Human Resource Coordinator to the City Manager.
- (g) Action.
  - (1) Interim. As required, interim measures may be taken pending full investigation and resolution to include reassignment of employees (charging party and/or accused), suspending the accused, etc.
  - (2) Due Process. Both the charging party and the accused shall be given due process.

Management shall make every effort to, as quickly and efficiently as possible, investigate the complaint and verify and corroborate the charge. The accused harasser shall be afforded the opportunity to confront all the evidence presented against them.

- (3) Final. Upon completion of the investigation:
  - (i) Findings. The findings shall be communicated, in writing, to the charging party and the accused.
  - (ii) Disciplinary Action - Employee. Any employee or supervisor found guilty of harassment will be subject to disciplinary action. The disciplinary action shall be consistent with the nature and severity of the offense and other factors relative to fair and efficient administration of the City. Disciplinary action may include, but is not limited to: dismissal, demotion, suspension, reprimand, or warning. A determination of the level of disciplinary action shall be made on a case by case basis. Documentation of all complaints resulting in disciplinary action will be placed in the guilty party's personnel records.
  - (iii) Disciplinary Action - Customers, Suppliers, and Contractors. Action to be taken include: requesting that the offending party leave the area, termination of contracts, or initiation of legal action.
- (h) Recrimination. There will be no discrimination, recrimination, or other adverse actions against any employee for making a report of sexual harassment. Exception: Disciplinary action may be taken against any employee who files a completely obvious false complaint of harassment.
- (i) Grievance Procedure. After completion of an investigation, the following shall apply:
  - (1) Charging Party. Any employee who believes they have been discriminated against, or who is dissatisfied with the action taken by the supervisor, department head or Human Resource Coordinator to eliminate harassment, may submit, in writing, to the City Manager, their complaint for further review and response or they may file a grievance.
  - (2) Accused. If the accused believes that the disciplinary action taken is too severe for the offense committed, or is dissatisfied with the action taken, they may submit, in writing, to the City Manager, their complaint for further review and response or they may file a grievance.

Checklist  
Investigation of Harassment

Interview the employee to obtain the details of the complaint. Two members of management should be present. Ideally, one manager will be a member of the protected group alleging harassment. Determine or do the following:

1. Obtain a written signed statement from the employee.
2. What was the frequency of the conduct?

3. Dates of occurrence?
4. Circumstances of each occurrence.
5. Context of each occurrence (e.g., at work, on a break, off duty).
6. What was the effect on the employee who is complaining? (e.g., economic, psychological)
7. Are other persons who are not members of the protected group subject to the same conduct?
8. What is the relationship of the harasser to the company? (e.g., supervisor, hourly employee, customer, supplier?)
9. Did the employee's supervisor know of the harassment?
10. Should the supervisor have known of the harassment?
11. Provide both the charging party and accused with the findings, in writing.

If unlawful harassment occurred, take immediate steps to remedy the situation.

12. Did the employee complain to anyone about the harassment before now?
13. Review the personnel files of the employee and the person accused of the harassment for any evidence supporting or refuting the claim.
14. Are there any witnesses to the conduct?
15. Interview the witnesses. Two members of management should be present including one member of the protected group alleging harassment. Obtain written signed statements from all witnesses.
16. Interview the person accused of the harassment. Two members of management should be present including one member of the protected group alleging harassment. Obtain a written signed statement.

## SECTION 2

### DEFINITION

#### Sec. 2.01. Definition of Terms used in the Personnel Rules and Regulations of the City of Neptune Beach

1. *Active Pay Status:* Authorized paid leaves, holidays, or time worked.
2. *Allocation:* The assignment of a position to its appropriate class in relation to duties performed.
3. *Anniversary Date:* The date an employee begins employment and the same date in following years. This date changes only if an employee is in a nonpay status for one paid period or more; the anniversary date is then deferred by an equivalent amount.
4. *Appeal:* An application for review of a disciplinary action submitted or instituted by an employee.



5. *Applicant:* An individual who has completed and submitted an application for employment with the City.
6. *Appointment:* The offer and acceptance by a person of a position either on a regular or temporary basis.
7. *Certification:* Endorsement as meeting required minimum standards for a vacant position.
8. *Class:* A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class descriptions and pay range.
9. *Classification:* Grouping positions in classes with regard to duties and responsibilities; requirements as to education, knowledge, experience and ability; tests of fitness; and ranges of pay.
10. *Classification Date:* The date an employee entered, transferred, or was promoted to the current position classification. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for performance increases.
11. *Classification Plan:* The official system of grouping positions into appropriate classes.
12. *Class Description:* A written description of a class consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and the qualifications for the class.
13. *Class Title:* The title in the classification plan which describes the nature of work performed by an employee.
14. *Compensation:* The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.
15. *Compensation Plan:* The official schedule of pay assigning rates of pay to each class title.
16. *Continuous Service:* Employment which is uninterrupted except for authorized leaves of absence, suspension or separation due to reduction in work force. Authorized paid leave of absences shall be included as part of continuous service.
17. *Demotion:* Assignment of an employee from one class to another which has a lower maximum rate of pay.
18. *Department:* The primary organizational unit which is under the immediate charge of the department head.
19. *Dismissal:* Separation from City employment.
20. *Division:* A sub-organizational unit of a department.
21. *Employee:* An individual who is legally employed by the City and is compensated through the City payroll for his/her services. Individuals or groups compensated on a fee basis are not included.
22. *Examination:* The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees for positions.
23. *Exempt Employees:* Employees who are on an unlimited time schedule and are not eligible for overtime pay.
24. *Full Time:* A position that requires an employee to work the full amount of hours scheduled for employees of the unit.
25. *Immediate Family:* Includes spouse, children, step-children, grandchildren, parent, step-parent, grandmother, grandfather, brother, step-brother, sister, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, legal guardian or any relative living in the same household (this definition is for purpose of Sick Leave and Bereavement Leave Only).
26. *Insubordination:* The unwillingness on the part of an employee to submit to the authority vested in supervisors or department heads as outlined in the Personnel Rules and Regulations.
27. *Lateral Entry:* A hiring procedure whereby an employer hires personnel of demonstrated

- expertise for a supervisory position.
28. *Layoff*: A reduction of the number of employees due to lack of work, funds, or other causes.
  29. *Leave*: An approved type of absence from work as provided by these rules.
  30. *May*: The word "May" shall be interpreted as *permissive*.
  31. *Overtime*: Time worked in excess of the regularly scheduled work periods for those persons not working on an unlimited basis.
  32. *Overtime Pay*: Compensation pay to an employee for overtime work performed in accordance with these rules.
  33. *Part Time*: A position that requires the employee to work fewer hours than normally designed for others in the same classification, usually less than forty (40) hours per week. Employees serve in an exempt status and must meet the requirements set by the City Council.
  34. *Pay Range*: The salary which is assigned to a particular classification title, expressed as a pay range number.
  35. *Performance Evaluation*: A report relative to the job performances of employees made by supervisors.
  36. *Performance Pay Increases*: An increase established in the compensation plan which may be granted to an employee based on job performance.
  37. *Position*: A group of duties and responsibilities assigned and budgeted by competent supervision, requiring the full time or part time employment of one (1) person.
  38. *Probationary Employee*: A full time employee serving a probationary period prior to appointment in that position.
  39. *Probationary Period*: A period of time provided to allow the department head an opportunity to evaluate an employee's performance and ability, and to decide whether or not the employee is to be retained.
  40. *Promotion*: Assignment of an employee from one class to another which has a higher maximum rate of pay.
  41. *Regular Appointment*: An appointment to a position authorized to be filled.
  42. *Reinstatement or Reemployment*: Rehiring of a former employee who resigned in good standing.
  43. *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, stepbrother, stepsister, half brother, half sister (State Statute definition).
  44. *Removal*: Separation of an employee on probation or for failure to meet requirements of employment.
  45. *Resign*: Act of voluntarily withdrawing from City employment.
  46. *Retirement*: Whenever an employee meets the conditions set forth in the Retirement Plan Regulations, the employee may elect to retire and receive all benefits earned under the Plan.
  47. *Shall*: The word "Shall" will be interpreted as *mandatory*.
  48. *Suspension*: Relief from work without pay by the department head or other supervisor authorized to enforce disciplinary action.
  49. *Temporary Employee*: An employee appointed for a special project or other work of a temporary or transitory nature. Appointment will usually not exceed a six-month period unless specified by the project program or grant. All will serve in an exempt status and meet requirements set by the City Council.
  50. *Trainee*: Employee undergoing a training period to learn the job duties or to attain education or certification.
  51. *Transfer*: That action in which the employee moves from one budgeted position to another with no resulting title change, or if a title change does take place, there is no change in the pay range.
  52. *Work Day*: Scheduled number of hours an employee is required to work per day.

53. *Work Week*: Number of hours regularly scheduled to be worked during any seven (7) consecutive days.

### SECTION 3

#### STANDARDS OF CONDUCT

##### Sec. 3.01. Policy

- A. The City of Neptune Beach has established and will administer a system of personnel management, consistent with providing superior service to the community. The City will employ and retain individuals of the highest qualifications who display pride and dignity in the performance of their duties.

Employees in the City organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and actions of a City employee should at all times be such as to promote the good will and favorable attitude of the public toward the City, its programs and policies.

- B. The City Administration advocates the concept that the quality of public service at all levels of government can reach maximum efficiency and effectiveness through a Personnel Management System based on merit principles.
- C. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- D. It is the policy of the City to expect from employees compliance with all Rules and Regulations, state statutes, and federal regulations in the performance of duties, as well as compliance with all safety rules and standards. Any employee who violates any of the Rules and Regulations, shall be subject to disciplinary action.
- E. The City retains certain rights including but not limited to the following:
1. To determine the organization of the City.
  2. To determine the purpose of each of its departments.
  3. To exercise control and discretion over the organizations and efficiency of operations.
  4. To set standards for services to be offered to the public.
  5. To manage and direct the employees of the City and to determine the number of personnel to be employed.
  6. To hire, examine, classify, promote, train, transfer, assign, schedule and retain employees.
  7. To suspend, demote, discharge, or take other disciplinary action against employees.
  8. To increase, reduce, change, modify or alter the composition and size of the work right to relieve employees from duties because of lack of work, lack of funds, or other legitimate reasons.
  9. To determine the locations, methods, means and personnel by which operations including the right to contract and sub-contract existing and future work.

- 10. To establish, change, or modify the number, types and grades of positions or employees assigned to an organization, unit, department, division or project.
  - 11. To establish, change or modify duties, tasks, responsibilities or requirements within job descriptions in the interest of efficiency, economy, technological change or operating requirements.
- F. Employees shall have the right to form, join and participate in, or to refrain from forming, joining or participating in any employee organization of their own choosing in accordance with State Law.

Sec. 3.02. Equal Employment Opportunity and Affirmative Action.

- A. The City of Neptune Beach is committed to a policy of fairness and equity for employees and will give employees the opportunity to achieve maximum potential as an employee and as a human being.
- B. The City will not discriminate in employment, employee development, or employment advancement because of religious or political opinions or affiliations, race, color, national origin, sex, age, physical or mental handicap or other non-merit factors (except where such factor is a bona fide occupational qualification or is required by law).
- C. Handicapped persons will be given full consideration for employment in all departments. An effort shall be made to employ and retain handicapped persons in positions where a handicap will not impair performance. 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. Physical standards will not be used to arbitrarily eliminate handicapped persons from consideration.
- D. The City and all subordinate departments will take affirmative action to expand opportunities for minority groups and women through employment and promotion on a completely non-discriminatory basis.

Sec. 3.03. Conflict of Interest.

- A. Employees who may be in a position to influence actions and decisions regarding City administration shall refrain from relationships which may adversely affect the exercise of their independent judgement in dealing with suppliers of goods or services.
- B. An outside personal economic relationship, such as those described below, which affords present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties may be considered a conflict of interest requiring evaluation by the city manager.
  - 1. The employee is engaged in a private business or financial relationship which may secure advantage of goods, services or influence due to the position of the employee with the City.
  - 2. The employee designates sources for procurement or procures parts, materials, services, supplies and facilities by purchase or lease, or sells or leases to the City in his/her own name or the name of others.

3. The employee acts as director, officer, agent, sole proprietor, partner, stockholder (if owning in excess of ten percent of securities outstanding), employee, paid consultant or advisor to a supplier.
- C. An employee having an outside personal economic relationship under the conditions specified above shall file a sworn statement to this effect with the City and with the Circuit Clerk of Duval County as may be required by law.
  - D. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification from the city manager.
  - E. The city manager shall determine whether a relationship could cause a potential conflict of interest.
  - F. No City employee shall accept any gift, favor or service that may reasonably tend improperly to influence him/her in the discharge of his/her official duties.
  - G. It is improper for any employee to use his/her position with the City to obtain or attempt to obtain any special preferences, privileges or exemptions for himself/herself or for others.
  - H. No City employee shall accept employment or engage in any business or professional activity which might require or induce him/her to expose confidential information acquired by him/her by reason of his/her official duty.
1. No employee shall disclose confidential information gained by reason of his/her official position, nor shall the employee use such information for personal gain or benefit.

Sec. 3.04. Political Activity.

No employee of the City of Neptune Beach will be allowed to take an active part in political management or in political campaigns during working hours. This does not prohibit an employee from voting as he/she may choose, and from expressing his/her opinion on any political subject or candidate. No leaves of absence, excluding previously accumulated vacation leave, shall be granted to such employees for the purpose of participating in a political campaign.

A. Employees MAY:

1. Register and vote as they choose.
2. Assist in voter registration drives.
3. Express their opinion about candidates and issues.
4. Contribute money to a political organization or attend political fundraising functions.
5. Wear or display political badges, buttons or stickers (except while on duty or wearing uniforms).
6. Attend political rallies and meetings.
7. Join a political club or party.
8. Sign nominating petitions.
9. Campaign for or against referendum questions, constitutional amendments, etc.

10. Become a candidate for an elective political office. The employee may use vacation leave or work after duty hours during a campaign for other than a City office. Any employee who wishes to accept or seek elections to a City office shall resign from City employment, effective upon formal declaration of candidacy.
11. An employee wishing to qualify for any other elective office shall submit in writing notification to the city manager who will determine whether a conflict of interest exists. Should the employee win such election he/she will resign from City employment effective on the date of election. Should the employee lose the election, he/she will be permitted to retain his/her position.

*Of the items permitted in this paragraph only voting is allowed during work hours. All other items enumerated above are prohibited during work time.*

B. Employees SHALL NOT:

1. Use official authority or influence for the purpose of interfering with an election or nomination for office, coercing or influencing another person's vote, or affecting the result thereof
2. Directly or indirectly coerce., attempt to coerce, command or advise a State or local officer or employee to pay, lend or contribute anything of value to a party or candidate.
3. Interfere in any other way with the personal right of any officer or employee.
4. Wear or display any political badges, buttons, or stickers on any city vehicle, property, or uniform.

Sec. 3.05. Outside Employment

- A. Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment. No employee may engage in outside employment which would interfere with the interest of the City.
- B. Any employee desiring to pursue outside employment shall request approval from the department head.
- C. The department head may reject the request if it is deemed to affect City employment. Any notice to engage in outside employment previously granted under these rules may be cancelled or terminated at any time by the City upon giving sufficient written notice to the employee concerned.
- D. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under City Worker's Compensation as a result of disability resulting from the outside employment.
- E. Equipment, facilities, vehicles or property of the City shall not be used by employees for outside employment, except with the prior consent of the department head.

Sec. 3.06. Release of Information.

- A. Employees shall at all times be courteous, friendly and helpful to the public who seek information.
- B. Employees are cautioned that information concerning subjects- under discussion or consideration often change in content and meaning before becoming an accomplished fact. Any release of such information before final decisions or disposition of the matter often causes misunderstanding and confusion resulting in waste of time and money.
- C. It is not the intent of the City to be secretive or to withhold valid information, but to assure that all information released is true and accurate. Unless release of information is a normal part of their duties, employees will direct such inquiry to the department head or the city manager.

Sec. 3.07. Solicitation and Distribution.

- A. Employee contributions to recognized charitable organizations are voluntary. No coercions of an employee to make contributions shall be permitted.
- B. Employees are prohibited from conducting or promoting private business for gain during duty hours or within any City building.
- C. Employees are prohibited from soliciting any other City employee on behalf of any organization, including labor unions, labor organizations or employee organizations during their duty hours or the duty hours of the employee to be solicited.
- D. Employees are prohibited from distributing literature which tends to promote any organization, including any labor union, labor organization or employee organization during duty hours or in any area where City work is performed.
- E. Distribution of literature for City-sanctioned programs such as recreational activities is not restricted by this rule.

Sec. 3.08. Employee Debts.

An employee's financial transactions are the employee's personal affair. The City will not act as a collection agent. However should complaints concerning an employee's failure to meet financial obligations result in interference with the employee's job performance or occasional loss of time and/or increased effort on the part of other City employees, the employee concerned shall be counseled. Should the condition continue, the employee may be subject to disciplinary action.

Sec. 3.09. Use of City Property.

Employees shall not use City property, equipment or vehicles except in the performance of official duty, nor shall they permit its use by an unauthorized person, either on or off duty. Specific exceptions may be granted by the city manager.

Sec. 3. 10. Dress and Appearance.

- A. No attempt is made to set specific dress standards. The important factor is the overall impression created. What is appropriate for employees in one department may not be

appropriate for another.

- B. Work clothes and uniforms provided for many departments generally set the standard for their functions. Determination of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards may be established in departmental rules.

#### Sec. 3.11. General Prohibitions

- A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner which will in no way discredit the City, public officials, fellow employees or themselves.
- B. Employees shall avoid conduct or speech that is subversive to good order and discipline. They shall treat each other with courtesy and respect, and refrain from making any derogatory remarks concerning each other.
- C. Employees shall not destructively criticize the City, any department, or its policies, programs, actions or officers; or perform any acts or make any written or oral statements which tend to bring them into disrepute or ridicule, or which tend to interfere with reasonable supervision or proper discipline.
- D. Employees shall not make any false statement, certificate, mark, rating or report concerning any test, certification or appointment made under the provisions of these rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.
- E. Employees shall not deceive or obstruct any person in their right to examination, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment with the City.
- F. Employees whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall not permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them, nor permit them to be out of his/her possession without good cause, or approval of the department head. Such badges, cards and insignia shall be used only in the performance of the official duties of the positions to which they are related.

#### SECTION 4

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

#### EMPLOYMENT POLICIES

##### Sec. 4.01. Appointing Authority.

The city manager, unless prohibited by ordinance or resolution, has the authority of appointment and removal of subordinate positions. Such authority may be delegated to a department head.



Sec. 4.02. Position Control.

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

Sec. 4.03. Types of Appointment.

- A. Regular - employees who work full time and on a continuous basis.
- B. Seasonal - employees appointed in the same manner and subject to the same procedure as regular employees except that they will be laid off at the close of the season for which they were appointed (exempt positions).
- C. Part Time - see Sec. 2.01(33).
- D. Temporary - positions (whether part time, full time or hourly) anticipated to be of comparatively short or definitely limited duration, for special projects, grants or programs (exempt positions).
- E. Trainee - employees who do not meet the minimum qualifications of the position. The length of training is at the discretion of the department head.

Sec. 4.04. Application Procedures

- A. A personnel memorandum shall be submitted by the department head to the city manager for approval of a replacement or to fill an opening for a part time or regular employee position or promotion.
- B. The city manager may prepare a job announcement and send it to all departments and divisions for posting on their departmental bulletin boards. The job announcement shall contain a notice to all City employees indicating that they may apply for the position. This will allow City employees the opportunity to apply. The vacancy may be filled by a City employee if that employee meets all the requirements of the position as determined by the city manager. Qualified City employees will receive first consideration for the vacant position. If the position is not filled within, the city manager may advertise the vacancy in the local newspapers and inform local government services and departments and divisions of its existence.
- C. Applications for employment may be accepted only when a vacancy occurs. As a result of a single application, a candidate may be considered for all classes of positions in which the candidate's principal qualifications might profitably be used. Each candidate for City employment shall make application in the manner prescribed. Such information may be required as is deemed necessary in order to judge the applicant's fitness.
- D. Employment with the City shall be based on merit, ability and physical and moral fitness as evidenced by:
  - 1. Training and experience as reflected by the application form and other documentation of certification, registration, etc., as requested.

2. Written examination or performance test when in the best interests of the City.
- E. As part of the pre-employment procedure, former supervisors, employers, and references provided by candidates should be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact should be documented and made part of the applicant's file. These reference checks should be completed prior to an offer of employment.

Sec. 4.05. Rejection of Applications.

- A. The City may reject an application which indicates that the applicant does not possess one or more of the requirements as specified in the announcement.
- B. Applicants may also be rejected for the following reasons:
1. The applicant does not pass all City tests and examinations, including drug test, where applicable.
  2. The applicant has been convicted of a felony, or of a first-degree misdemeanor which directly related to the position sought.
  3. The applicant has made false statements of any fact in the application.
  4. The applicant has ever been a member of any organization which advocates the overthrow of the Government of the United States of America by force or violence.
  5. The applicant's past performance record is unsatisfactory.

Sec. 4.06. Processing Applications.

- A. Before final processing an applicant must:
1. Pass a physical examination performed and evaluated by the City's designated physician, if the position sought requires such examination.
  2. Present a valid Social Security card.
  3. Present proof of:
    - a. Education, if required by the position.
    - b. Date of birth.
    - c. Citizenship or resident alien status.
    - d. Separation from the Armed Forces, if appropriate.
  4. Be subject to a background investigation, if required by the position.
  5. Present a valid Florida Driver's License, where required by the position.
  6. The city manager shall establish tests for initial employment in all categories wherever it is determined practical. After completing application forms, interviews and/or evaluation testing for those applicants who appear most qualified for the vacant position, the city manager or his designee may direct the applicant to the department for interview. No person shall be employed, promoted, or discharged unless prior approval is obtained from the city manager.
- B. Any exception to this procedure must be approved by the city manager.

Sec. 4.07. Announcement of Examination.

- A. Except for vacancies at the lowest rank in any category, and unless vacancies are filled by demotion, transfer, or by certification from layoff eligible, they may be filled by the promotion of City employees. The city manager shall, after consultation with the department head concerned, determine whether an open competitive examination shall be conducted among City employees of the department or departments in which vacancies exist.
- B. If the vacancy cannot be filled through promotion, the City may make public announcement of the vacancy in advance of the date fixed for closing the filing of applications.

Sec. 4.08. Examinations.

- A. All appointments, either at the entrance or promotional level, shall be made on the basis of merit and fitness to be determined as far as practical and possible by competitive examinations.  
Whenever vacancies exist or are contemplated, the city manager may prepare examinations and the appropriate department head shall administer examinations. These examinations will be designed to fairly and impartially test the merit, fitness, aptitude, experience, and other relative qualifications of an applicant to discharge the duties of the classification in which he/she seeks appointment. These may consist of any one, all, or a combination of the following:
  - 1. Written examination.
  - 2. Performance examination.
  - 3. Physical or medical examination.
  - 4. Evaluation of training and experience.
  - 5. Length of time in present classification.
  - 6. Any other applicable criteria which will fairly measure the relative abilities of individuals competing in examinations.

Sec. 4.09. Examinations.

Examination papers are considered to be of a privileged nature and are not available for public inspection but may be available to department heads.

Sec. 4.10. Rating Examinations

Sound measurement techniques and procedures will be used in rating the results of tests and determining the relative ranking of the candidates.

Sec. 4.11. Transfers

An employee may be transferred from a classification in one department to the same or equivalent classification in another department. No transfer may be made without the approval of the city manager.

Sec. 4.12. Promotions.

In filling vacancies above the lowest rank in any category, an opportunity for consideration for promotion may be given to employees within the City service. All promotions must be approved by the city manager.

Sec. 4.13. Demotions.

- A. A demotion is the assignment of an employee from one class to another which has a lower maximum rate of pay. The city manager may demote an employee in the following instances:
  - 1. In lieu of lay-off when a position is to be abolished or an employee with prior rights returns to the position.
  - 2. In lieu of when an employee is not performing satisfactorily or when a health examination conducted by the City's physician discloses that the employee is not physically qualified to perform the duties of the position.
  - 3. When an employee fails to perform satisfactorily during the probationary period following promotion.
- B. The City shall furnish the employee a written statement containing the reasons for the demotion.

Sec. 4.14. Reinstatements.

- A. An employee who has resigned in good standing or whose position has been abolished may be rehired, if a vacancy exists, to the same or similar position by the same department from which the employee left.
- B. An employee may be reinstated at the same pay rate as previously received, or may revert to a lower rate within the range at the discretion of the city manager.
- C. Reinstated employees are considered new employees for purposes of vacation, leave, pension, and salary increases, and must once again serve a probationary period regardless of whether probationary or permanent status was held prior to separation.

Sec. 4.15. Probationary Period.

- A. The probationary or "working test" period is utilized to observe the new employee's work, to secure the most effective adjustment of a new employee to the Position, and to reject any employee whose performance does not meet the required work standards.
- B. The probationary period shall extend a minimum of six (6) months from the employee's first day of work. When the employee has successfully completed the probationary period, he/she will be placed on regular status.
- C. During the probationary period the employee's supervisor will notify the employee in writing if performance is not satisfactory and test period requirements are not being met.
- D. If a newly hired probationary employee has been found to be unqualified to perform, or will not properly perform the duties of the position, the employee shall be dismissed by the department head at the time of such determination. The department head must coordinate this action with the city manager and furnish written notice that the employee is unsatisfactory, specifying the reasons. The employee does not have the right of administrative appeal.
- E. If an employee who is serving a probationary period incurred as a result of a promotion and is found to be unqualified to perform the duties of the higher position, every effort will be made to return the employee to the position and status held immediately prior to promotion. If the

employee's former position is filled, the employee may be transferred to a vacant position with the same job classification, subject to the approval of the department head and the city manager.

- F. Employee probation may be extended at the discretion of the city manager.

Sec. 4.16. Hours of Work

- A. The city manager, with approval of Council, shall establish the hours of work in accordance with the needs of the City and the public.
- B. Employees working on a shift basis will work the hours as determined by departmental policy.
- C. Lunch periods are scheduled at the discretion of the department head.

Sec. 4.17. Overtime

- A. Overtime can be authorized or directed only when it is the most practical and economical way of meeting workloads or deadlines.
- B. Employees will be required to work overtime when requested unless excused by supervisors.
- C. Employees, other than those on salary, will be paid overtime at the rate of time and one half for all time worked in excess of forty (40) hours per week.\*
- D. Sick leave, funeral leave, jury duty, holidays, vacations, annual military leave, and other absences from work while on pay status will not be counted as time worked for overtime computations.

\* In the event of an emergency, natural disaster, or catastrophic event, hourly employees who work on a twenty-four (24) hour on-call basis will be paid at the rate of time and one half for all hours worked in excess of their normal work schedule. At the discretion of the City Manager, and in compliance with State and Federal Laws, salary employees who are assigned to an emergency, natural disaster, or catastrophic event may be paid for additional hours worked beyond their normal work schedule as well.

Sec. 4.18. Attendance.

Employees are expected to report for duty at the scheduled time and each department head shall be responsible for the punctual attendance of all persons in the department. If an employee is unable to work for any reason, he/she must notify the department as soon as possible prior to the scheduled reporting time. Insufficient notice shall constitute leave without pay. Repeated or unjustified absenteeism or lateness is cause for disciplinary action.

Sec. 4.19. Performance Rating

The City may utilize a program for rating the work performance of employees.

Sec. 4.20. Employee Training

The City shall establish and develop educational and training programs for employees in the City service.

The purpose of such programs is to increase the operational efficiency of such employees, and to assist employees in preparing themselves for positions of increasing difficulty and responsibility.

SECTION 5

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

HOLIDAYS

Sec. 5.01. Days Observed.

- A. The following, and any other days which the City Council may declare, are City holidays for employees not covered by a collective bargaining unit. They shall be granted with pay to all eligible employees scheduled to work on such days:

<u>Holiday</u>	<u>Observed</u>
New Year's Day	January 1
Martin Luther King Jr's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Fourth of July	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25
Personal Day	Selected by employee (must be taken in calendar year or be forfeited)

- B. When a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.
- C. The city manager will determine when any department or operation will be closed in observance of a holiday.

Sec. 5.02. Eligibility for Holiday Pay

- A. All full time regular employees will receive a day off with pay for each of the holidays earned.
- B. Temporary employees shall not be paid for holidays.
- C. Part-time employees may be granted holiday pay on a pro rata basis with prior approval of the city manager.
- D. An employee must be on "active pay status" (see definition) on the regularly scheduled working

day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday in order to qualify for the holiday time.

Sec. 5.03. Holiday on Work Day

- A. Hourly employees who work on the observed holiday will be compensated at one and one half (1-1/2) times the employee's regular straight time hourly rate for any hours worked in addition to the regular pay granted for the holiday.
- B. An hourly employee who is scheduled to work on the day observed as a holiday and calls in sick will still be charged with holiday time for that day.

Sec. 5.04. Holiday on Leave Day.

- A. Holidays which occur during personal leave shall be charged to holiday leave and not to personal leave.
- B. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.

SECTION 6

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

PERSONAL LEAVE PLAN

Sec. 6.01 Eligibility and Rate of Earning.

- A. Each regular, full-time employee who is not represented by a bargaining unit shall accrue personal leave with pay at the rate shown in the table below. The number of hours in each employee's workday shall be determined by the position and classification. Workdays shall be between seven (7) and eight (8) hours.

<i>Years of Service</i>	<i>Days Accrued Per Year</i>
Zero to 5 years	20 - 160 - 6.15
5 years to 10 years	23 - 184 - 7.08
10 years to 15 years	26 - 208 - 8.00
15 years to 20 years	29 - 232 - 8.92
20 years to 25 years	32 - 256 - 9.85
25 years or more	35 - 280 - 10.77

- B. Employees shall earn leave time based on time actually worked and time on approved leave with pay.
- C. Employees are not eligible to be paid for personal leave during the first six (6) months of employment or re-employment.

D. The rate of accrual shall change to the higher rate on the anniversary date of employment.

Sec. 6.02. Charging Leave

- A. Personal leave will be charged in one hour minimum increments.
- B. Holidays which occur during personal leave, shall be charged against holiday leave, and not against personal leave.
- C. For purposes of determining overtime payments, personal leave hours shall not be counted as time worked.

Sec. 6.03 Request for Leave.

- A. Personal leave may be taken only after approval of the appropriate department head. Department heads will arrange personal leave schedules and reallocate duties on such a basis as to cause minimum interference with normal functions and operations of the department.
- B. Requests for personal leave must be submitted in writing at least two (2) weeks in advance for a personal leave request of two (2) or more consecutive working days. Requests for personal leave of less than two (2) consecutive working days must be submitted as soon as practicable. These advance notice requirements may be waived by the department head.
- C. Should an employee be absent and fail to comply with the rules concerning personal leave, such employee shall be charged with unauthorized absence.
- D. Personal leave may be used only as earned.

Sec. 6.04 Use.

Personal leave is intended to replace both vacation leave and sick leave in previous policies. Personal leave may be granted for the following scheduled and unscheduled purposes:

- A. Vacation
- B. Sickness
- C. Absences for transacting personal business which cannot be conducted during off-duty hours.
- D. Religious holidays other than those designated by the City as official holidays.
- E. Any scheduled absences from work not covered by other types of leave provisions established by these Rules.

Sec. 6.05. Unused Personal Leave.

- A. Personal leave shall accrue to a maximum of <sup>(480.00)</sup> sixty (60) days. Employees who have at least 15 <sup>(120.00)</sup> days accumulated may sell back to the City up to ten (10) personal leave days. Employees may not <sup>(50.00)</sup>



sell back time more frequently than once every quarter.

- B. Upon termination of employment following the completion of five (5) years of service, the employee shall be paid for all unused accrued personal leave on an hour for hour basis. Upon termination of employment with less than five (5) years of service, the employee shall be paid for seventy-five percent (75%) of all unused personal leave on an hour for hour basis.

## SECTION 7

### USE OF PERSONAL LEAVE AS SICK LEAVE

#### Sec. 7.01 Notification.

- A. An employee must notify his/her department as early as possible, and no later than thirty (30) minutes before starting time, the day the employee is unable to report to work because of illness. The employee will notify the department of the nature of the employee's illness and the approximate amount of time the employee will be absent. Use of personal leave for illness is subject to investigation by the appropriate supervisor. An employee will be counseled whenever a pattern clearly develops where that employee is abusing personal leave taken for illness. (Example: Leave for illness is combined with regular days off more than three times annually.)
- B. The employee must contact his/her department each day that personal leave is being taken as sick leave.
- C. An employee who is absent due to illness who fails to comply with the rules in this section may be charged with unauthorized leave.
- D. The City has the right to require any employee to undergo a medical examination by an assigned medical doctor at any time to ascertain whether or not the employee is physically and mentally capable of performing any and all duties required of his/her classification. This examination may be conducted on City time and at City expense.

#### Sec. 7.02 Pregnancy and Childbirth

- A. Pregnancy and childbirth, disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there from are, for all job related purposes, genuine illnesses and should be treated as such.
- B. Employees may take personal leave on the same general terms and conditions for such illnesses as are otherwise applicable under personal leave provisions.
- C. A certificate from a medical doctor will be required from employees desiring to utilize personal leave due to any of the foregoing reasons; such certificate must be to the effect that said employee is unable to perform the duties due to one or more of the listed conditions. Upon return from personal leave, all such leave must be justified by a certificate from a medical doctor.

#### Sec. 7.03 Vacation and Sick

- A. Upon adoption of policy by the City Council, all sick leave and vacation leave currently in the employee's "leave bank" shall be converted to Personal leave.

## SECTION 8

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

### LEAVE OF ABSENCES

#### Sec. 8.01. Bereavement Leave.

- A. All full time regular employees may be granted up to five (5) days off without loss of pay as bereavement leave in the event of death in the immediate family (see definition of immediate family).
- B. Bereavement leave is limited to ten (10) days per calendar year.
- C. The employee may be required to provide the department head with proof of death in the immediate family before compensation is approved.
- D. If additional days off are necessary to attend the funeral of a member of the immediate family, annual leave may be used.
- E. Employees may be granted four (4) hours without loss of pay as bereavement leave, to either attend or serve as pallbearer at the funeral of another City employee.
- F. If the employee wishes to attend the funeral of someone outside his/her immediate family, or another City employee, annual leave or leave without pay may be granted.

#### Sec. 8.02. Court Leave.

- A. Employee attending court as a witness on behalf of a governmental agency or for jury duty during their normal working hours shall receive pay at their regular rate for the hours they attend court.
- B. All regular full time employees subpoenaed to attend court on behalf of the City are eligible for leave with pay. Those employees who become plaintiffs or defendants in personal litigation are not eligible for leave with pay. In such cases, annual leave or leave without pay may be granted.
- C. Employees who attend court for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released by the court.
- D. Employees required to attend court as stated in Sec. 8.02(A) above who are on scheduled vacation may be allowed to take additional leave with pay for that court time.
- E. All court attendance must be verified before an employee is compensated.

Sec. 8.03. Military Leave.

An employee may take military leave in accordance with Chapter 115, Florida Statutes.

Sec. 8.04. Leave Without Pay.

- A. The decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. Any leave of absence must have the approval of the city manager.
- B. The following provisions apply to leave without pay:
  - 1. An employee granted a leave of absence must keep the department informed of his/her current activity and current address.
  - 2. An employee who obtains either part time or full time employment elsewhere while on an authorized leave of absence is required to notify the department in writing within three (3) days of accepting such employment.
  - 3. Failure to comply with all of the above items will result in the employee's being dropped from leave of absence status, in which case he/she must return to duty or be discharged.
  - 4. Any employee granted a leave of absence shall contact the department head at least two (2) weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
  - 5. Failure to return to work at the expiration of the leave shall be considered as a resignation.
  - 6. Medical leave, annual leave or holiday leave will not be earned by an employee for the time that the employee is on leave without pay.
- C. A leave without pay shall not constitute a break in service, but the time will not be credited toward retirement.

Sec. 8.05. Service Connected Disability Leave

- A. Any employee who sustains a temporary disability as a result of accidental injury in the course of, and arising out of, his/her employment shall, in addition to compensation payable pursuant to the Worker's Compensation Law of the State of Florida, be entitled to the following benefit:
  - 1. During the first twenty (20) working days of such disability, the employee shall receive supplemental pay based upon 100% of regular straight time wages reduced by the Workers' Compensation indemnity payable.
  - 2. Thereafter, the employer may, at its sole discretion (which discretion shall not be subject to arbitration), grant additional injury in-line-of duty leave in increments of twenty (20) working days. During such extension, if any, said employee shall receive supplemental pay based upon 100% of regular straight time wages reduced by the Workers' Compensation indemnity payable.
  - 3. If the employee brings litigation or administrative action under the Workers' Compensation Law while receiving workers' compensation supplemented by the benefits herein provided, the entitlement to such supplemental benefits shall immediately terminate.

- B. If an employee, due to an on-the-job injury, is temporarily partially disabled from performing the duties of his/her classification, he/she may be temporarily reassigned without reduction in pay to other duties commensurate with medical and mental fitness availability of suitable work, and his/her qualification for the position.

Sec. 8.06. Absence Without Leave.

- A. All absence of an employee from duty, including any 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 shall be deemed to be an Absence Without leave. Any such absences shall be without pay and may be subject to disciplinary action.
- B. Any employee who is absent for three (3) consecutive days without leave shall be deemed to have resigned. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

Sec. 8.07. Voting Leave

During a primary or general election, an employee who is registered to vote, whose hours of work, do not allow sufficient time for voting, shall be allowed the necessary time off with pay for this purpose. When the polls are open two (2) hours before or two (2) hours after the regularly scheduled work period, it will be considered sufficient time for voting.

SECTION 9

SEPARATIONS

Sec. 9.01. Types of Separations.

Separations and/or terminations from positions in the City services are designated as any of the following types:

- A. Resignation.
- B. Retirement.
- C. Disability (including, but not limited to, medical),
- D. Death.
- E. Reduction in force (lay-off).
- F. Dismissal or discharge.
- G. End of temporary assignment.

Sec. 9.02. Resignation.

- A. An employee voluntarily leaves the City service.

- B. An employee wishing to leave the City service in good standing shall file with the City a written resignation, stating the date and reason for leaving. Such notice must be given two weeks prior to the date of separation. Failure to comply with the courtesy may be cause for denying such employee reemployment with the City.
- C. Unauthorized absences from work for a period of three (3) consecutive days may be considered a resignation.

Sec. 9.03. Retirement.

- A. A voluntary or involuntary procedure, if lawful, whereby an employee is separated from the City service.
- B. Retirement regulations and benefits shall conform with the provisions of the retirement plan in effect.

Sec. 9.04. Disability

- A. When an applicant is appointed to a position before the final report of a health examination is received, and the final report shows that he/she is not physically qualified to perform the duties of the position, the applicant shall be separated.
- B. A department head may request that an employee be examined by the City's designated physician. If disability of any kind is discovered which impairs the effectiveness of an employee or makes continuance on the job a danger to the employee or others, the following action shall be taken:
  - 1. If the disability is correctable, the employee will be allowed a specific time to have it corrected. If the employee fails to take steps to have the disability corrected within the specified time, the employee shall be subject to dismissal.
  - 2. If, in the opinion of the examining physician, the disability cannot be corrected, the city manager will attempt to place the employee in another position which he/she can perform satisfactorily. If that step cannot be accomplished successfully, the employee shall be separated either through retirement or dismissal.

Sec. 9.05. Death.

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

Sec. 9.06. Reduction in Force (Lay off).

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

- B. No regular employee shall be laid off while another person in the affected class is employed on a provisional, part time, temporary or seasonal basis.
- C. Recall will be offered to laid off employees provided they are physically and otherwise qualified to perform the duties of the job.
- D. The city manager shall give the employee to be laid off written notice of the action before the effective date of the lay off.
- E. When a department head believes that an employee is essential to the efficient operation of the department because of special skills or abilities, and wishes to retain this individual, the department head must submit a written request to the city manager.
- F. A laid off employee shall be paid for all personal leave credits for which eligible.

Sec. 9.07. Dismissal or Discharge.

- A. A discharge is the involuntary separation of an employee from the City service. Employees discharged for disciplinary reasons will not be eligible for rehire and shall lose all seniority and reinstatement privileges.
- B. Employment with the City of Neptune Beach is considered to be "at will" employment as defined by Florida Law. Therefore, it is within the discretion of the city manager to dismiss an employee. Reasons for dismissal may include, but shall not be limited to:
  1. Failure to meet established standards of work, morality or ethics to an extent that the employee is unsuitable for employment with the City in the position in which the employee was serving.
  2. Theft, destruction, or gross neglect in the use of City property.
  3. Incompetency, inefficiency, or negligence in the performance of duty.
  4. Insubordination.
  5. Conviction of a criminal offense.
  6. Being under the influence of intoxicating liquor, drugs or barbiturates (not prescribed by a doctor) while on duty.
  7. Disgraceful personal conduct, whether on or off duty which reflects discredit upon the City.
  8. Unauthorized absences, abuse of leave privileges, or habitual tardiness.
  9. Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of duties.
  10. Falsification of records or use of official position for personal advantage, including application, time sheets, purchase orders, etc.
  11. Commission of any offense described in these rules and regulations or departmental rules and regulations relating to Disciplinary measures for which discharge is the penalty.
  12. Violation of Florida Statute 447.018 prohibiting public employee organizations from participating in a strike against a public employer.
- C. Charges which form the basis for a dismissal of an employee shall be specific, and shall be

documented by the supervisor or department head, to include dates and places of incidents.

D. The procedure for dismissal shall be as follows:

1. During the probationary period following original appointment, a finding by the city manager that a dismissal is for the good of the City shall be final.
2. Employees who are to be dismissed shall be notified in writing of the specific causes for dismissal prior to dismissal. Such notice will include the employee's rights of appeal.
3. An employee who is dismissed by the city manager, other than probationary employees, may request the Civil Service Board to review the dismissal. The decision of the Civil Service Board shall be final.

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

1. If the circumstances warrant, an employee may be suspended by the city manager, with or without pay, pending the completion of disciplinary action or dismissal for acts involving unsatisfactory performance or conduct prejudicial to the public interest.
2. An employee may be suspended without pay indefinitely if the employee has been indicted for a felony or for a misdemeanor involving moral turpitude. The suspension shall be terminated by restoration to the City service or by dismissal upon the decision of the court. If the employee is restored to the City service, full pay for the entire period of suspension will be paid, and eligibility for merit pay increase and accrual of leave credits shall not have been interrupted by the suspension.
3. The employees shall receive written notice, stating the nature and reason for the action, the duration, and rights of appeal.

Sec. 9.08. Exit Interviews.

It is the desire of the City to determine why employees leave the City service. An exit interview program may be established and administered to determine the causes of possible solutions for turnover within the work force.

Sec. 9.09. Return of Property and Financial Obligations.

- A. Prior to receiving final monies due, all items of City property in the employee's custody shall be returned to the department. Certification to this effect shall be made by the employee's supervisor. Any monies due because of shortages shall be collected through appropriate action.
- B. Any outstanding debts incurred by an employee, such as shortages in leave accounts, deductions for the loss or abuse of City property, or other financial obligations which are due the City will be deducted from the employee's final paycheck.

SECTION 10

DISCIPLINARY ACTION

Sec. 10.01. Intent.

- A. It is the intent of the City that effective supervision and employee relations will avoid most matters which necessitate disciplinary action.
- B. Each instance differs in many respects from similar situations and the City retains the right to treat each occurrence on an individual basis, without creating a precedent for other cases which may arise in the future. The city manager retains the right to suspend any disciplinary action which may be broken, as a result of good behavior for a specified term.
- C. The following rules are not to be construed as limitations upon the retained rights of the City, but merely as a guide. The rules provide recommended standard penalties to apply for specific offenses. This means that a more severe or less severe penalty may be issued than that which appears in the standard procedure if it is felt necessary.
- D. Disciplinary action is intended to correct improper conduct or deficiencies, not to punish an offending employee. Such action shall therefore only be severe enough to constitute an attempt to bring about correction. Discharge shall be resorted to only when other efforts to bring about correction have failed, or when the severity of the offense warrants such measures.
- E. Offenses requiring disciplinary action are divided into three (3) types to reflect degrees of severity. In each group and for each rule, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of the employee's service, and the abilities of the employee. In each case where the penalty is modified from the recommended standard, the reason for such modification will be noted in writing.
- F. In all cases, the department head shall notify the employee in writing of the action taken, and a copy of such notice will be included in the employee's personnel folder. The employee shall sign or initial the notice before it is placed in his/her folder. If the employee refuses to sign or initial the notice, said refusal to sign or initial the notice shall be noted by the department head.
- G. In addition to the general types of offenses listed below, infractions of departmental rules and regulations will subject the employee to disciplinary action.

Sec. 10.02. Types of Offenses.

The three (3) groups of offenses and guides for standard recommended penalties are as follows:

Group I Offenses

First Offense - Verbal Warning

Second Offense - Written reprimand and/or up to five (5) days suspension

Third Offense - Up to discharge

- 1. Operating, using, or possessing tools, equipment or machines which the employee has not been assigned, or performing other than assigned work.
- 2. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
- 3. Washing up or changing clothes during working hours without specific permission.



4. Taking more than the specified time for meals or rest periods.
5. Demonstrating productivity or workmanship which is not up to required standards of performance.
6. Disregarding job duties by loafing or neglecting work during working hours.
7. Reporting to work or working while unfit for duty, either medically, mentally or physically.
8. Posting or removing any material on official bulletin boards or City property without authorization.
9. Distributing written or printed material of any description on City premises unless authorized.
10. Showing discourtesy to persons with whom the employee comes in contact while in the performance of duties.
11. Failing to report an accident or personal injury in which the employee was involved while on the job.
12. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrating on the job, or similar types of disorderly conduct.
13. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
14. Failing to pay just debts due, or failing to make reasonable provisions for the future payment of such debts, thereby causing loss of time and/or increased effort to the City or to superiors.
15. Failing to keep the department and the City notified of proper address and telephone number (if any).
16. Failing to use proper safety equipment or devices when provided, and/or failure to follow established safety policies.

#### Group Offenses

Offense - Written reprimand and/or up to five (5) days suspension  
 Second Offense - Up to discharge

1. Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time, including using abusive language.
2. Failing to work overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.
3. Neglecting to comply with requirements set forth in departmental rules and standards of conduct.
4. Engaging in gambling, lottery or any other games of chance at City workstations at any time.
5. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City or its operations.
6. Being absent without permission or leave.
7. Violating rules or practices which affect the safety of City personnel, equipment, tools or property.
8. Failing to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to City business.
9. Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on City premises, unless authorized.
10. Knowingly harboring a serious communicable disease which may endanger other employees.
11. Violating personnel rules.
12. Habitually failing to punch one's own time card, where applicable. "Habitually" considered occurring three (3) times within a ninety (90) day period.
13. Habitually reporting to work late. "Habitually" is considered occurring three (3) times within a ninety (90) day period.

14. Chronically being absent from work. 'Chronically' is considered three (3) times within a ninety (90) day period.

### Group III Offenses

#### First Offense - Up to discharge

1. Wanton or willful neglect in performing assigned duties.
2. Deliberately abusing, destroying, or damaging any City property or property of an employee.
3. Receiving from any person, or participating 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.
4. Knowingly punching the time card of another employee, having one's own time card punched by another employee, or unauthorized altering of a time card, where applicable.
5. Falsifying personal or City records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.
6. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or Workers' Compensation.
7. Coordination by refusing to perform work assigned, or to comply with written or verbal instructions of a supervisor.
8. Unauthorized use or display of firearms, explosives or weapons on City property,
9. Theft or unauthorized removal of any City property or property of any employee.
10. Immoral, unlawful or improper conduct, or indecency, either on or off the job, which would tend to affect the employee's relationship to the job, fellow worker's reputation, or goodwill in the community.
11. Being absent from duty for a period of three (3) consecutive working days without proper authorization.
12. Failing to return from an authorized leave of absence.
13. Permitting another person to use an employee's identification card, using another person's card, or altering an identification card.
14. Incompetence or inefficiency in the performance of assigned duties.
15. Drinking intoxicating beverages while on duty or use or abuse of controlled dangerous substances; or reporting for work while obviously under the influence of alcohol or drugs (see Sec. 12, Drug Testing).
16. Using or attempting to use political influence or bribery to secure an advantage of any manner.
17. Being convicted of a felony, of a misdemeanor of the first degree as defined by Florida Statutes, or any violation involving moral turpitude, while either on or off the job.
18. 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.
19. Sleeping during duty hours, unless otherwise authorized.
20. Provoking or instigating a fight or fighting on City property.

#### Sec. 10.03. Warning and Reprimand

- A. Whenever employee performances, attitudes, work habits, or personal conduct at any time fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel or assistance. If appropriate and justified, a reasonable period of time

for improvement may be allowed before initiating disciplinary measures.

- B. In situation where a verbal warning has not resulted in the expected improvement, a written reprimand may be issued defining the nature of the infraction under the rules. The written reprimand will be sent to the employee and a copy shall be placed in the employee's personnel folder. The employee's immediate supervisor usually initiates a written reprimand.

Sec. 10.04. Suspension.

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

Sec. 10.05. Appeals

- A. The city manager shall hear appeals in cases involving disciplinary actions of regular employees who have satisfactorily completed their probationary.
- B. The appeal shall be made within ten (10) working days after delivery or making to the employee of the written notice, by filing a written request for a hearing with the city manager.
- C. The city manager shall set a time and place for the hearing to be held at the earliest possible date and shall notify the employee and the department head of the time and place scheduled for the hearing.
- D. Hearings before the city manager shall be conducted informally in accordance with procedures established by the city manager and shall not be bound by formal rules of evidence.
- E. Appeals of the city manager's decision may be filed with the Civil Service Board in accordance with Section 2-482 of the Code of Ordinances.

Sec. 10.06. Dismissal.

Employees disabled will receive notification in accordance with the procedures in Section 9.07 of these rules and regulations.

SECTION 11

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

EMPLOYEE GRIEVANCE PROCEDURE

Sec. 11.01. Purpose.

This grievance procedure is established to provide full opportunity for employees to bring to the

attention of management complaints, grievances, or situations that the employee feels need either adjustment or information. It is the intent and desire of the City to adjust complaints or grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after discussion and review. The submission of a grievance by an employee shall in no way adversely affect the employee or his/her employment with the City.

Sec. 11.02. Definition of a Grievance.

- A. A grievance is a complaint, a view, or opinion pertaining to employment conditions, to relationships between employees and supervisors, or to relationships with other employees.
- B. Disciplinary actions, dismissals, demotions, suspensions, reduction in pay, position classifications and allocations shall not be subject to review as grievances, but may be appealed in accordance with Section 10.06 of these Rules, or under a Collective Bargaining Agreement.
- C. Only full time, regular employees are eligible to file grievances under this procedure.

Sec. 11.03. Procedure.

STEP I

The aggrieved employee shall present orally or in writing his/her grievance to his/her immediate supervisor. Discussions will be informal for the purpose of settling differences in the simplest and most direct manner. The immediate supervisor shall reach a decision and communicate it orally or in writing to the aggrieved employee within two (2) working days from the date the grievance was presented to him/her.

STEP II

If the grievance is not settled at the first step, the aggrieved employee, within two (2) working days, shall reduce the grievance to writing, sign it and present it to the department head. Assistance will be provided, if requested, for those employees who have difficulty writing. The department head shall obtain the facts concerning the alleged grievance and shall, within five (5) working days of receipt of the written grievance, conduct a meeting between himself/herself, his/her representatives, if needed, and the aggrieved employee. The department head shall notify the aggrieved employee of his/her decision not later than five (5) working days following the meeting date.

STEP III

If the decision of the department head in STEP II is not considered satisfactory by the aggrieved employee, the aggrieved employee may forward the written grievance to the city manager or his/her designee within three (3) working days of receipt of the answer provided in STEP II. The city manager, or his/her designee, shall investigate the alleged grievance within ten (10) working days after receipt of the grievance unless such time is mutually extended in writing. The city manager, or his/her designee, shall conduct a meeting with the aggrieved employee, the aggrieved employee's immediate supervisor and department head, at which time there will be a full disclosure of all facts relating to the grievance at issue. The city manager or his/her designee,

shall notify the grievant of his/her decision in writing not later than five (5) working days following the meeting. The decision of the city manager shall be binding upon all parties, subject to appeal to the Civil Service Board in accordance with Section 2-482 of the Code of Ordinances.

Sec. 11.04. General Provisions

- A. Grievances must be brought forward as soon as they might reasonably have become known to exist. In the event a grievance arises, the employee must submit a grievance to his/her supervisor (STEP 1) within five (5) days after he/she has had knowledge of the grievance.
- B. Time limits at any state of the grievance procedure may be extended by written mutual agreement of the parties involved at that step.
- C. A grievance presented at STEP II and above shall be dated and signed by the aggrieved employee presenting it. A decision rendered shall be written to the aggrieved employee and shall be dated and signed by the City's representative at that step.
- D. When a written grievance is presented, the City's representative shall acknowledge receipt of it and the date thereof in writing.
- E. A grievance not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn and as having been settled on the basis of the decision most recently given. Failure on the part of the City's representative to answer within the time limit set forth in any step will entitle the employee to proceed to the next step.
- F. In computing time limits, Saturdays, Sundays, and holidays shall not be counted.
- G. When a grievance is reduced to writing there shall be set forth in the grievance all of the following:
  - 1. A complete statement of the grievance and facts upon which it is based;
  - 2. The City policy or rule claimed to have been violated; and
  - 3. The remedy or correction requested.
- H. In settlement of any grievance resulting in retroactive adjustment, such adjustment shall be limited to five (5) calendar days prior to the date of the filing of the grievance.

SECTION 12

DRUG TESTING

Sec. 12.01. Drugs To Be Tested For.

When drug and alcohol screening is required under the provisions of this Section, a urinalysis test will be given to detect the presence of the following drug groups:

- A. Alcohol (ethyl)
- B. Amphetamines (e.g., speed)

- C. Barbiturates, (e.g., amobarbital, butabarbital, phenobarbital, secobarbital)
- D. Cocaine
- E. Methaqualone (e.g., quaalude)
- F. Opiates (e.g., codeine, heroin, morphine, mydromorphone, hydrocodone)
- G. Phencyclidine (PCP)
- H. THC (e.g, marijuana)

Sec. 12.02. Job Applicant General Standard.

Applicants for the following safety sensitive positions will be required to undergo a drug and alcohol test upon an offer of employment and. prior to their final appointment:

- A. Police and law enforcement officers.
- B. Fire fighters.
- C. Life guards.
- D. Truck drivers who drive trucks over 24,000 pounds gross weight.
- E. Heavy equipment operators.
- F. 911 emergency dispatch operators.

Sec. 12.03. Current Employee Testing; General Standard.

- A. The City may require a current City employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. 'Reasonable suspicion' means, an articulate belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining 'reasonable suspicion" may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. A work related accident;
4. Direct observation of drug or alcohol use; or
5. Presence of the physical symptoms of drug or alcohol use (i.e. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

- B. Supervisors are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee.

Sec. 12.04. Supervisor Training.

The City shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed toward helping supervisors recognize the conduct and behavior that give rise to a reasonable suspicion of drug or alcohol use.

Sec. 12.05. Prior Notice of Testing Policy

The City shall provide written notice of its drug and alcohol testing policy to all employees and job

applicants. The notice shall contain the following information:

- A. The need for drug and alcohol testing.
- B. The circumstances under which testing may be required.
- C. The procedures for confirming an initial positive drug test result.
- D. The consequences of a confirmed positive test result.
- E. The consequences of refusing to undergo a drug and alcohol test.
- F. The right to explain a positive test result and the appeal procedures available.
- G. The availability of drug abuse counseling and referral services.

Sec. 12.06. Consent.

- A. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug testing policy and to indicate current or recent use of prescription or over the counter medication.
- B. The consent form shall also set forth the following information:
  - 1. The procedure for confirming an initial positive test result.
  - 2. The consequences of a confirmed positive test result.
  - 3. The right to explain a confirmed positive test result.
  - 4. The consequences of refusing to undergo a drug and alcohol test.

Sec. 12.07. Refusal to Consent; Applicants.

A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the City.

Sec. 12.08. Refusal to Consent- Employees.

An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

Sec. 12.09. Confirmation of Test Results

- A. An employee whose drug test yields a positive result shall be given a second test using a gas chromatography/mass spectrometry (GC/MS) test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for the use in the first test.
- B. If the second test confirms the positive test result, the employee shall be notified of the results in a writing by the appropriate department head or designee. The letter of notification shall identify

the particular substance found and its concentration level.

- C. An employee whose second test confirms the original positive test result may, at the employee's own expense, have a third test conducted on the same sample at a laboratory selected by the City.

Sec. 12.10. Consequences of a Confirmed Positive Test Result

- A. Applicants: Job applicants will be denied employment with the City if their initial positive test results have been confirmed. Applicant shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.
- B. Employees: If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary responses include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions. No disciplinary action may be taken against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through an approved Employee Assistance Program, and thereafter refrain from violating the City's policy on drug and alcohol abuse.

Sec. 12.11. The Right to a Hearing.

- A. If an employee's positive test result has been confirmed, the employee is entitled to a hearing before the city manager. The employee must make a written request for a hearing to the appropriate department head or designee within 15 days of receipt by the employee of the confirmation test results.
- B. No adverse Personnel action may be taken against an employee based on a confirmed positive drug test result unless and until the city manager finds by a preponderance of the evidence that:
  - 1. The employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job;
  - 2. The employee's drug test results are accurate.
- C. Within 20 days following the close of the hearing, the city manager shall issue a written decision and a brief summary of the facts and evidence supporting that decision.

Sec. 12.12. Mandatory EAP Referral

Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the City shall refer the employee to an Employee Assistance Program for assessment, counseling, and rehabilitation. Disciplinary action based on a violation of the City's drug and alcohol policy is not automatically suspended by the employee's participation in an EAP and may be imposed when warranted.

Sec. 12.13. Confidentiality of Test Results

All information from an employee or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other persons, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed. The records of



unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory or the city manager.

Sec. 12.14. Privacy in Drug Testing

Urine samples shall be proved in a private rest room stall or similar enclosure so that employee and applicants may not be viewed while providing the sample. Employees and applicants will be given hospital gowns to wear while they are providing these samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples.

Sec. 12.15. Laboratory Testing Requirements

All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the City. To be considered as a test site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the City in selecting a testing facility include:

- A. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering.
- B. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results.
- C. Chain of custody procedures which ensure proper identification, labeling, and handling of test samples.
- D. Retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

SECTION 13

INFECTIOUS DISEASE CONTROL

Sec. 13.01. General.

- A. Acquired Immune Deficiency Syndrome (AIDS) is reaching epidemic status, but prudent precaution can reduce the spread of the virus. This policy has been developed so that the City may manage those things that we can reasonable predict will occur in the performance of our duties, and protect City personnel from unnecessary exposure to this virus and other infectious diseases.
- B. All City personnel, including public safety personnel, routinely come into contact with members of the public. It is predictable that employees will come into contact with a person who has an infectious disease such as AIDS, hepatitis, or other infectious . There are no reported instances where City employees, including public safety employees, have contracted AIDS as a result of a duty related incident. In instances where the AIDS virus has been. transmitted to health care workers, the cause was from handling blood samples with ungloved hands, piercing of the skin, for example. Caution should be exercises by all employees when dealing with blood; items stained with blood, or other bodily fluids, and persons of high risk groups.

Sec. 13.02. Employment

- A. In recent court decisions, contagious diseases have been interpreted as handicaps, whereby disease victims have protection from discrimination on the basis of said handicap. State and Federal handicap laws provide for reasonable accommodation in the employment of handicapped individuals.
- B. The City will comply with the Florida Comprehensive AIDS Act and all other Federal, State and local laws as they exist or may be created or amended.
- C. AIDS tests shall not be required nor used as a basis for promotion, hiring, or continued employment unless it can be clearly demonstrated that an AIDS test is a bona fide occupational qualification (BFOQ) for the job in question. If the AIDS test is required, it will be based on current facts relating to a job and not a speculation of future needs.
- D. Decisions concerning the continued employment of AIDS victims shall be based upon their ability to perform their duties effectively. Confirmed cases of employees with AIDS shall be handled on an individual basis. If said employee is unable to perform the duties assigned to his/her position, the employee may be reassigned within a classification, temporarily assigned outside the classification, granted a leave of absence without pay for health reasons, or given medical termination.
- E. The City of Neptune Beach will follow all State and Federal Laws relative to information regarding an employee's medical condition and the confidentiality of said medical condition and records of an employee.

Sec. 13.03. Leave.

Existing leave policies shall be applicable to those employees with confirmed cases of AIDS or other infectious diseases.

Sec. 13.04. Disciplinary Action.

Employees who refuse to work with another employee who has AIDS will be determined to be insubordinate and the refusing employee shall be disciplined accordingly.

Sec. 13.05. Procedure.

- A. Discretion should be used by employees to limit their exposure to contagious diseases while performing their assigned duties.
- B. Protective disposable gloves and other infectious disease control materials should be used if needed, by employees who come in direct contact with blood and other bodily fluids. Employees are required to carry issued protective disposable gloves while on their tour of duty where exposure to infectious disease is likely to occur.
- C. Examples of high-risk exposure are, but not limited to the following:
  - 1. The handling of bloody or wet items where scratches, cuts or open sores

- are noticed on the area of contact.
2. Direct contact with bodily fluids on an area where there is an open soar or cut.
3. Direct mouth-to-mouth resuscitation and/or CPR.
4. The receiving of a cut or puncture wound as a result of contact with a citizen.

D. The immediate supervisor will be immediately contacted and an accident report detailing the extent of exposure will be completed.

E. The employee will contact the designated personnel for information relative to clinical and serological evaluations.

#### Sec. 13.06. Training and Education

The City of Neptune Beach shall provide an educational program regarding AIDS and other infectious diseases utilizing public health sources, for example HRS. The programs will include, but not limited to, handling on site injuries and exposure to body fluids.

### SECTION 14

#### SAFETY POLICY

##### Sec. 14.01. Safety Policy

The management of the City of Neptune Beach is very conscious of the safety and welfare of its employees, and that of the general public. As an employer, the City recognizes its obligation to ensure the safest possible work place for its employees. As a governmental entity, it recognizes its responsibility to provide a safe environment for the public it serves. Most accidents can be attributed to unsafe acts or conditions generally associated with wasteful and inefficient operation.

It is our belief that most accidents are preventable. In accordance with this belief we have allocated resources to administer an aggressive safety program for our City.

Our safety program is organized in a committee system. Each department or public service division is responsible for its own accident prevention program. We have appointed a safety officer, who is trained to coordinate the City's overall safety efforts. This person, however, is not responsible for line functions that are normally a responsibility of department heads and supervisors. It is expected that department heads will complement the efforts of the safety officer, assuring that realistic efforts will be taken to reduce accidents and injuries and provide for the safety of the public. These efforts should be continuous and equal in importance to all other operational considerations.

To reach our goal to provide a work environment free of potential hazards, management and supervisory personnel are held accountable to:

- A. Provide leadership and guidance to the City work force.
- B. Provide proper training of employees and undertake job and public "hazard" analysis in all departments.
- C. Develop proper job procedures for City operations and enforce them.

- D. Minimize the severity of injuries through prompt and adequate medical care.
- E. Continuously review work practices and conditions of the work environment and public safety, seeking improvement.
- F. Maintain accurate records that document the above actions.

All employees are responsible for cooperation with, and support of, safety program objectives. All employees are expected as a condition of employment to adopt the concept that the safe way to perform a task is the most efficient and the only acceptable way to perform it.

Safety records shall be reviewed along with all other phases of department heads, supervisors, and employee performances. Therefore, it is essential that such records be complete and accurate and that all accidents be fully reported.

Sec. 14.02. Accident Prevention.

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

Sec. 14.03. Accident Reporting

- A. Employees shall be advised of their responsibility to immediately, report to their Supervisor all injuries that occur on the job. Delay in reporting injury can cause complications of the injury and delayed recovery.
- B. Accident reports must be submit by the injured employees within twenty-four (24) hours after the date of the accident or the report of Supervisor the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving City vehicles. A vehicular accident report will be submitted. If an employee is injured, a report of injury to employee will also be required.
- C. In the case of vehicular accidents, the appropriate law enforcement agency and the city manager shall be notified immediately.

Sec. 14.04. Workers' Compensation

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

Sec. 14.05. Safety Equipment

The City will provide proper and necessary safety equipment and devices for employees engaged in work where such special equipment is necessary. Such equipment, where provided, must be used. Failure by employees to utilize provided equipment may be cause for disciplinary action.

Sec. 14.06. Employee Safety Awards

The City may institute an Employee Safety Award Program. Safety awards may be made either to groups or to individuals, and will normally be made in recognition of praiseworthy and outstanding safety performance. These awards will be noted in employees' personnel files.

SECTION 15

PERSONNEL RECORDS AND REPORTS

Sec. 15.01. Responsibility.

The Human Resource Coordinator of the City Manager's Office shall establish and maintain comprehensive personnel records of all employees in the City service.

Sec. 15.02. Records to be Considered Property of the City.

All personnel records of the City government covered under the personnel management system, and all other records and materials relating to the administration of the City personnel program shall be considered the property of the City. The decision of the city manager relating to the use, maintenance and disposition of such records and material as to whether or not any information contained here may be disclosed, shall be final.

Sec. 15.03. Records Retention and Disposition.

The Human Resource Coordinator of the City Manager's Office shall determine in accordance with the applicable Florida Statutes the time Limits that any personnel records, no longer current, shall be kept on file and the final disposition of such records.

Sec. 15.04. Forms.

The Human Resource Coordinator of the City Manager's Office shall prescribe necessary forms and reports for any personnel action or changes.

Sec. 15.05. Change of Status.

The department heads will ensure that all supervisors notify all employees of the importance of keeping their personnel record current. Change of status forms will be sent to the personnel department regarding any change in employee's status as follows:

- A. Change of address (even if temporary).
- B. Change of telephone number or nearest telephone number.
- C. Change of life insurance beneficiaries.
- D. Number of dependents.
- E. Change in marital status.

F. Any change, not previously reported, of status that was originally given at time of employment.

Sec. 15.06. Department Personnel Records

- A. A daily attendance record will be maintained by each department office and is the responsibility of the respective department head. The necessary attendance record shall be submitted to the finance department for payroll preparation.
- B. A Leave Request Form documenting absences to include vacation, sick leave, leave without pay, etc., will be forwarded by the department head to the finance department. All authorized absences must be recorded on the department attendance form.

SECTION 16

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

MISCELLANEOUS RULES AND BENEFITS

Sec. 16.01. Vehicles.

Some employees, because of the nature or their work, may be issued and are responsible for a vehicle which may be driven to and from work and lunch, and to conduct official business. Such vehicle shall not be used for personal pleasure or private business. The purpose of this policy is to enable the employee in question to respond to emergency conditions promptly. Abuse of this policy may result in a withdrawal of the vehicle and appropriate disciplinary action.

Sec. 16.02. Unemployment Compensation.

The City is registered with the State of Florida Bureau of Unemployment Compensation. Terminated employees who filed a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. Further information may be obtained from the finance department.

Sec. 16.03. Insurance Benefits.

Hospitalization and medical insurance are available for all employees. The City pays the full cost of the employee's coverage; one-half (1/2) of the optional coverage for dependents is paid for by the employee. Life and accidental death insurance is also available for City employees. Details are available upon request from the finance department. Bargaining Unit Contracts may differ if approved by Council.

Sec. 16.04. Deductions.

Federal withholding and Social Security are deducted from paychecks in accordance with law.

Sec. 16.05. Educational Assistance

(For Bargaining Unit, this benefit must be part of a council approved contract.)

The City shall reimburse employees for the cost of tuition and books directly related to advanced

educational courses taken by the employee. Said courses shall be job related or job enhancing as determined by the Department Director, and the student/employee must receive a final grade of a "C" or above in the course. Such reimbursement shall be after the employee completes the course of study and presents documentation of the final grade. Such reimbursement shall be 100% for a grade of "A", 90% for a grade of "B", or 80% for a grade of "C". No reimbursement shall be made for any grade less than "C". No reimbursement shall be made for incomplete courses.

Employees shall be required to repay amounts received under this program if the employee voluntarily leaves employment with the City. Such repayments shall be 100% of the amount received if the employee leaves service within 1 (one) year of receiving the educational assistance and 50% of the amount received if the employee leaves service within 2 (two) years of receiving educational assistance.

The above repayment requirements do not apply to courses taken as part of obtaining or maintaining a certification or license or courses taken at the request of the Department Director.

Required repayment of tuition may be waived at the City Manager's discretion if extenuating circumstances are present such as disability or sickness of the employee, relocation of a spouse, or other hardship.

## SECTION 17

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

### POSITION CLASSIFICATION PLAN

#### Sec. 17.01. Purpose.

The Position Classification Plan is a systematic arrangement and inventory of City positions. The Plan groups the various positions into classes indicative of the range of duties, responsibilities, and level of work performed. The Class Titles standardize the meaning, based upon the similarity of work and duties performed.

#### Sec. 17.02. Uses.

The Classification Plan will be used to:

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

#### Sec. 17.03. Content.

The Classification Plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and

responsibility, which require the same general qualifications and which can be compensated within the same pay grade.

- B. A Class Title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records. No person shall be employed under a title not included in the Classification Plan.
- C. Written Class Descriptions for each job classification containing the nature of work, relative responsibilities and illustrative duties found in the class. Also, included are the minimum knowledge, abilities and skills required for performance of the work, and the training and experience needed.

Sec. 17.04. Administration and Maintenance.

The city manager is charged with the maintenance of the Classification Plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.

Sec. 17.05. Allocation of Positions.

Whenever a new position is established by the City Council or the duties of an existing position are changed, the department head shall prepare a Class Description describing the duties of the position. The City Council shall have the position assigned to an existing class or establish a new class for the position.

Sec. 17.06. Position Reviews.

- A. The city manager shall conduct position reviews. Such reviews may be initiated by written request from:
  - 1. The department head in whose department the position is located.
  - 2. The incumbent of the position, provided that the employee processes the request through the department head for review and comments.
- 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.
- C. The department head will review and made recommendations for all proposed position changes and Class Descriptions.
- D. The employee in the position to be reviewed will be notified that the review is to be conducted.

Sec. 17.07. Reclassification

- A. When the incumbent of a position is officially assigned more difficult and significant responsibility and duties so that it appears that the position warrants reallocation to a higher pay grade, the city manager shall authorize a study of the duties and responsibilities of the position.
- B. If it is determined that the position should be reallocated to a higher level class, the city manager may require the incumbent to undergo a prescribed test of fitness, depending on the conditions of the reclassification.



- C. Should any position be reclassified to a job classification with, the same pay grade as that of the original classification, the incumbent shall receive a corresponding change of title.
- D. Should any position be reclassified to a job classification with a lower pay grade than that of the original classification, the incumbent employee shall be offered transfer to a vacancy in the original classification in the same or other department, if a vacancy exists.

Sec. 17.08. Position Control.

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

Sec. 17.09. Appeal.

Any employee who considers his/her position improperly classified after review pursuant to either Sec. 17.06 or Sec. 17.07, shall be entitled to submit the question through the grievance procedure.

SECTION 18

COMPENSATION PLAN

(For Non-Bargaining Unit employees)

Sec. 18.01. Purpose.

The Compensation Plan is directly related to the Classification Plan and provides the basis of compensation for employees of the City. The Compensation Plan detailed in this Section is entirely dependent on availability of funds as determined by the City Council annually. The Compensation Plan is constructed to reflect the following:

- A. Relative difficulty and responsibility existing between the classes of work, reflecting equal pay for equal work.
- B. Prevailing rates of pay for similar types of work in the labor market from which employees are recruited.
- C. Availability of applicants to fill positions.
- D. Economic conditions of the area.
- E. Financial policies of the City.

Sec. 18.02. Uses.

The Compensation Plan is used to reward employees for job performance, to develop incentives and to improve their quality of work.

Sec. 18.03. Content.

- A. The Compensation Plan includes the basic Salary Schedule as adopted.
- B. The Salary Schedule includes salary ranges and the compensation attached to the ranges. Each class title in the Classification Plan is assigned a salary range.

Sec. 18.04 Adoption and Amendment

After study, analysis and consultation, the City Council with such assistance as required, shall prepare the Compensation Plan for the various classes of work. Amendments to the Plan shall be considered when changes of responsibilities of work or class, availability of labor, prevailing rates of pay, the City's financial condition and policies, or other pertinent economic considerations warrant such action.

Sec. 18.05. Appointment and Starting Rates.

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

Sec. 18.06. Longevity

All employees shall receive twenty-five dollars (\$25.00) per month increase after the completion of each five (5) continuous years of employment.

Sec. 18.07. Annual Salary Adjustments

The City Council, at its sole discretion, may grant 'across the board' salary adjustments on ~~\_\_\_\_\_~~ of each year. Salary adjustments, if any, may be based on the Consumer Price Index or any other local, State or National index of inflation, or any other factor(s) the Council deems appropriate.

Sec. 18.08. Performance Salary Increases.

- A. General.
  - 1. Performance salary increases are not intended to be automatic, but are to be earned and based upon job performance.
  - 2. Employees will become eligible for consideration for a performance salary increase at one year intervals on their anniversary date or their last salary increase until the maximum salary is reached.
  - 3. Approved performance salary increases may be paid in a lump sum, or as an increase in the employees' regular rate of pay, or a combination of the two equaling the total amount approved. The method of increase shall be determined by the city manager.
- B. Employee Performance Evaluation.
  - 1. Purpose.

The city manager shall establish and administer a program for rating the work performance of employees. The Employee Performance Evaluation Report is designed to permit the evaluation of the employee's performance as accurately and as fairly as possible. The ratings are set forth on the performance evaluation forms provided by the city manager. Each employee shall be given the opportunity to discuss the evaluation with the supervisor who rates him/her.

2. Intent of Performance Evaluation.

The performance evaluation will indicate to the employee how his/her past performance has been evaluated by the immediate supervisor, or administrative supervisor next in the chain of command, and will serve as the basis for discussion of how an employee's performance can be improved. The supervisor will advise the employee in which areas he/she has excelled and these shall be noted on the evaluation form. The rating will also call attention to the need for counseling and further training for the employees whose evaluation reveals that their work performance should be improved. The performance evaluation can be used in estimating an employee's potential for advancement or may be useful for documenting job performance and employee attitude in support of disciplinary actions.

3. Frequency of Performance Evaluations.

All employees, both initial entrance and promotional will have the appropriate probationary evaluation forms completed at the end of the 12 months probationary period. All other performance evaluation forms are prepared on each employee on an annual basis on the employee's anniversary date thereafter.

4. Final Probationary Performance Evaluation.

An employee who fails to pass an initial probationary period shall be notified in writing of his/her termination prior to the expiration of the probationary period, and the employee shall not have the right to grievance procedures or any other established procedures within the City.

5. Rating Procedure.

The immediate supervisor most directly familiar with the employee's service during the evaluation period shall be charged with the rating responsibility unless otherwise assigned by the department head. If the employee has had more than one supervisor during the rating period all concerned supervisors should contribute to the performance evaluation. Before rating the employee, the supervisor should review the duties and responsibilities required of the position to assure full understanding of what is expected of the employee. The appropriate supervisor shall initiate the evaluation in sufficient time to discuss the results with the employee, obtain the necessary departmental signature, and forward the rating to the city manager prior to the expiration of the evaluation period.

C. Completion of Performance Evaluation.

1. Non-supervisory Employees.

The supervisor conducting the Employee Performance Evaluation Report should read and become

familiar with the performance evaluation format. Each performance factor to be evaluated is followed by ratings which progress from failing performance through outstanding performance.

Upon completion of preliminary review of the duties and responsibilities of the Position, and familiarization with the evaluation criteria and format, the supervisor should be prepared to document his/her evaluation of the employee. The supervisor shall rate the employee's performance on each factor by placing a check under the rate which best describes the performance factor during the rating period. The rater shall write related comments in the sections provided. The supervisor shall consider the entire rating period under consideration rather than base the evaluation on an isolated incident.

2. Comments and Discussion.

Upon completion of the performance evaluation and calculation of the employee's job performance scoring, the rater shall write all additional comments necessary to justify the ratings given in the space provided on the performance evaluation form. When completely satisfied that the evaluation is equitable and the calculation correct, the supervisor shall sign and date the performance evaluation. A private uninterrupted performance review meeting shall be scheduled with the employee which provided sufficient time to discuss the results of the evaluation. Performance deficiencies shall be considered as problems to be resolved mutually through discussion of specific incidents. The supervisor and the employee being rated shall establish realistic goals to be achieved, as well as means of improving overall performance during the next rating period. The meeting shall provide an opportunity for meaningful communication between the supervisor and the employee. The supervisor shall attempt to determine how he/she can best assist the employee in meeting the assigned duties and responsibilities, and in improving his/her overall job performance.

3. Prior to the review meeting, the immediate supervisor shall check the employee's salary progress and be prepared to realistically answer any questions regarding salary increases or promotional opportunities. The supervisor shall avoid making commitments or promises regarding the employee's future advancements, but may offer encouragement and advise the employee of actual promotional opportunities.

4. After the review meeting, the department head shall recommend whether or not the employee evaluated should receive a performance salary increase. The department head may recommend an increase of up to five percent (5%).

a. Employee Comments and Signature.

After reviewing and discussing the performance evaluation, the employee may write any appropriate comments in the spaces provided. The employee shall sign and date the evaluation form indicating that he/she was given the opportunity to discuss the rating with the supervisor. The signature does not mean that the employee agrees with the supervisor's evaluation. If the employee refuses to sign the performance evaluation form, it shall be so indicated in the space provided for the signature. No further comments or information shall be listed on the performance evaluation after the employee reviewed and signed the evaluation form.

b. Performance Evaluation Distribution.

The completed performance evaluation form shall be signed by the department head and then forwarded for signature by the city manager. The original signed form shall be returned to the personnel department for filing in the employee's file.

Sec. 18.09. Promotion.

- A. When an employee is promoted to a position with a higher maximum salary, the employee's new salary shall be at least the minimum for the new salary range. If the employee's present salary is above the minimum of the new position, the employee shall receive an increase in the amount of five percent (5%). An increase of more than five percent may be recommended by the department head, depending upon the circumstances of the, promotion, contingent upon approval of the city manager.
- B. Promotions shall establish a new classification anniversary date. Employees shall be eligible for consideration for salary increase one (1) year following the effective date of the promotion.

Sec. 18.10. Demotion.

- A. An employee may be demoted to a position of lower grade for which he/she is qualified for any of the following reasons:
  - 1. When an employee would otherwise be laid off because the position is being abolished, because the position is being reclassified to a lower pay grade due to lack of work or funds, or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave.
  - 2. When an employee does not possess the necessary qualification to render satisfactory service in the position currently held.
  - 3. When the employee demonstrates unsatisfactory performance during the probationary period following a promotion.
  - 4. When the employee voluntarily requests the demotion.
- B. The effect of demotion on pay shall be as follows:
  - 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.
- C. An employee who is demoted to a classification 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 classification date.

Sec. 18.11. Transfers.

- A. All transfers shall be made only with the approval of the department heads concerned.
- B. Transfers shall be made as follows:

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, rate, anniversary date or classification date.
2. Employees will serve a three (3) month probationary period in the new department.
3. If, after a fair trial, the new employee is found to be unqualified in the new position, the employee may return to the position left, with the approval of the department head, if a vacancy exists. If the former position is filled, every effort will be made to place the employee in a comparable position.

C. When an employee becomes physically incapacitated for the performance of duties, the city manager may, with the consent of the employee and the department heads, authorize a transfer to a position in the same or a lower class which the employee has the ability to fill.

Sec. 18.12. Trainee.

- A. In the event an applicant for any position does not meet the minimum qualifications, but is otherwise qualified for the position, the city manager may authorize appointment as a "Trainee". In such cases, the employee will be hired at a rate of up to ten percent (10%) below the minimum salary, until the minimum qualifications have been satisfied.
- B. This category is used to train people on the job who have the potential to do the work, but lack some of the skills or experience needed.
- C. The time a person remains in a trainee category depends upon the skills or experience needed in individual cases, but will usually not exceed six months.

Sec. 18.13. Compensation Plan for Non-Union Employees.

CLASS	POSITION RANGE	SALARY
1	Assistant <del>Deputy</del> Finance Director Community Development Director Human Resource Coordinator/Assistant to City Manager Records Supervisor	33,600 – 58,800
2	Building Official Director of Finance Director of Public Safety/ Chief of Police Director of Public Services Lieutenant (Sworn)	43,700 – 79,341
3	City Clerk City Manager	Set by Council Set by Council

\*The authority to appoint a permanent Deputy Finance Director is limited. The position of Deputy Finance Director will not be filled at the same time that the position of Accountant I or Accountant II is

occupied by a permanent employee.

## SECTION 19

### CAREER CIVIL SERVICE AND CIVIL SERVICE BOARD

#### Sec. 19.01. Authority.

The Neptune Beach Career Civil Service and the Neptune Beach Civil Service Board are established by City Ordinance and codified at Sections 2-476 through 2-485.

#### Sec. 19.02. The Civil Service.

The Civil Service is a permanent service comprised of all tenured city positions, except those positions specifically exempted by the ordinance. No member of the civil service shall be demoted, suspended, or discharged except in compliance with city ordinances and resolutions of the city council, or a Collective Bargaining Agreement. Members of a collective bargaining unit may choose to file a grievance or appeal under the Civil Service or the collective bargaining unit, but not both.

#### Sec. 19.03. The Civil Service Board.

- A. The Board shall recognize the personnel policies and procedures established by the city council. It shall serve as a board of appeals in determining compliance with the provisions thereof.
- B. An appeal by an aggrieved party shall be in writing, addressed to the Board and forwarded through the city manager. It shall be filed within ten working days of termination or disciplinary action or within ten working days of final action on review by the city manager, whichever is the later date. At a minimum, the appeal will set forth the complainant's name and position, the nature of the adverse action, the rule or policy involved, the factual circumstances alleged as grounds for appeal, and the specific remedy sought.
- C. Upon receipt of an appeal, the Board will hold a hearing as soon as practicable and either approve or disapprove the action taken. The Board shall render its order within ten working days of final hearing and its decision shall be final and binding.
- D. The Board may adopt other procedural rules in furtherance of its function. It will not be bound by the formal rules of evidence.



**RESOLUTION NO. 96-40**

**AMENDING RESOLUTION 1-7-90, AS AMENDED  
THE PERSONNEL POLICY  
OF THE CITY OF NEPTUNE BEACH, FLORIDA.**

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**WHEREAS,** the City of Neptune Beach desires to amend it's personnel policy.

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA,  
THAT:**

**SECTION 1.** The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 6.01 Eligibility and Rate of Earning. Paragraph A, to read as follows:

- A. Each regular, full-time employee who is not represented by a bargaining unit shall accrue personal leave with pay at the rate shown in the table below. The number of hours in each employee's work day shall be determined by the position and classification. Work days shall be between seven (7) and eight (8) hours.

<i>Years of Service</i>	<i>Days Accrued Per Year</i>
<del>6 months</del> <u>zero</u> to 5 years	20
5 years to 10 years	23
10 years to 15 years	26
15 years to 20 years	29
20 years to 25 years	32
25 years or more	35

**SECTION 2.** The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 6.05 Unused Personal Leave. Paragraph B, to read as follows:

- B. Upon termination of employment following the completion of ~~ten~~ seven (7) years of service, the employee shall be paid for all unused accrued personal leave on an hour for hour basis. Upon termination of employment with less than ~~ten~~ seven (7) years of service, the employee shall be paid for seventy-five percent (75%) of all unused personal leave on an hour for hour basis.



**SECTION 3.** The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 18.06 Longevity. to read as follows:


All employees shall receive ~~twenty dollars (\$20.00)~~ twenty-five dollars (\$25.00) per month increase after the completion of each five (5) continuous years of employment.

**SECTION 4.** The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 18.13 Compensation Plan. to read as follows:

<u>CLASS</u>	<u>POSITION</u>	<u>SALARY RANGE</u>
1	None Classified	10,800 - 16,200
2	None Classified	11,394 - 17,091
3	Cashier I	12,021 - 18,032
4	Accounting Clerk Cashier II	12,682 - 19,023
5	<del>Meter reader - Billing clerk</del> None Classified <u>Meter Reader</u>	13,380 - 20,070
6	Dispatcher Animal Control Officer	14,116 - 21,174
7	Inventory Clerk <u>Meter Reader/Billing Clerk</u>	14,892 - 22,338
8	None Classified	15,711 - 23,567
9	Administrative Assistant Deputy City Clerk II <u>Utility Billing Supervisor</u>	16,575 - 24,863
10	Assist. to the City Manager Accountant	17,487 - 26,231
11	None Classified	18,361 - 27,541
12	Deputy Finance Director	19,279 - 28,919
13	Lead Wastewater Operator Street & Drainage Foreman Services Division Supervisor	20,243 - 30,365
14	None Classified	21,255 - 31,883
15	Fire Marshal Code Enforcement Officer	22,318 - 33,477
16	Water/Sewer Super. Building Official	23,434 - 35,151
17	City Clerk	24,606 - 36,909
18	Police Lieutenant	27,067 - 40,601
19	Director of Public Safety Director of Public Services Director of Finance	29,774 - 47,300
20	City Manager	Set by Council

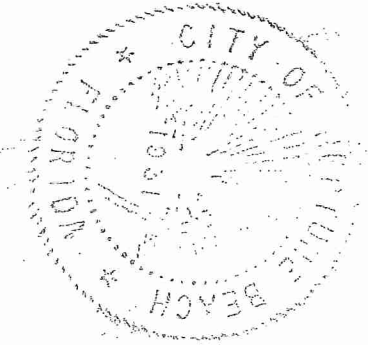
**SECTION 5.** The amendments adopted herein shall be effective immediately upon passage.

Resolution adopted by the City Council at the regular meeting held November 4, 1996.

  
\_\_\_\_\_  
John C. Kowkabany  
Mayor

ATTEST:

  
\_\_\_\_\_  
Becky E. Hanks, CMC/AAE  
City Clerk





**RESOLUTION NO. 98-67**

**AMENDING RESOLUTION 1-7-90, AS AMENDED  
THE PERSONNEL POLICY  
OF THE CITY OF NEPTUNE BEACH, FLORIDA.**

---

**WHEREAS**, the City of Neptune Beach desires to amend it's personnel policy.

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA, THAT:**

**SECTION 1.** The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 4.04 Application Procedure. Paragraph B, to read as follows:

- B. The city manager may prepare a job announcement and send it to all departments and divisions for posting on their departmental bulletin boards. The job announcement shall contain a notice to all City employees indicating that they may apply for the position. This will allow City employees the opportunity to apply. The vacancy may be filled by a City employee if that employee meets all the requirements of the position as determined by the city manager. Qualified City employees will receive first consideration for the vacant position. If the position is not filled within, the City Manager will may advertise the vacancy in the local newspapers and inform local government services and departments and divisions of its existence.

**SECTION 2.** The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 5.01 Days Observed. Paragraph A, to read as follows:

- A. The following, and any other days which the City Council may declare, are City holidays for employees not covered by a collective bargaining unit. They shall be granted with pay to all eligible employees scheduled to work on sick days:

Holiday	Observed
New Year's Day	January 1
<u>Martin Luther King Jr's Birthday</u>	<u>Third Monday in January</u>
President's Day	Third Monday in February

Memorial Day	Last Monday in May
Fourth of July	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve Day (1/2 Day)	December 24
Christmas Day	December 25
Personal Day	Selected by employee (must be taken in calendar year or be forfeited)

**SECTION 3.** The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 18.13 Compensation Plan. to read as follows:

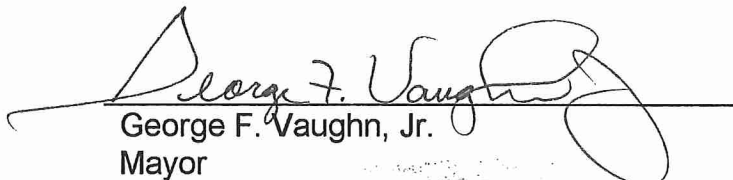
<u>CLASS</u>	<u>POSITION</u>	<u>SALARY RANGE</u>
1	Cashier I	12,322 - 21,638
2	Accounting Clerk Cashier II	13,299-22,828
3	Meter Reader <u>Cashier I</u>	13,715 - 24,084
4	None Classified  <u>Cashier II</u>	14,469 - 25,409
5	Inventory Clerk Meter Reader/Billing Clerk Dispatcher	15,264 - 26,806
6	None Classified	16,104 - 29,836
7	Administrative Assistant Deputy City Clerk Utility Billing Supervisor <u>Accounting Clerk</u> <u>Meter Reader/Billing Clerk</u>	16,989 - 29,836
8	Assist. to the City Manager Accountant <u>Deputy City Clerk</u>	17,924 - 31,477



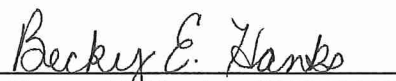
9	None Classified	18,820 - 33,049
10	Deputy Finance Director	19,761 - 34,703
11	Lead Wastewater Operator Street & Drainage Foreman Services Division Supervisor	20,749 - 36,438
12	<del>None Classified</del> <u>Accountant</u>	21,786 - 38,260
13	Fire Marshal Code Enforcement Officer	22,876 - 40,172
14	Water/Sewer Super. Building Official	24,020 - 42,181
15	None Classified	25,221 - 44,291
16	Police Lieutenant	27,744 - 48,721
17	Director of Public Safety Director of Public Services Director of Finance	30,518 - 56,760
18	City Manager City Clerk	Set by Council

**SECTION 4.** The amendments adopted herein shall be effective immediately upon passage.

Resolution adopted by the City Council at the regular meeting held November 2, 1998.

  
George F. Vaughn, Jr.  
Mayor

ATTEST:

  
Becky E. Hanks, CMC/AE  
City Clerk



## Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIEDLand Development  
Regulations

RECONVENE LAND DEVELOPMENT REVISION CONSIDERATION Councilor Tankersley explained that he wanted to reconvene the LDR with his changes. He read his letter of June 1, 2000 into the minutes (attached). The council discussed whether or not to proceed with the revisions.

Moved by Tankersley seconded by Shimp

Motion: **START WITH ARTICLE THIRTEEN AND MOVE ON WITH THE LAND DEVELOPMENT REGULATIONS AND INCLUDE COUNCILOR TANKERSLEY'S CHANGES IN WHAT HAS ALREADY BEEN DISCUSSED.**

For the Record Councilor Tankersley stated for the record that as part of his motion the parts of the code with his revisions will be reviewed by council.

For the Record Councilor Shimp would like to see the meeting conducted differently than the way they have been.

## Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED**NEW BUSINESS**

Photo Copy Invoice

APPROVAL OF PHOTOCOPY INVOICE IN EXCESS OF \$10,000: City Manager Linn asked that the council approve the bill for photocopying subpoena documents that was in excess of \$10,000 even after shopping.

Moved by Jones seconded by Patronik.

Motion: **MOTION TO APPROVE THE INVOICE.**

## Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Motion Carried

Personnel Policy

PERSONNEL POLICY CHANGE TO REFLECT CHANGES IN DEFINED BENEFIT PLAN City Manager Linn explained that the personnel policy still states the city has a defined benefit plan instead of the defined contribution plan that the city actually has.

Moved by Jones, seconded by Patronik

Motion: **TO APPROVE THE CHANGES IN THE PERSONNEL POLICY AS STATED IN THE AGENDA.**

## Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0





FIREFIGHTERS AND REMOVE FIREFIGHTERS FROM THE EXISTING RETIRMENT PLAN, AND REPEALING ORDINANCE NO. 80, LEVYING AN EXCISE TAX ON FIRE INSURANCE PROVIDING FOR DEFINITIONS, PROVIDING FOR MIEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING MISCELLANEOUS PROVISION; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM, EXECUTION AND NON ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITIURE OF PENSION UNDER CERTAIN CIRCUMSTANCE; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENT; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SEVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

11. OLD BUSINESS / NONE

- A. JTA Bike Path project - Review/Approve/Modify/Reject design sketch
- B. Reconvene Land Development Revision consideration - Tankersley

12. NEW BUSINESS:

- A. Approval of photocopy invoice in excess of \$10,000
- B. Personnel policy change to reflect changes in defined benefit plan
- C. Ulster Peace Project
- D. Interlocal Agreement - 1/2 Sales Tax
- E. City Government - Role of City Councilors and Mayor - Shimp
- F. Development Order Approval - Little Red School House
- G. Subdiviision Approval - D. Lee Ross et.al.
- H. Subdivison Approval - Beaches Family Trust

13. ADJOURN.

Respectfully submitted,

---

City Manager Richard A. Linn



Councilor Pruette commented that she agreed with Councilor Patronik and that council had discussed the issue at the Workshop Meeting held January 22, 2001, and it was agreed that the change order would not be voted on until after a separate Workshop was held for further discussion.

Councilor Crout agreed with Councilor Pruette about holding a separate workshop.

Vice Mayor Shimp felt it was inappropriate to bring up the change order and asked why it was put on the agenda.

Councilor Patronik added that the change order was to be the only issue on the Workshop Agenda.

Mayor Brown stated that after the trip to Englewood, if everyone felt they were ready, a date would be set for a Workshop Meeting.

City Manger Linn stated that Harcon had requested the change order to be placed on the agenda.

Consensus: **TO HOLD A SEPARATE WORKSHOP TO DISCUSS THE CHANGE ORDER FROM HARCON.**

#### **NEW BUSINESS**

Tuition  
Reimbursement

**AMENDMENT TO PERSONNEL POLICY – REPAYMENT OF TUITION:** Councilor Pruette commented that she preferred 100% repayment as opposed to the 50% requirement after two years.

Moved by Crout, seconded by Patronik.

Motion: **TO ADOPT THE AMENDMENT TO THE PERSONNEL POLICY REQUIRING TUITION REIMBURSEMENT.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

**MOTION CARRIED**

Surplus Fire Truck

**DECLARATION OF FIRE TRUCK AS SURPLUS:** Councilor Pruette asked for a report back to council of the results of the sale of the truck.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE SALE OF SURPLUS FIRETRUCK.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

**MOTION CARRIED**

New Recording

**APPROVAL OF PURCHASE OF COURT TAPE RECORDER FOR COUNCIL**

correcting the problem in a timely manner.

Vice Mayor Shimp stated that if there were a change in administration condemnation would be possible depending on the interpretation.

City Manager Linn stated there was a need to schedule a meeting on the Land Development Regulations.

City Attorney White was unclear if the Council wanted an opinion on if the lots qualified as lots record or if it was the Council's intention to change the language of the code to remove the phrase "lot of record" from the Footprint Bill.

City Manager Linn added that the phrase "lot of record" may be referred to in other provisions of the code and if it was struck from one provision the definition still may be needed in other sections of the code.

Councilor Patronik felt it would be better served to make the Watersedge property lots of record.

Mayor Brown asked if there were any more comments from public and moved on the consent agenda.

#### **CONSENT AGENDA**

#### Personnel Policy

**AMENDMENT TO THE PERSONNEL POLICY:** The amendment to the personnel policy deleted the positions that joined the union and eliminated the authority to appoint a Deputy Finance Director at the same time the accountant position was occupied.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

**MOTION CARRIED**

**VARIANCES/NONE**

**ORDINANCES/NONE**

**OLD BUSINESS/NONE**

**NEW BUSINESS**

Resolution  
No. 2001-22

**RESOLUTION NO. 2001-22 – APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE BOARD OF APPEALS:**

#### **RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE BOARD OF APPEALS**

**RESOLVED**, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointments:



**RESOLUTION NO. 2004-16**

**A RESOLUTION AMENDING THE PERSONNEL POLICY  
OF THE CITY OF NEPTUNE BEACH, FLORIDA.**

**WHEREAS**, the City of Neptune Beach desires to amend its personnel policy.

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA,  
THAT:**

**SECTION 1. The Personnel Policy of the City of Neptune Beach, Florida, is hereby  
amended at Section 1.04, Position Covered, to read as follows:**

These rules and regulations shall cover all employees in the City of Neptune Beach unless a collective bargaining contract approved by City Council provides different provisions, in that case those provisions shall prevail, excluding elected officials or officials appointed by the elected governing body, and contractual employees. Personnel employed under the provision of government programs or grants shall be considered exempt positions.

**SECTION 2. The Personnel Policy of the City of Neptune Beach, Florida, is hereby  
amended at Section 1.06, Status of Department Rules and Regulations, Policies  
and Operating Procedures, to read as follows:**

- B. In the event of conflict in any section, the City rules and regulations shall prevail unless a collective bargaining contract approved by City Council provides different provisions, in that case those provisions shall prevail.

**SECTION 3. The Personnel Policy of the City of Neptune Beach, Florida, is hereby  
amended at Section 4 to read as follows:**

SECTION 4

(This section may be adjusted by a Council approved Collective Bargaining  
Agreement.)

EMPLOYMENT POLICIES

**SECTION 4. The Personnel Policy of the City of Neptune Beach, Florida, is hereby  
amended at Section 5 to read as follows:**



SECTION 5

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

HOLIDAYS

**SECTION 5. The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 5.01, Days Observed, to read as follows:**

- A. The following, and any other days which the City Council may declare, are City holidays for employees not covered by a collective bargaining unit. They shall be granted with pay to all eligible employees scheduled to work on such days:

Holiday	Observed
New Year's Day	January 1
Martin Luther King Jr's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Fourth of July	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
<u>Christmas Eve Day</u>	<u>December 24</u>
Christmas Day	December 25
Personal Day	Selected by employee (must be taken in calendar year or be forfeited)

**SECTION 6. The Personnel Policy of the City of Neptune Beach, Florida, is hereby at amended at Section 6 to read as follows:**

SECTION 6

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

PERSONAL LEAVE PLAN

**SECTION 7. The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 6.05, Unused Personal Leave, to read as follows:**

- A. Personal leave shall accrue to a maximum of ~~seventy-five~~ sixty (60) days. Employees who have at least ~~60~~ 15 days accumulated may sell back to the City up to ten (10) personal leave days. Employees may not sell back time more frequently than once every ~~six months~~ quarter.
- B. Upon termination of employment following the completion of ~~seven~~ five (5) years of service, the employee shall be paid for all unused accrued personal leave on an hour for hour basis. Upon termination of employment with less than ~~seven~~ five (5) years of service, the employee shall be paid for seventy-five percent (75%) of all unused personal leave on an hour for hour basis.

**SECTION 8. The Personnel Policy of the City of Neptune Beach, Florida, is hereby at amended at Section 8 to read as follows:**

SECTION 8

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

LEAVE OF ABSENCES

**SECTION 9. The Personnel Policy of the City of Neptune Beach, Florida, is hereby at amended at Section 11 to read as follows:**

SECTION 11

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

EMPLOYEE GREVIANCE PROCEDURE

**SECTION 10. The Personnel Policy of the City of Neptune Beach, Florida, is hereby at amended at Section 16 to read as follows:**

SECTION 16

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

MISCELLANEOUS RULES AND BENEFITS

**SECTION 11. The Personnel Policy of the City of Neptune Beach, Florida, is hereby at amended at Section 16.03, Insurance Benefits, to read as follows:**

Hospitalization and medical insurance are available for all employees. The City pays the full cost of the employee's coverage; one-half (1/2) of the optional coverage for dependents is paid for by the employee. Life and accidental death insurance is also available for City employees. Details are available upon request from the finance department. Bargaining Unit Contracts may differ if approved by Council.

**SECTION 12. The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 16.05, Educational Assistance, to read as follows:**

(For Bargaining Unit, this benefit must be part of a council approved contract.)

**SECTION 13. The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 17 to read as follows:**

SECTION 17

(This section may be adjusted by a Council approved Collective Bargaining Agreement.)

POSITION CLASSIFICATION PLAN

**SECTION 14. The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 18 to read as follows:**

SECTION 18

COMPENSATION PLAN

(For Non-Bargaining Unit employees)

**SECTION 15. The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 18.13, Compensation Plan, to read as follows:**

CLASS	POSITION	SALARY RANGE
1	Asst. to the City Manager	<u>28,548 – 45,338</u>
2	Building Official Deputy Finance Director* Community Development Director	<u>33,600 – 58,800</u>
3	Director of Public Safety Director of Public Services Director of Finance	<u>43,700 – 79,341</u>

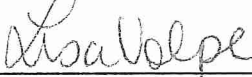
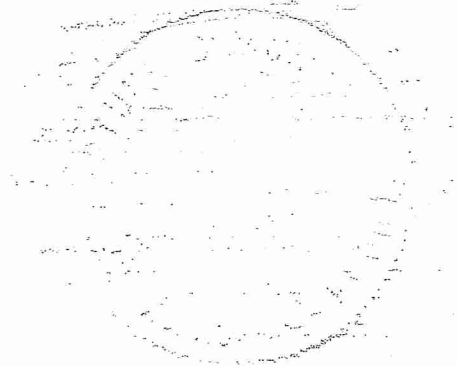
**SECTION 16.** The amendments adopted herein shall be effective immediately upon passage.

Resolution adopted by the City Council at the regular meeting held September 13, 2004.



Richard A. Brown  
Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Volpe, CMC  
City Clerk



- Bob Walter, 1728 Indian Woods Drive
- Gary Kirkland, 1811 Indian Woods Drive
- Steve Carter, 1723 Indian Woods Drive
- Chris Orum, 1123 Kings Road
- Michael Little, 1107 Kings Road

### CONSENT AGENDA

NPDES Interlocal agreement between the City of Neptune Beach and the City of Jacksonville for NPDES monitoring.

Personnel Policy Personnel Policy Update.

Foreclosures Approval to proceed with foreclosures on 914 Fifth Street and 1602-1604 First Street.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

### VARIANCES / NONE

### ORDINANCES

Ord. No. 2005-21 ORDINANCE NO. 2005-21, AMENDING CHAPTER 23, UTILITIES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES AMENDING SECTION 23-83(g) SECURITY DEPOSITS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-21 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-21 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-22 ORDINANCE NO. 2005-22, AMENDING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ADDING SECTION 18-4, USE OF PUBLIC RIGHT OF WAY, AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-22 by title only and opened the public hearing.





**RESOLUTION NO. 2010-12**

**A RESOLUTION AMENDING THE PERSONNEL POLICY  
OF THE CITY OF NEPTUNE BEACH, FLORIDA**

---

**WHEREAS**, the City of Neptune Beach desires to amend its personnel policy.

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA,  
THAT:**

**SECTION 1.** The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Section 2.01 Definition of Terms used in the Personnel Rules and Regulations of the City of Neptune Beach. Page 12, Number 25 to read as follows:

25. *Immediate Family*; Includes spouse, children, step-children, grandchildren, parent, step-parent, grandmother, grandfather, brother, step-brother, sister, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, legal guardian or any relative living in the same household (this definition is for purpose of Sick Leave and Bereavement Leave Only).

**SECTION 2.** The amendment adopted herein shall be effective immediately upon passage.

Resolution adopted by the City Council at the regular meeting held December 7, 2010.

\_\_\_\_\_  
Harriet Pruette, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk



**RESOLUTION NO. 2014-05**

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA  
CHANGING THE CITY PERSONNEL POLICY TO ADD SEXUAL  
ORIENTATION, GENDER IDENTITY OR EXPRESSION AND  
MARITAL STATUS TO IT'S NON-DISCRIMINATION LIST AS  
FOUND IN SEC. 1.02 OF THE PERSONNEL POLICY**

**Whereas**, The City of Neptune Beach does not discriminate in its hiring and employment practices.

**Whereas**, The City of Neptune Beach wants to insure that it continues to not discriminate against anyone because of their sexual orientation and identification.

**Now, Therefore**, be it ordained by the City Council of Neptune Beach, Florida that the Neptune Beach Personnel Policy be changed to add to Sec 1.02 after "physical or mental disability handicap," the following "sexual orientation, gender identity or expression and identification" marital status.

The Resolution shall become effective on after passage by the City Council.

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this 2<sup>nd</sup> day of June, 2014.

\_\_\_\_\_  
Harriet Pruetto  
Mayor

ATTEST:

\_\_\_\_\_  
Lisa Volpe, CMC  
City Clerk



**CITY OF NEPTUNE BEACH,  
FLORIDA**

**Employee Handbook**

Effective Date

**June 1, 2018**

Resolution 2018-03  
Passed May 7, 2018

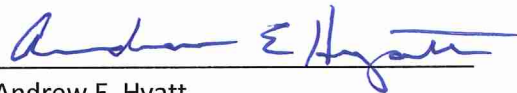


As an employee of the City of Neptune Beach (the City), you are a valuable resource in providing services to the residents and business owners of this City. Your dedication and knowledge help the City provide services in an affordable and efficient manner.

This handbook was prepared to provide you with a summary of the City's rules and regulations relating to your employment with the City. Please remember, this handbook is just a guide to give you a general outline of the rules. Any discrepancy between this handbook and the personnel rules contained in the City's Code of Ordinances (the Code), shall be interpreted in favor of the Code. You are encouraged to review a copy of the entire personnel rules.

The administration of the City greatly appreciates your efforts and will always strive to provide you with a valuable experience as an employee with continued opportunities for advancement and education all within a safe and enjoyable work environment.

Thank you for your loyalty to the City. Remember you are the individuals with which most citizens have any contact. You bring pride to yourself and the City when your work attitude is based upon service, accomplishment and cooperation.



Andrew E. Hyatt  
City Manager



Catherine B. Ponson  
Human Resources Generalist



## TABLE OF CONTENTS

I.	Introduction	3
II.	Employment Policies	4
III.	Municipality Regulations	8
IV.	Workplace Rules	11
V.	Administration	21
VI.	Benefits	24
VII.	Compensation	28
VIII.	Hiring	29
IX.	Retirement	31
X.	Safety and Security	31
XI.	Separation	32
XII.	Time-Off	33
XIII.	Travel & Expenses	41

## **I. INTRODUCTION**

### **HANDBOOK OVERVIEW**

This employee handbook has been prepared as a summary of the City's rules, regulations and procedures relating to your employment with the City. This version of the employee handbook replaces/supersedes all prior employee handbook editions or versions.

If you have questions about any information contained herein, you should immediately ask your Department Head, Human Resource Generalist, or the City Manager for clarification and explanation. Not knowing or understanding expectations and requirements is not an excuse.

The rules, regulations and procedures stated in this handbook are intended as guidelines only and are subject to change at the sole discretion of the City Council. This handbook should not be construed as and does not constitute a contract guaranteeing employment for any specific duration. The terms and provisions of this employee handbook should not be construed to and do not constitute express or implied contractual terms obligating The City. For questions relating to any provision in this policy the Personnel Policy of the City of Neptune Beach should be consulted.

If any contradiction arises between the information contained in this handbook and specific federal, state, or local laws or requirements, the latter will govern in all cases.

Any discrepancy between this handbook and the personnel rules contained in the City's Code of Ordinances (the Code), shall be interpreted in favor of the Code. You are encouraged to go to review a copy of the entire personnel rules.

The rules, regulations and procedures contained herein are neither all inclusive, nor do they address every situation.

All references to "City Manager" contained herein mean the City's Chief Executive Officer as defined in the Code (Sec. 2-81), or his/her designee.

### **ADMINISTRATION**

The City Manager, shall have the responsibility for the personnel program as set forth in the personnel policy.

### **EMPLOYMENT STATUS**

The Rules and Regulations in this handbook shall cover all employees in the City unless a collective bargaining contract approved by the City Council provides different provisions, in that case those provisions shall prevail, excluding elected officials or officials appointed by the elected governing body and contractual employees. Personnel employed under the provision of government programs or grants shall be considered exempt positions.



## **ENFORCEMENT**

Violation(s) of any rules, regulations and procedures, or reasonable suspicion of any such violations, may result in disciplinary action, up to and including termination of employment. Additionally, violation of certain policies may result in prosecution under civil or criminal laws and possible assessment of civil and/or criminal penalties. The City hereby reserves the right to make appropriate administrative decisions and/or deviations regarding its rules, regulations and/or procedures when circumstances so warrant.

## **HANDBOOK IS NOT A CONTRACT**

The rules, regulations and/or procedures presented within this handbook are for information and guidance purposes only and are in no way meant to be a contract of employment or guarantee of continued employment for any specific period.

## **MODIFICATION OF TERMS AND CONDITIONS**

Employee compensation, hours of employment, work location, and all other terms and conditions of employment are subject to modification by the City's discretion subject to oversight and review. Statements or representations made by City representatives concerning the terms and conditions of employment will not be binding on the City unless reduced to writing and signed by the appropriate authority.

In addition, the City Manager may determine that a transfer or reassignment of any employee is necessary to fulfill business needs and requirements of the City.

## ***II. EMPLOYMENT POLICIES***

### **ADA COMPLIANCE FOR APPLICANTS AND EMPLOYEES WITH DISABILITIES**

The City shall comply with all relevant and applicable provisions of the Americans with Disabilities Act (ADA). The City shall not discriminate against any qualified job applicant or employee with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability, provided the applicant and/or employee can perform the essential functions of the job, with or without accommodation. The City's policy of nondiscrimination applies to all personnel and employment practices regarding job application procedures, hiring, advancement, discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

In accordance with the ADA the City will make "reasonable accommodations" wherever necessary for all employees or applicants with disabilities, provided the individual is otherwise qualified, can safely perform the duties and assignments connected with the job, and such accommodations do not require significant difficulty or expense, or otherwise results in undue hardship on the City.

The City may request a physician's statement documenting the need for a requested accommodation. All requests for reasonable accommodation must be submitted in writing to your Department Head.

### **DIVERSITY AND INCLUSION**

The City is committed to acknowledging and valuing diversity and creating an environment in which each individual's unique strengths and abilities are developed and valued. All employees share in the responsibility of creating and fostering this environment, and are expected to demonstrate mutual respect and acceptance in the work place. Employees' diversity enhances communication, problem-solving and decision-making skills, thereby improving the City's productivity and performance. A diverse workforce mirrors the diverse make-up of our communities and our customers, enabling the City to better understand, and more effectively respond to, market changes. The City strives for excellence in its ability to create an inclusive, respectful, and equitable environment for all employees through leadership, policies, and practices.

### **EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

The City is an equal opportunity employer that maintains a policy of nondiscrimination with respect to all employees and applicants for employment. All employment decisions will be made without regard to race, color, gender, sexual orientation, gender identity or expression and marital status or other non-merit factors, religion, national origin, age, disability, genetic information, veteran status, or any other status protected by applicable law. Employment decisions are based solely on an employees' qualifications, merit, and performance, subject to the resource needs of the City. Requests for accommodations will be reviewed and considered for qualified individuals. Reasonable accommodations will be made in accordance with applicable law.

In addition to compliance with Federal law, the City shall comply with applicable state and local laws. This policy applies to all terms and conditions of employment, including but not limited to the following:

- Recruitment, hiring, placement, transfer, promotion, and demotion
- Training, development, and educational assistance programs
- Compensation and benefits
- Social and recreational programs
- Discipline
- Termination of employment

The City also maintains a policy prohibiting discrimination and retaliation for those who are a past or present member of the uniformed service, have applied for membership in the uniformed service; or are obligated to serve in the uniformed service. This policy applies to initial employment, reemployment, retention in employment, promotion, and any benefit of employment.

### **HARASSMENT**

The City will not permit, tolerate, or condone harassment against any individual for any reason, including, but not limited to, harassment based on race, color, religion, national origin, gender, age, disability, veteran status, or any other status protected by applicable law. Comments, conduct, or

innuendoes that might be perceived by others as offensive or harassing are wholly inappropriate and is prohibited in the workplace. This policy applies to all City employees, vendors/suppliers, and visitors to the premises.

All City employees must avoid offensive or inappropriate behavior in employment-related relationships and are responsible for ensuring that employment-related relationships remain professional and free from harassment in any form.

Harassment can include, but is not limited to, the following actions.

- **Inappropriate Communication** - Includes any language that is unnecessarily loud or degrades or berates others, including, but not limited to, racial, religious, or sexual comments or jokes, sexual innuendoes, inappropriate personal questions, or threats of any kind, whether communicated verbally, in writing, or electronically. This includes offensive or inappropriate written materials including, but not limited to, pictures, letters, email messages, graffiti, social media postings, etc.
- **Physical Contact** - Includes, but is not limited to, inappropriate or unsolicited touching, hitting, kicking, or threatening another person, including restraining by force or blocking the path of another.
- **Interference or Hostile Environment** - Includes any behavior or action which interferes with an employee's ability to perform job duties and responsibilities, or which results in or creates a hostile or intimidating work environment.
- **Sexual Harassment** - Includes, but is not limited to, unwelcome or unsolicited sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature when:
  - submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or employment-related concerns; or
  - submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - such conduct is severe and pervasive and has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.
  - harassment based on race, religion, national origin, gender, sexual orientation, pregnancy, childbirth, medical conditions, age, disabilities, citizenship, service member status, or any other protected category (Protected Characteristics).
- **Retaliation** - Includes any adverse action or threat of adverse action taken or made because an employee has exercised or attempted to exercise any rights under applicable laws or under the

policies of the City. Retaliation includes, but is not limited to, threats, or withholding or withdrawal of pay, promotions, training, or other employment opportunities.

Employees must understand the importance and serious effects of harassment. Harassing behavior may result in personal liability, as well as liability to the City.

### **IMMIGRATION AND NATURALIZATION**

The City complies with all Federal and State requirements and regulations regarding all employment rules, regulations and/or procedures as it relates to immigration and naturalization.

### **OPEN DOOR POLICY**

The City is committed to providing all employees with a safe and positive work environment. All employees should recognize that open communication is the key to solving problems. If an employee has any questions or concerns about anything within the work place, you are strongly encouraged to communicate immediately and openly with the appropriate Department Head or City Manager. Should an employee determine a situation is not being appropriately addressed the City's Human Resource Generalist should be contacted directly.

### **RELIGIOUS ACCOMMODATIONS**

The City will consider requests for religious accommodations. Such requests may include time off for attendance at religious services, an absence for observance of a religious holiday, or an employee's attire. The City will try to balance employees' rights regarding religious expression with the City's need to maintain an efficient and productive workplace. Reasonable accommodations will be made for an employee's religious beliefs, unless such an accommodation results in an undue hardship for the City or creates an unsafe working condition.

### **REPORTING OF POLICY VIOLATIONS**

Employees are required to immediately report any observed, known or perceived violations of any policy or law, including incidents of discrimination or harassment. Reports should immediately be made to the appropriate Department Head, Human Resource Generalist or the City Manager.

All reports will be investigated in a timely manner with care and consideration given to confidentiality and privacy, pursuant to Florida law.

The City shall ensure employees who utilize this procedure are free from all reprisal or retaliation from reporting such violations or cooperating in an investigation.

Employees are expected to fully cooperate in any investigation involving issues relating to the City's rules, regulations and/or procedures, or any other aspect of the City's business.

## **RETALIATION**

There shall be no retaliation against employees for reporting or notifying the City in good faith, of any potential, perceived or actual policy, practice, and program or procedure violation.

## **WORKPLACE VIOLENCE PREVENTION**

The City has a zero-tolerance policy for violence in the workplace. Any employee determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment. The City expressly prohibits acts or threats of violence by or against any employee, customer, vendor, or other visitor to the City's facilities.

At all times Employees shall abide by the City's Weapons Policy, as set forth fully in this Handbook, which prohibits the possession of weapons (unless otherwise authorized) in the workplace or during work hours.

Any potentially dangerous situations, observations of violence or threats in the workplace, or violations of the Weapons Policy must be reported immediately to the appropriate Department Head, Human Resource Generalist or the City Manager. These situations may include knowledge of personal or family relationships that could bring violence into the workplace or internal / external, threats against co-workers.

Employees are required to notify the appropriate Department Head, Human Resource Generalist or the City Manager of any active protective orders or restraining orders they may have in place against another individual.

## **III. MUNICIPALITY REGULATIONS**

### **ADMINISTRATIVE LEAVE**

Administrative Leave may be for reasons or situations where an employee is removed from normal duties by the City Manager, when considered necessary for proper operation of the City or welfare of the employee. Administrative leave may be with or without pay as determined by the City Manager.

### **ACCEPTANCE OF GRATUITIES**

No employee shall accept any money or other consideration or favor from anyone other than the City for the performance of an act which he/she would be required or expected to perform in the regular course of his/her duties; nor shall any employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might reasonably be interpreted as an attempt to influence his/her actions with respect to City business.

## **PECUNIARY INTERESTS**

No employee shall personally profit directly or indirectly from any contract, purchase, sale, or service between the municipality and any person or City; or as an agent providing any surety, bail, or bond required by law. No employees shall accept any free or preferred services, benefits, or concessions from any person or City.

## **POLITICAL ACTIVITY**

Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or from casting his/her vote in all elections.

- (1) City employees, while on duty, in uniform or on City property, are prohibited from participating in the following activities:
  - (a) Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate for public office.
  - (b) Organize, sell tickets to, promote or actively participate in a fundraising activity of a candidate for public office.
  - (c) Take an active part in managing the political campaign for a candidate for public office.
  - (d) Solicit votes in support of or in opposition to a candidate for public office.
  - (e) Act as a recorder, watcher, challenger or similar officer at the polls on behalf of a candidate for public office.
  - (f) Drive voters to the polls on behalf of a candidate for public office.
  - (g) Endorse or oppose a candidate for public office in a political advertisement, broadcast, campaign literature or similar material.
  - (h) Address a rally or similar gathering of the supporters of opponents of a candidate for public office.
  - (i) Initiate or circulate a nominating petition for a candidate for public office.
  - (j) Wear campaign buttons, pins, hats or other similar attachment, or distribute campaign literature in support or opposition to a candidate for public office.
- (2) The City Council may grant a City employee a leave of absence to become a candidate for any office other than an elective office for the City of Neptune Beach. No employee shall become a candidate for elective office for the City of Neptune Beach.

## **USE OF CITY VEHICLES AND EQUIPMENT**

- (1) Purpose. The purpose of this regulation is to establish rules for the utilization of both City-owned vehicles and equipment that are provided for use by employees in the performance of their official duties.
- (2) Responsibility. The City Manager, shall establish a policy approved by the City Council. The following rules apply to all other persons who operate or are authorized to operate or use a piece of equipment, tool, or any other piece of City-owned property. Each Department Head is responsible for insuring that employees of his/her department, who at any time drive, use, or operate a City-owned vehicle, tool, or piece of equipment, are familiar with the requirements/regulations of this policy.



(3) Regulations.

- (a) City-owned vehicles, tools, and equipment shall be operated only by persons who have received prior authorization from the City Manager. Designees of the City Manager vested with this authority shall have such designation in writing.
- (b) City vehicles, tools, and equipment shall be used only for official City business and shall not be used for personal business or pleasure. City vehicles shall not be driven or used outside City limits, except in the performance of City business, unless authorized by the City Manager.
- (c) Except for those employees assigned full-time vehicles, City vehicles maybe taken overnight only under the written authorization of the City Manager.
- (d) Employees who are assigned City vehicles may use such vehicles for travel to and from work, but shall not use the vehicle for any personal reason except for those trips which are normally associated with travel to and from work and during meal breaks. Employee must provide proof of insurance (endorsement for use of non-owned vehicle).
- (e) Vehicles will not be assigned to employees living outside ten (10) miles of the City limit.
- (f) On-call employees may be permitted to take a vehicle home. Such approval shall be issued, in writing, by the City Manager. On such occurrences the rules that apply to those assigned vehicles shall be followed by those temporarily assigned vehicles.
- (g) No operator of a City vehicle or piece of equipment shall carry passengers except another City employee, elected City Officials, approved volunteer personnel, clients, or persons engaged in or advising on matters relating to City business. Spouses who are a City employee may accompany the employee to a meeting in which the employee is representing the City (prior approval of the City Manager is required).
- (h) All City employees who are assigned a City vehicle and then use the vehicle for travel to and from work shall receive a statement annually indicating the amount of benefit, for tax purposes, derived from their use of the vehicle. Such benefit shall be determined based on the round-trip mileage from the place of residence to place of business times the current allowances for mileage.
- (i) The primary operator of each City vehicle or piece of equipment is responsible for immediately reporting any vehicle or equipment problems to his/her appropriate Department Head. However, this does not relieve any other operator of the vehicle from the same responsibilities. The Department Head shall be responsible for immediately reporting any vehicle or equipment problems to the City Mechanic.
- (j) Any damage to a City vehicle or piece of equipment shall be immediately reported to the Department Head responsible for that vehicle or piece of equipment. If damage also occurs to vehicles or property not owned by the City, the accident shall also be reported to the appropriate Police Department. Whenever an accident occurs to a Police Department vehicle or whenever injury or death occurs, the Florida Department of Law Enforcement (FDLE) shall be notified. If the FDLE is not available, the Jacksonville Sheriff's Office (JSO) shall be notified. All accidents shall be reported as soon as possible by the supervisor to the vehicle maintenance shop.
- (k) Regulations and procedures regarding the routine maintenance and care of City vehicles and equipment shall be issued by the appropriate Department Head with City Manager approval. Any regulations which the City Manager may issue or which he has already issued shall be considered a part of the formal regulations concerning the operation of

City vehicles and equipment. The vehicle maintenance Supervisor shall inform the appropriate Department Head, in writing, of any violations of these procedures.

- (l) All operators of City vehicles and equipment shall have appropriate (as required by the employee's job description) driver's/operator's licenses issued by the State of Florida and shall obey all traffic laws, rules, and regulations of the State of Florida and the City of Neptune Beach.
- (m) Traffic citations, fines, or other actions taken by any police jurisdiction against any employee while driving or operating a City-owned vehicle or piece of equipment shall be provided to the appropriate Department Head. It is the responsibility of the employee to comply with any fines or other penalty requirements. Receipt of traffic citations, fines or other actions may be cause for disciplinary action including termination.
- (n) No employee shall operate a City vehicle or piece of equipment while under the influence of alcohol, any illegal drug, or any prescribed drug, which may impair his/her or her ability to operate the vehicle or piece of equipment. Alcoholic beverages and illegal drugs are not allowed in any City-owned vehicle or piece of equipment except in the case of law enforcement activities.
- (o) Any department may further regulate the use of its vehicles, tools, and equipment with the approval of the City Manager and so long as it is not in conflict with this general policy.

#### **USE OF POSITION**

No City officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the City, nor shall he otherwise use or attempt to use his/her position to secure unwarranted privileges or exemptions for himself or others.

### **IV. WORKPLACE RULES**

#### **ATTENDANCE AND ABSENCES**

All employees shall attend work in accordance with these rules and with general department regulations. All departments shall keep daily attendance records of their employees. Depending upon the type of leave requested, an employee shall be required to notify his/her or her supervisor that he or she is unable to report to work. Notification shall be in accordance with the requirements for each type of leave listed in these rules and regulations. Unauthorized absences shall be subject to disciplinary action up to and including dismissal.

#### **WORKPLACE NOTICE**

Bulletin boards shall be located in City Hall, Public Services building and Public Safety building and will be used to post City information and to inform employees of matters affecting employment matters. Bulletin boards are for the exclusive use of the City. Employees are not permitted to abuse, deface, or remove posted items. Additionally, employees are not allowed to post any information not pertaining to the City – bulletin boards are not for personal use.



## **CONFIDENTIALITY OF CITY INFORMATION**

Safeguarding the confidential nature of information concerning the City's transactions, present and prospective business matters, suppliers, employees, and constituents is essential to the conduct of City business. Caution and discretion are required in the dissemination, use, removal and transportation of such information and only when required in the normal course of business. Confidential records of the City are not to be removed from the premises without prior consent of the City Manager.

While the City's normal operations require the full flow of information throughout the organization, confidential information available to one department or division of the City should be communicated to other departments or divisions only when required in the normal course of business.

Confidential information obtained because of employment with the City is not to be used as a means of obtaining personal gain or for the private use of others. Researching information from City records about individuals, groups, businesses, or other employees for non-business-related reasons is prohibited. Use or disclosure of such knowledge or information in an inappropriate manner can result in civil and/or criminal penalties, both for the employee and for the City.

Only authorized City representatives are to release information to the public. All records requests received by all City departments must be referred to the City Clerk.

## **DISCIPLINARY ACTION**

Whenever an employee's performance, attitude, work habits or personal conduct are not meeting clear position description expectations, the appropriate Department Head shall institute corrective and disciplinary steps as described below. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct. The types of disciplinary actions are:

- (1) **Verbal counseling.** When an employee's performance, attitude, work habits, or personal conduct are not meeting the clear position description expectations, the appropriate Department Head shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period for improvement may be allowed before initiating disciplinary actions. The appropriate Department Head will place a memo in the employee's file stating the date of the verbal reprimand, what was said to the employee, and the employee's response.
- (2) **Written reprimand.** In situations where a verbal counseling has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be sent by the appropriate Department Head to the employee within 24 hours, and a copy shall be provided to the City Manager and placed in the employee's personnel folder.
- (3) **Suspension.** An employee may be suspended for up to three (3) days without pay by the City Manager not to exceed a total of fifteen (15) days in a 12-month period. An employee may be suspended with or without pay by the City Manager for an indefinite length of time. A written

statement of the reason for suspension shall be submitted to the employee at least twenty-four (24) hours prior to the time the suspension becomes effective, provided, that during the advanced notice period the employee may be retained in duty status, placed on leave, or suspended with or without pay at the discretion of the City Manager. The employee will be granted a hearing before the City Manager, within ten working days of the receipt of the employee's request by the City Manager. An employee determined to be innocent of the charges shall be returned to duty with full pay for the period of suspension. All records associated with a suspension shall become a permanent part of the employee's personnel file. When warranted, an employee may be suspended without twenty-four (24) hours' notice, if it is in the best interest of the City.

- (4) Dismissal. The City Manager may dismiss an employee at will regardless of whether other disciplinary action has occurred if he determines it is in the best interest of the City.

### **DRUG FREE WORKPLACE**

Use of drugs by employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

- (1) being on duty or performing work in or on City property while under the influence of drugs and/or alcohol;
- (2) engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal or controlled drugs at any time and of alcohol while on duty or while in or on City property;
- (3) refusing or failing a drug and/or alcohol test administered under this policy;
- (4) providing an adulterated, altered, or substituted specimen for testing; consumption or possession of alcohol while on-call for duty; and
- (5) use of alcohol or drugs within eight hours following an accident/incident in a City vehicle if the employee's involvement has not been discounted as a contributing factor in the accident/incident or until the employee has successfully completed drug and/or alcohol testing procedures.

### **ELECTRONIC COMMUNICATIONS**

The City may provide e-mail, voice mail, and Internet access to enable employees to communicate more efficiently and to provide an effective resource for the operation of the business.

Employees should use electronic tools for City business-related reasons only. Unauthorized personal use, unauthorized access, and/or misuse of the City computer system are strictly prohibited. The following guidelines must be followed regardless of whether the communication is business-related or personal:

- All communications composed or sent through the City's systems must be written in a professional manner, regardless of the mode in which the correspondence is transmitted. This includes messages sent outside the City and all internal communications.
- Use of the City electronic communication equipment must not disrupt the operation of the City network or interfere with an employee's productivity.

- All City policies, including the *Equal Employment Opportunity and Harassment* policies in this manual, must be followed while using City equipment. No abusive, profane, or offensive language or pictures may be transmitted by employees.
- Internet sites that contain potentially offensive material may not be accessed under any circumstances.
- Offensive material includes, but is not limited to, anything sexual, pornographic, or racially derogatory.
- City equipment may not be used for any non-work-related solicitations.
- All e-mail messages must have your name attached. Messages may not be transmitted under an assumed name and you may not attempt to obscure the origin of any message.
- You are not authorized to retrieve or read any e-mail messages that are not sent to you.
- City equipment may not be used to send or receive copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization from the City Manager.
- You must not engage in any activity on the computer or system which would defeat or attempt to defeat security restrictions on the City systems and applications.
- Unless specifically exempt by Florida law, all email communications shall be considered public records.

Electronic communications are considered public records according to Florida law, and employees must ensure that confidential information is communicated appropriately. Even when a message is erased from a computer system, it is still possible to retrieve and read that message. The use of passwords for security does not guarantee confidentiality. All computer passwords must be available to the Department Head, IT Administrator or City Manager. In addition, employees are expected to log off any secure, controlled-access computer or other forms of electronic data system to which you are assigned if you leave such computer or system unattended.

All messages composed, stored, sent, or received on City equipment are the property of the City. The City reserves and intends to exercise the right to review, audit, intercept, access, and disclose all communications produced or transmitted on City equipment. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Employees sending messages to non-employees should inform them that information contained in or sent to the computer system of the City is City property and may be accessed and intercepted for review at any time.

### **GRIEVANCE PROCEDURE**

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustments of employee grievances. A grievance is defined as an employee's feeling of dissatisfaction, a difference, disagreement, or dispute arising between an employee and his/her supervisor and/or employer with some aspect of his/her employment, application, or interpretation of regulations and policies, or some management decision affecting him/her. A grievance can be something real, alleged, or a misunderstanding concerning rules and regulations or an administrative order involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, position classification, or transfer. Such misunderstandings, complaints, points of view and

opinions will be considered a grievance except in cases where they relate to personnel action arising out of pay, suspension, and dismissal.

The City shall attempt to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances, which will be resolved only after a formal appeal and review. Accordingly, the following procedure is established to insure fair and impartial review:

**Step one.** The employee makes an oral or written presentation of the grievance to the immediate supervisor within ten (10) working days from the incident which prompted the grievance. It shall be the supervisor's responsibility to promptly investigate the grievance, discuss the matter with the Department Head, and act if possible. The supervisor shall inform the employee in writing of the decision and any action taken within ten (10) working days from the date the grievance was filed.

**Step two.** If the grievance cannot be resolved between the employee and the supervisor during Step 1, the employee may reduce the complaint or grievance to writing and request that the written statement be delivered to the Department Head (or City Manager if the original grievance was filed with the Department Head) within ten (10) working days of receipt of the Department Head's or supervisor's response. If the grievance is filed with the City Manager, proceed to Step 3. If the employee is not satisfied with the response of the department head, he or she must proceed to Step 3.

**Step three.** If the grievance is not resolved with the Department Head, the employee may request, in writing within ten (10) working days, review by the City Manager. The City Manager shall make such investigation and obtain the information sufficient to review the grievance within ten (10) working days, and will respond to the employee and the employee's department head in writing.

## **HOURS OF WORK**

The City Manager shall establish a work schedule for each position, based on the needs of service, and considering the reasonable needs of the public, that may be required to do business with various departments.

## **INTERNET POLICY**

The City's e-mail system and internet, like other City assets, shall only be used for the benefit of the City. Use of e-mail that violates City policies or state and/or federal law is prohibited and may lead to disciplinary action including termination. All employees who use e-mail and internet will certify that they have read and fully understand the contents of the internet policy by signing an acknowledgement. All statements and opinions made by individuals using e-mail, whether implied or expressed, are those of the individual and not necessarily the opinions of the City or its management.

## **MEDIA RELATIONS**

Should you receive any request from a third-party to provide City-related information, give an interview or discuss any business related to the City, you should politely decline the request and immediately contact your Department Head, Human Resource Generalist or the City Manager. Only employees who are "authorized" may speak on behalf of the City and interact with the media.

## **NEPOTISM**

In no event shall an employee show any favoritism to any co-worker that is also an immediate family member. Any employee, including supervisors that shows favoritism toward an immediate family member may be disciplined including termination. Within the City, no employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, the provisions of this chapter shall not be construed to prohibit two (2) or more such relatives from working within the same state governmental entity.

## **OUTSIDE EMPLOYMENT**

No City employee shall engage in any outside employment without a written authorization from the City Manager or designee. Such authorizations shall not be granted if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with his/her City employment, or is likely to cast discredit upon or create embarrassment for the City. The requirements of this section apply also to those full-time positions categorized as exempt. In the case of the City Manager, City Attorney and City Clerk, City Council approval is required.

## **PERFORMANCE IMPROVEMENT PLANS (PIPS)**

As part of the performance management process, the City utilizes a Performance Improvement Plan or PIP process. The PIP process is designed to help employees improve performance, increase adherence to standards and overall increase the employees' effectiveness. PIP's will be documented and the document placed in the employees file. Should the employee not make material progress as defined in the PIP, the employee may be subject to disciplinary action including termination.

## **PERFORMANCE REVIEWS**

Performance reviews will generally be conducted by your Department Head on an annual basis. In addition to your formal review, your Department Head may also provide you feedback regarding your performance on a regular and on-going basis throughout the year. The purpose of the performance review is to evaluate your job performance during the year, assess your job-related strengths and weaknesses, and support changes in job status and/or salary level.

## **PERSONAL APPEARANCE / HYGIENE**

Appropriate dress, grooming, and personal cleanliness standards contribute to the safety, morale and productivity of all employees and positively impact the business image the City presents to the community.

Employees are expected to apply common sense and professionalism regarding your personal appearance and hygiene. Good grooming and business-like dress that are appropriate for the work environment and the position are expected of all employees. Extremes of appearance including dress, hairstyles, jewelry, makeup, visible tattoos or body piercings, etc. should be avoided. Your appearance

should not create a disruption in the workplace. In addition, employees are expected to remain free of excessive or distracting odors such as body odor, excessive fragrances, tobacco odor, etc. while in the workplace and/or while otherwise conducting business on behalf of the organization.

### **PREGNANCY / NURSING MOTHERS**

Our policy is to comply with all Federal and State requirements and regulations. In addition, our goal is to ensure an appropriate environment for employees and their unborn children. For their safety and for compliance purposes, we ask that you immediately notify your Department Head, Human Resource Generalist or the City Manager if you become pregnant or require related accommodations. The City will make reasonable accommodations for nursing mothers utilizing the same criteria for accommodations under the ADA.

### **RECORDING**

Recording, events, phone calls, cell calls, meetings or any other communication and/or is prohibited unless appropriately authorized by the City and the recording is in accordance with Federal and State Laws. Any / all permitted recordings are the sole property of the City and shall not be used in any manner other than official City business.

### **REFERENCE CHECKS**

Employees shall not provide any information or enter any discussion, no matter how direct or simplistic, with any third-party regarding a former City employee. Any calls or requests by third-parties for references or employment performance or verification for former employees shall be referred to Human Resources.

### **RETURN TO WORK**

Employees who are off work for an extended time due medical issues, FMLA, injury, etc., are required to maintain regular contact with Human Resources. Employees will not be allowed to return to work without the appropriate documentation as requested by The City Manager and/or Human Resource Generalist.

Based on specific circumstances, the City Manager may require a Doctor's verification or equivalent for any absence greater than one (1) day for an illness.

### **SOCIAL MEDIA**

The City respects the rights of employees to use social media as a medium of self-expression on their own time. Employees must not disclose any information that is confidential or proprietary to the City. Employees are prohibited from posting or displaying comments about the City and its employees, constituents, suppliers, business partners, that are vulgar, obscene, threatening, intimidating, harassing or that are in violation of the City's workplace policies, practices and / or work rules. Further, employees are prohibited from posting on social media during work hours except for authorized, business purposes.



## **STANDARDS OF CONDUCT**

Being an employee of the City demands appropriate and responsible conduct. City Employees shall always comply with the rules and regulations set forth herein and otherwise adopted by the City as well as other rules and regulations relating to the department to which the employee is assigned, including ordinances and laws applicable to you as an employee. Violations of the personnel policy or other applicable laws may make you subject to disciplinary action up to and including immediate termination. The following are examples of types of conduct which are not acceptable, and are grounds for disciplinary including immediate termination:

- (1) Suspicion of use, possession, or sale of illegal drugs on City property, or being under the influence of illegal drugs on City property;
- (2) Suspicion of unauthorized use or possession of alcohol on City property;
- (3) Actual or attempted fraud or theft of property belonging to a citizen, visitor, another employee or the City;
- (4) Fighting, harassment of others, abusive language, or insubordination;
- (5) Falsifying or altering the City records;
- (6) Possession of weapons or firearms on City property;
- (7) Immoral or indecent conduct;
- (8) Violation of the City's equal employment opportunity or sexual harassment policies;
- (9) Breach of confidentiality regarding the matters relating to the City;
- (10) Criticism, in any form, of the City, its policies, employees or citizens which is communicated to third persons (other than supervisors or department directors) of which is unwarranted, unjustified or made in bad faith, except as otherwise provided for in applicable State and/or Federal law;
- (11) Discourtesy to citizens;
- (12) Interfering with work performance of another employee;
- (13) Sleeping on duty;
- (14) Damaging, defacing or mishandling equipment or property;
- (15) Threatening, intimidating or coercing citizens or fellow employees;
- (16) Leaving work area while on duty without permission;
- (17) Failure to report an injury or accident concerning an employee;
- (18) Willful violation of safety regulations;
- (19) Failure to wear prescribed uniform or clothing;
- (20) Tobacco use on premises;
- (21) Concealing defective work or deliberately reporting inaccurate results or information;
- (22) Discussion of compensation of all current and/or former employees of the City; and,
- (23) Non-Compliance with federal, state and local regulations.

This list is not intended to be exhaustive, and employees should be guided by common sense in all their activities. Furthermore, nothing in this policy is intended to alter the rights of the City and its employees to terminate their "at will" employment relationship at any time, for any reason, with or without cause.

## **UNSATISFACTORY PERFORMANCE, BEHAVIOR, AND CONDUCT**

Employees are expected to conduct themselves in an appropriate and business-like manner. Examples of such conduct are outlined in the *Standards of Conduct* policy.

The following examples of unacceptable performance, behavior, and conduct are subject to corrective counseling or other disciplinary action, including termination. This list should not be considered exhaustive or all-inclusive. The nature and severity of an offense will be considered in determining disciplinary action to be taken.

- Absenteeism, tardiness, failing to report to work without sufficient explanation and authorization or failing to observe work hours, such as scheduled starting and quitting times, breaks, and meal periods, etc.;
- Failing to meet production or quality standards as explained to you by your Department Head, mistakes due to carelessness, repetitive or excessive errors, or failing to obtain necessary work instructions;
- Failing or refusing to cooperate with or assist other employees, customers, or other individuals;
- Performing personal business on City time that limits or hinders your job performance (including excessive use of websites, web logs, social networking and other electronic communication);
- Engaging in unauthorized activities on City time;
- Inappropriate use of City property / supplies. Using City supplies or equipment in a wasteful manner or without authorization;
- Insubordination (unwillingness to follow management's instructions or disrespectful behavior toward a Supervisor or Department Head);
- Interfering with another employee's job performance;
- Violating the City's *Substance Abuse* policy in the Operations section;
- Falsifying City records (e.g., time records, expense reports, etc.);
- Filing a fraudulent on-the-job injury claim;
- Knowingly filing a false report of policy violation;
- Failing to observe established safety policies;
- Disclosing confidential City information without authorization;
- Violating the City's harassment and/or discrimination policies;
- Disorderly or discourteous conduct, including fighting, horseplay, or using obscene, abusive, or threatening language or gestures, toward clients, employees, or other individuals, or gossiping with or about employees or clients while performing work or otherwise representing the City;
- Stealing, destroying, abusing, or damaging City property, tools, or equipment or the property of another employee, customer, or other individuals;
- Possessing a weapon in an unlawful manner while on City property or while on City business;
- Creating a condition hazardous to City property or a person on City premises;
- Deliberately concealing another employee's misconduct;
- Failing to report any observed or known violations of any policy;
- Violating any applicable laws or regulations while performing work or otherwise representing the City or otherwise related to the duties and responsibilities of the position; and,



- Any other breach of appropriate business standards and conduct and/or the City's policies and procedures.

### **VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE**

City employee's dependent upon or abusing drugs and/or alcohol, and sincerely wishes to seek professional medical care, should voluntarily discuss his/her problem with the appropriate Department Head in a private setting.

Such voluntary request for treatment with a substance problem will be honored by the City. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment. Substance abuse treatment will be at the employee's expense.

Affected employees of the City may be allowed up to thirty (30) consecutive calendar days for initial substance abuse treatment as follows:

- (1) The employee must use all vacation, sick and compensatory time available.
- (2) In the event accumulated vacation, sick and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period. Voluntary disclosure must occur before an employee is notified of, or otherwise becomes subject to, a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the City. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The appropriate Department Head and City Manager will consider each case individually and set forth final conditions of reinstatement to active duty. The conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy.

### **USE OF TOBACCO PRODUCTS**

Use of all tobacco products (including smokeless and vaping) on City owned property or in City owned or leased vehicles is prohibited. Violators of this policy will be subject to disciplinary action up to and including termination.

## **WEAPONS**

Employees are prohibited from possessing and/or using all weapons while on City premises, including its parking lots, or while conducting business on behalf of the City, except as required by law and or authorized by the City. This policy provision does not apply to members of the City's Public Safety Department, acting in their normal scope and capacity of employment.

## **WORKPLACE MONITORING AND SEARCHES**

The City has the express right to access City property including, but not limited to, desks, lockers, storage areas, computers, files, e-mail, voice mail, other electronic communications, and other property owned or operated by the City. All such property and communications belong to the City and will be monitored, intercepted, reviewed, and/or searched at the City's discretion for business purposes such as monitoring compliance with City policies and procedures, investigation of business security issues, disclosure of confidential business or proprietary information, personal abuse of the system; or monitoring work flow or productivity. Any such searches or monitoring will be performed in compliance with all applicable laws and regulations.

Any employee bringing a personal computing device, data storage device, or image-recording device on to City premises waive his/her right to privacy as it relates to such device and hereby give permission to the City to inspect these devices at any time. The City may analyze any files, other data, or data storage devices or media that may be within or connectable to the devices in question. Employees that refuse the City access for such inspection will be subject to disciplinary action including termination.

Monitoring or searches conducted of City property or premises are not allegations or accusations of criminal conduct, nor are submission to such monitoring or search an admission of guilt. Employees are expected to cooperate in any such monitoring or searches.

## **WORKSPACE**

Employees are required to maintain workspaces (office, cubical, assigned work area) free from safety hazards and free from any / all materials that may be considered offensive, degrading or out-of-place in a professional business environment. Employee workspaces should be maintained in a "professional" manner always.

## ***V. ADMINISTRATION***

### **EMPLOYEE STATUS (FLSA)**

The Fair Labor Standards Act (FLSA) sets forth regulations regarding the minimum wage, eligibility for overtime payment, and recordkeeping requirements. FLSA classifies positions as either exempt or nonexempt based on factors such as the duties and responsibilities of the job.

- **Exempt Employee** - Any salaried employee engaged in a bona fide executive, administrative, professional, computer, or outside sales capacity. These employees are exempt from the minimum wage, overtime, and recordkeeping provisions of FLSA. The exempt status of a position is determined by analyzing the job's entire set of responsibilities against exemption tests set by the Department of Labor's Wage and Hour Division.
- **Non-exempt Employee** - A nonexempt employee is any salaried or hourly employee whose compensation (with respect to minimum wage and overtime payment) and hours of work must be administered in accordance with FLSA. These employees must be paid at least the current minimum wage, have records maintained of their hours worked, and receive overtime pay for any hours worked over 40 hours in a workweek, unless otherwise required by Federal or State law.

The exempt or non-exempt status of any position has no bearing on employee participation in standard City benefit programs.

### **EMPLOYEE CLASSIFICATIONS**

For administration and reporting purposes, employees are classified into one of the following classifications:

- **Full-Time Employee** - Any employee who is regularly scheduled to work or works 40 or more hours per week. Full-time employees are eligible for participation in all standard City benefit programs, as described in the descriptions of the individual benefits.
- **Part-Time Employee** - Any employee who is regularly scheduled to work less than the regular full-time workweek. Part-time employees are eligible only for limited participation in City benefit programs, as defined in the descriptions of the individual benefits.
- **Seasonal / Temporary Employee** - An employee who is scheduled to work for a specific duration (start and end date) and who, unless otherwise approved via ordinance and/or resolution will not receive any benefits, perks and/or earn, accrue paid-time-off. All earned pay will be via payroll with the appropriate tax withholdings.

Employee questions regarding FLSA (exempt/non-exempt status) or Employee Classification, should be directed to the Human Resource Generalist or the City Manager.

### **DEMOTIONS**

A demotion is an assignment of an employee from one position to another, which has a lower maximum rate of pay, rank and responsibility. An employee may be demoted for any of the following reasons:

- (1) Because his/her position is being eliminated and he/she would otherwise be laid off;
- (2) Because his/her position is being reclassified to a higher grade and the employee lacks the necessary qualifications to successfully perform the job;
- (3) Because there is a lack of work or need;
- (4) Because there is a lack of funds;

- (5) Because another employee, returning from authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned;
- (6) Because the employee does not possess the necessary qualifications to render satisfactory service to the position he/she holds;
- (7) Because the employee voluntarily requests such a demotion and it is available;
- (8) As a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job. When an employee in one position is demoted to a lower position and the employee rate of pay is higher than the maximum rate for the new position, the employee's salary shall be reduced to an appropriate rate for the new position.

### **OCCUPATIONAL DISABILITY**

All injuries arising out of and during one's employment shall be governed by the Florida law. Employees on occupational disability leave for seven (7) or less working days shall receive full pay from the City, chargeable to the employee's paid leave. If no leave is available, then the employee will not receive any compensation until, at such time, worker's compensation benefits commence. Employees with on-the-job injuries resulting in disability of greater than seven (7) days shall receive such benefits as provided by the Florida law.

### **PERSONNEL FILES**

Information relating to employment with the City is contained in a personnel file and is the confidential property of the City. Due to the confidential nature of personnel files, Human Resources are responsible for controlling all access to such files. Personnel files are not to be removed from City property.

Employees may review their personnel file containing job-related information in the presence of the Human Resources Generalist and/or the appropriate Department Head or the City Manager upon appointment during regular business hours. Any disagreement or objection to any information contained in the personnel file, may be submitted in writing to the Human Resources Generalist. Under no circumstances may an employee alter, copy, or remove any document in their personnel file. Former employees and other individuals who are not employed by the City will not be permitted access to personnel files. Additionally, requests by former employees for copies of documents in the personnel files will not be honored.

Employees are responsible for informing the City of any changes to their respective personal status that may alter payroll or benefit status. In addition, employees should notify management of any job-related education, special training or recognition you receive.

### **PROMOTIONS**

A promotion is an assignment of an employee from one position to another, which has a higher maximum rate of pay, rank and responsibility. Vacancies in positions above the lowest rank in any category shall be filled as far as practical by the promotion of current, eligible employees. If the City Manager determines there are no qualified employees eligible for promotion, then the position will be

filled from a list of eligible applicants as determined by the recruitment process. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for affecting an increase in compensation. When an employee in one classification is promoted to a position in another classification and the employee's current rate of pay is less than the minimum rate, for the new position, the employee's salary shall be raised to that minimum rate. When the employee's salary falls above the new minimum rate, the employee will move to the new skill level at the next higher step from their old rate.

### **PROBATIONARY PERIOD**

All employees shall be considered probationary employees during the first one hundred eighty (180) days of employment with the City. The one hundred eighty (180) day probationary period shall be used to assess the probationary employees' work ability, knowledge and attitude. At any time during this one hundred eighty (180) day period the probationary employee may be rejected and employment terminated. The personnel rules and regulations regarding termination of employment shall not apply to probationary employees. This probationary period applies to any employee who has been promoted.

### **TRANSFER**

When an employee desires to transfer from one position to another, it must be approved by the City Manager. The transfer of an employee from one position to another without significant change in level of responsibility may be effective:

- (1) When the new employee meets the qualification requirements for the new position;
- (2) If it is in the best interest of the City;
- (3) If it meets the personal needs of the employee as consistent with the other requirements of this rule; and,
- (4) A reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.

An employee who transfers from one City department division to another will retain and carry forward all benefits earned or accrued or both as of the date of transfer. As a rule, lateral transfers require no increase in compensation. Employees in one classification who transfer from a position of a higher rate of pay to a classification and a position of a lower rate of pay shall have their pay rate reduced to the appropriate rate of pay for the new position.

Nothing in this section shall impair or limit the City's ability to transfer employees from one position to another position if the City determines that it is in the best interest of the City to affect such a transfer.

## **VI. BENEFITS**

### **BENEFITS OVERVIEW**

The City has established a variety of benefit programs to assist employees and their families. This section of the handbook provides highlights of the City's benefit programs – it is not intended to provide complete descriptions. Complete explanations of benefits may be obtained from the Human Resources Generalist.

During your orientation or at the appropriate time based on plan eligibility, plan changes, etc. a representative of the City will review, in detail, the City's various and applicable benefits programs.

If any contradiction arises between the information contained in this handbook and the official benefit plan documentation and/or master insurance contracts, the latter will govern in all cases.

Benefit plans are subject to change based on regulatory requirements and/or at the discretion of the City. It is the policy of the City to adhere to all regulatory regulations and requirements.

The City reserves the right to change, alter, amend and terminate programs without prior notice to employees pending compliance with Federal and State laws and guidelines.

## **BENEFIT PROGRAMS**

The following list outlines our group benefits currently available to eligible employees. It does not, however, constitute a group policy. Please refer to the plan documents for each benefit available for a comprehensive description of all aspects of the benefit, including eligibility and the terms and conditions of the benefit.

### Insurance Programs:

- Health Insurance
- Dental Insurance
- Vision Insurance
- Short-Term Disability
- Long-Term Disability
- Basic and Supplemental Life Insurance

Note: COBRA, FMLA and Military Leave (USERRA) benefits are determined by many factors and are highly regulated by Federal and/or State requirements. Questions or concerns should be immediately forwarded to Human Resources.

## **ELIGIBILITY**

Eligibility to participate in the programs defined in this section is based on employee classification and the specific plan design of each program (which determines the actual eligibility timing).

In general, employees classified as:

- Full-Time Employees of the City are eligible for the benefits described in this section.
- Part-Time Employees of the City are eligible for limited participation in the benefits described in this section.
- Seasonal / Temporary Employees of the City are not eligible for benefits as described in this section.

Individuals performing services for the City as independent contractors or through third-party organizations or agencies are not considered employees of the City and are not eligible for participation in the benefit programs described herein.

Specific details (including eligibility) of the health, dental, vision insurance plans are described in the Summary Plan Descriptions (SPD). The SPDs and information on cost of coverage will be provided in advance of enrollment to eligible employees.

Some benefits such as Unemployment and Workers Comp are available to all employees, however receiving the benefit is based on many factors and the decision to grant unemployment and worker comp benefits are the responsibility of the State and the Carriers, depending on the benefit.

All questions and concerns regarding benefits should be forwarded to Human Resources.

### **CONTINUING INSURANCE COVERAGE (COBRA)**

Employees and eligible family members may qualify for extended insurance coverage at group rates under COBRA, in instances where coverage under the plan would otherwise end. Acceptance and coverage periods are regulated by COBRA law.

Upon separation, employees will be provided information regarding insurance continuation (COBRA benefits) and/or conversion rights and responsibilities upon enrollment in the group insurance plan(s). Additionally, when a qualifying event occurs, employees and covered family members will be mailed additional information regarding rights to choose continuation and/or conversion of coverage and the applicable time frames for election of coverage.

Keep in mind that COBRA benefits to include timeframes and payments are time sensitive and highly regulated.

Any questions regarding COBRA should be directed to Human Resources.

### **EMPLOYEE EDUCATIONAL ASSISTANCE**

- (1) Purpose. The employee educational assistance program is established to share the tuition expenses of employees who want to improve his/her knowledge, abilities and potential for advancement through continuing education.
- (2) Eligibility. Regular full-time employees, who have completed at least one year of continuous service and wish to continue their education under this program, should discuss this matter with their department head to obtain approval before applying for assistance to the personnel department and City Manager for approval.
- (3) Policy. The following provisions are established to govern the administration of the City's employee educational assistance program.
  - (a) Applications for assistance may only be made for attendance at a school of recognized educational standing, such as a high school, college, university, correspondence or



vocational/technical school. Employees may be required to furnish information as to the accreditation of an institution.

- (b) Eligible employees seeking assistance and meeting all the requirements for participation may receive full reimbursement of tuition for courses directly related to their job and one-half reimbursement of tuition for courses indirectly related to their job. The Department Head shall recommend to the City Manager whose decision shall be final as to whether the course of study is directly or indirectly related.
  - (c) Applications for assistance will not be considered if the employee is receiving funds for the same course work from any other source or if the course work is available through in-service training conducted by City or other approved agency. The following are additional directives for this item.
    - (i) In the case of partial funding from a source other than the City, the City may, upon approval of the City Manager, reimburse the remaining tuition expense up to the limits established herein.
    - (ii) Should an employee knowingly accept assistance from the City while at the same time receiving assistance from another source and not notify the City of such, he or she will be ineligible for any further assistance from the City and any funds paid to the employee receiving assistance from the other source shall be deducted from his/her or her salary.
  - (d) This program is offered to assist employees who are pursuing additional training/education on their own time. The City realizes however that certain courses are offered only during working hours and will consider request for such attendance on a case by case basis. Employment responsibilities shall come first and approval to attend during work hours will be an exception as opposed to a practice. Any employee granted an exception will have to arrange with his/her supervisor to work an equivalent amount during each pay period.
  - (e) An employee who leaves City service during the course shall not be entitled to reimbursement.
  - (f) The City will not approve a request for assistance from an employee who is the subject of disciplinary action at the time of the request.
  - (g) Reimbursement of courses is subject to the successful completion of the course(s) by the employee with a grade of satisfactory or no less than a "C" (2.0 on a 4.0 scale).
  - (h) Request for assistance shall not be considered for more than two (2) courses per quarter, semester or school term.
  - (i) Employees who receive reimbursement under this policy for two or more years (4 semesters, 6 quarters, or 16 months in a vocational/technical school) shall be required to remain in the employment of the City for at least one full year from the date of course completion or any of the just mentioned participation periods are met.
- (4) Procedures. The following procedures allow an employee to know in advance if a selected course will be approved for full or half tuition assistance, assuming the course is completed with a satisfactory grade.
- (a) An employee obtains a tuition reimbursement application form from the Human Resources office, completes the form in duplicate and forwards the application to his/her Department Head.



- (b) The Department Head, after making his/her recommendation, sends the application (in duplicate) to the City Manager's office.
- (c) The City Manager approves or disapproves the application. One copy is returned to the employee, the other is retained by the personnel department.
- (d) Within ten (10) days of completion of the course and after final grade(s) has been received, the employee submits his/her copy of the approval application to the City Manager's office along with his/her grade and tuition/registration receipts.
- (e) The City Manager after verification of grades and receipts will forward the same to the finance department for cost reimbursement.

### **PROTECTED HEALTH INFORMATION IN THE WORKPLACE**

The City complies with all health care privacy and employee information regulations. Questions or concerns should be addressed to Human Resources or the City Manager.

All employees have a responsibility to respect, and maintain the privacy and confidentiality of another employee's protected health care and employee information. Anyone inappropriately disclosing such information, without prior authorization or permission, will be subject to the City's disciplinary procedures.

## **VII. COMPENSATION**

### **COMPENSATORY LEAVE**

All non-exempt employees who are called back to work after normal work hours shall be compensated with overtime or compensatory leave for two (2) hours or actual time worked (computed at one and half times the employees hourly rate, whichever is greater. All Employees may accumulate a maximum of compensatory leave time in accordance with City policy or Bargaining Unit contract.

### **OVERTIME**

Overtime may be authorized by prior approval of the appropriate Department Head or the City Manager. All non-exempt employees (as defined by the Fair Labor Standards Act) authorized to work overtime shall be paid at a rate of one and one-half times the hourly rate for all overtime hours worked, or at the supervisor's discretion, shall receive compensatory time at the rate of one and one-half times the hours worked provided the Fair Labor Standards Act shall be fully complied with.

### **LONGEVITY PAY**

All full-time employees who have served continuously ten (10) or more years shall receive, upon their retirement (a voluntary termination of employment) from employment with the City, longevity pay according to the following schedule:

<b>Total Continuous Service</b>	<b>Awarded Value</b>
Beginning the 10th year into the 14th year	2 days' pay
Beginning the 15th year into the 19th year	4 days' pay
Beginning the 20th year into the 24th year	6 days' pay
Beginning the 25th year and thereafter	10 days' pay

All earned "longevity payments" will be paid via payroll with the appropriate withholdings applied.

Note: This applies to employees hired after June 1, 2018.

## **VIII. HIRING**

### **BACKGROUND INVESTIGATIONS (CREDIT, CRIMINAL, OTHER)**

The City reserves the right to conduct criminal and credit worthiness investigations on applicants for any employees in certain cash handling positions and other fiduciary positions as deemed appropriate.

The City also has the express right to conduct background investigations on prospective and current employees to obtain criminal conviction records. Conviction of a crime is not an absolute bar to employment and will not automatically eliminate an individual from consideration for or continuation of employment. All relevant circumstances, such as the date of conviction, nature of offense, punishment served and similar such circumstances, will be considered in relation to specific job requirements. Conviction of a crime that is related to the job the individual is expected to perform may be cause for denial of employment. Arrest records alone will generally not be considered in determining an individual's eligibility for employment.

The City will comply with the provisions of the Fair Credit Reporting Act and all applicable amendments when conducting any type of background investigation (e.g., criminal, credit, motor vehicle record, etc.) to include other applicable federal and state laws. The City will comply with laws governing the proper protection or disposal of any documents (paper, electronic, or other format) that contain consumer information derived from a credit report.

The City reserves the right not to employ or retain in employment anyone who has been convicted of any felony or misdemeanor offense that relates to the duties and responsibilities of the position.

Employees are required to report (in a timely manner) any arrest and / or conviction occurring during their employment to Human Resources immediately.

### **ELIGIBILITY**

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified applicants for the various types of employment positions. Recruitment, therefore, shall not be limited to the residents of Neptune Beach or Duval County. In cases where residents and non-residents are equally qualified for positions presently vacant, the resident shall receive first consideration in filling such vacancy. All applicants for positions including new hires as well as promotional advancements which require the potential for call-back to respond to emergency

situations shall be required to live within ten (10) road miles of the Neptune Beach City limits. If such employees live outside of this area, they must relocate within the area within six (6) months.

Present employees who were employed by the City prior to May 1, 2018, and were in violation of this section as of May 1, 2018, are exempted from this eligibility rule as it pertains to the violation that existed as of May 1, 2018. These requirements apply also to the positions listed as exempt.

### **EMPLOYMENT OF MINORS**

Generally, employees must be 18 years of age or older. Occasionally, the City may hire those under 18, but only in accordance with all federal and state laws and be approved in advance by the City Manager. Questions concerning the age requirements to work in specific departments and/or positions should be directed to Human Resources.

### **EMPLOYMENT OF RELATIVES**

Unless otherwise prohibited by federal or state law, personal relationships that lead to, or may be perceived to lead to favoritism or preferential treatment are prohibited. However, the City may allow the employment of existing employee family members, members of household, or persons with other special relationships for positions which they are qualified, provided that such employment does not result in an actual or perceived conflict of interest. Relatives working in the traditional "chain-of-command" are prohibited.

### **JOB POSTING**

Internally, job openings will generally be posted on bulletin boards and normally will remain open for a minimum of five (5) days. Each job posting notice will include the dates of the posting period, job title, department, location, essential duties, and qualifications (required skill and abilities). Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a job posting application to the appropriate Department Head listing job-related skills and accomplishments. Applications should describe how their current experience with the City and prior work experience and/or education qualifies them for the position.

An applicant's Department Head may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

Internal job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring Department Head. Other recruiting sources, including external ones, may also be used concurrently to fill open positions in the best interest of the City.

## **MISREPRESENTATIONS OF EMPLOYEE INFORMATION**

Any misrepresentation made or falsification of information provided by an individual when completing the employment application, job posting process or at any time during the employment process and/or during his/her employment will be considered grounds for dismissal without notice.

## **PRE-EMPLOYMENT TESTING AND CERTIFICATIONS**

Applicants (internal and external) must meet all pre-employment testing and certification guidelines as defined by the Job Description and/or the City Manager to be considered for employment.

## ***IX. RETIREMENT***

### **CONTRIBUTION PLAN**

City employees are required to participate in the City's retirement contribution plan. During employment orientation, employees will be provided the appropriate plan participation information.

### **COMMUNICATIONS**

Employees who wish to retire from the City should communicate their intentions to their Department Head and Human Resource Generalist in writing giving at least sixty-days (60) notice.

Unless otherwise approved by City Ordinance or Resolution, there are no other "retirement" benefits provided by the City other than what is described in this section.

## ***X. SAFETY and SECURITY***

### **SAFETY**

The Occupational Safety and Health Act (OSHA) of 1970, assigns specific responsibilities to the employer with respect to the Employee's safety in his/her work environment. In order that the City meets this obligation, a policy has been firmly established to assist in providing a safe and healthful work environment for employees, customers, and visitors. Safety is a top priority for the City.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their Department Head. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is required to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to your Department Head or Human Resource Generalist.

Employees who violate safety standards, cause hazardous or dangerous situations or fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action, up to and including suspension and/or termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify the appropriate Department Head. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

### **USE OF COMMUNICATION DEVICES WHILE DRIVING / OPERATING MACHINERY**

The City recognizes the need to actively communicate and that communication devices are commonly used. However, unless specified in your job description (emergency personnel), employees should refrain from using communication devices while operating vehicles and/or machinery. Employees should understand that this can be a distraction and could create an unsafe scenario, and, that under certain circumstances can be violative of the law.

### **SECURITY**

Security of locations, employer and guests are paramount. Employees should immediately report any/all suspicious persons, behaviors, vehicles, packages, communications, etc. that may pose a potential security threat to their Department Head.

Access to City buildings and work areas should be monitored and access limited to those with a valid business need.

## ***XI. SEPARATION***

### **SEPARATIONS**

All separations of employees from the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay-off, disability, dismissal or job abandonment. At the time of separation and prior to final payment, all records, equipment, and other City property in the employee's custody shall be transferred to the appropriate Department Head.

### **RESIGNATION**

An employee may resign by submitting in writing the reasons, including retirement, and the effective date, to his/her Department Head no less than two (2) weeks before resignation is to become effective. Department Heads shall forward all notices of resignation to the City Manager immediately upon receipt. Failure to provide and work through the appropriate notice of resignation may result in ineligibility for re-employment. An employee's date of separation will be the last day worked. The City requests at least two (2) weeks-notice and the notice should be in writing and state the last day to be worked. A resignation is irrevocable, unless approval to rescind it is provided by the City Manager.

## **LAYOFF**

The City Manager, may lay-off any employee when deemed necessary due to shortage of funds or work, the elimination of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee. Temporary employees shall be laid off prior to probationary or regular employees. The order of lay-off shall be in reverse order to total continuous time served upon the date established for the lay-off to become effective.

## **DISABILITY**

An employee may be separated for disability when unable to perform required duties because of a physical or mental impairment. Action may be initiated by the employee or the City, but in all cases, it must be supported by medical evidence acceptable to the City Manager. The City may require an examination at its expense and performed by a licensed physician of its choice.

## **DISMISSAL**

An employee may be “involuntary” separated from the City based on violations of the rules, regulations, procedures and requirements set forth in this handbook or based upon any violation of the City’s Code. The “involuntary” dismissal may be immediate or be an accumulation of events and factors.

## **JOB ABANDONMENT**

Employees are expected to provide appropriate notice of their inability to perform their stated job duties. Any employee absent from work without adequate notice to the appropriate Department Head, will be considered to have abandoned their job. Such an employee will be considered as having resigned from employment with the City after three (3) full days of unnoticed absence. The effective date of termination will be the last day which the employee appeared at work.

## ***XII. TIME-OFF***

### **PERSONAL DAYS**

Full-time employees will receive two (2) personal days, annually, as paid-leave.

### **BEREAVEMENT**

An employee may be absent and continue to be paid in case of death in the immediate family of the employee for up to five (5) days, based on City Manager approval. Immediate family is defined as the spouse, grandparents, parents, children, grandchildren, children-in-law, siblings, stepchildren, stepparents, and foster parents of an employee and similar blood relatives of the employee's spouse.

Bereavement time off is charged to the employee's paid leave after the first five (5) days with pay.



## **FAMILY MEDICAL LEAVE ACT (FMLA)**

To be eligible for Family and Medical Leave under the Family and Medical Leave Act (FMLA) an employee must:

- Have worked on payroll for a total of 12 months;
- Have worked at least 1,250 hours over the previous 12 months; and
- Worked at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the City within 75 miles.

Any leave taken under this policy, other City policies, or law which qualifies as leave under the FMLA, or other state law, will be counted against your available leave under the applicable City policy(s), as well as the available leave under the FMLA or other state law.

## **REASONS MEDICAL LEAVE CAN BE TAKEN**

**Birth/Placement (Bonding):** Leave is for the birth and/or care of an employee's newborn child, or for the placement of a child with an employee for adoption or foster care, and/or to care for the child following birth or placement for adoption or foster care. This leave applies equally to all genders. Eligibility for this leave expires 12 months after the child's birth or placement.

**Family Medical:** Leave to care for a qualifying spouse, child, or parent with a serious health condition. Eligible family members are defined as follows:

- "Spouse" is defined in accordance with the state law of the employee's state of residence and includes common law marriages where recognized by the state of residency. The City also recognizes same sex domestic partners as "qualifying" under this definition.
- "Child" is defined as any biological, adopted, or foster children, as well as stepchild, legal ward or a child of a person acting in the capacity of a parent. The child must be under the age of 18 or can be over the age of 18 if "incapable of self-care" because of a physical or mental disability.
- "Parent" is defined as biological parents, as well as persons acting in the capacity of a parent towards the employee. This definition does not include, however, parents-in-law.

**Employee Medical:** Leave is for an employee's own qualifying serious health condition that which prevents an employee from being able to perform your job. This means you: (1) are unable to work at all, or (2) are unable to perform any of the essential functions of your position at the time notice is given or leave commenced.

**Qualifying Exigency -** Leave is for any qualifying exigency arising out of the active duty or call to active duty of an employee's spouse, child, or parent serving as a member or reservist of the U.S. Armed Forces or as a member or reservist in the National Guard in support of a contingency operation.

## **NOTICE OF LEAVE AND REQUESTING LEAVE**

To request FMLA leave, a complete and signed Request for Family and Medical Leave form must be provided to the City's Human Resources Generalist. If leave is foreseeable, the employee must give the City at least thirty (30) days' notice prior to the beginning of the leave or as much notice as is practicable. If thirty (30) days is not practicable (such as in the case of a medical emergency), notice should be provided as soon as possible. Failure to provide timely notice may be grounds for delay or denial of leave and may result in an adverse employment action. Employees requesting FMLA leave are still required to follow proper call off procedures unless the serious health condition at issue prevents them from doing so. In that case, the employee must follow the proper call off procedures as soon as they are medically able. The City may, in its sole discretion, designate an employee's absences as FMLA leave. If the City is aware of the needed leave, but has been unable to confirm that the leave qualifies for FMLA, a preliminary designation will be made and the employee will be notified. If it is later learned that the leave does not qualify, The City will withdraw the designation in the form of a written notice to the employee.

Leave for a "qualifying exigency" arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation must be supported by certification in such time and manner as approved by the Department of Labor.

## **MEDICAL CERTIFICATION/SECOND OR THIRD OPINIONS FOR EMPLOYEE MEDICAL LEAVE**

Employees requesting leave for personal medical condition(s), must provide a medical certification from a health care provider. Employees may obtain forms from Human Resources. Employees must provide medical certification before the leave commences if the need for leave is known in advance. Where the need for leave is not known in advance, the medical certification must be provided within 15 days after the certification is requested by the City. Employees failing to provide timely medical certification, may have their leave request denied or delayed. The City, in its sole discretion, may require a second and third medical opinion. The City may require periodic recertification during a leave. Additionally, The City may also request authentication and/or clarification of any medical certification submitted. All forms must be complete and legible.

## **RECERTIFICATION**

Employees on intermittent leave for an on-going medical condition, may be required to supply sufficient information for recertification every 6 months, at the beginning of each new 12-month FMLA period, when there is suspected abuse of the leave, and/or when circumstances described in the previous certification have changed or need to be clarified.

## **INDEPENDENT MEDICAL EVALUATION**

As allowed by law, the City may require that a second opinion from an independent medical provider be obtained at the City's expense. If there is a conflict in the two opinions, the City may pay for a third health care provider (agreed upon by both the City and the employee) to render a third and final,



binding opinion. The City reserves the right to use a human resource professional, a health care provider, a leave administrator, or a management official to contact an employee's health care provider to verify or authenticate a medical certification. If the City deems a medical certification is incomplete or insufficient, the City will notify the employee in writing and the employee will be given seven (7) days to cure the deficiency.

#### **AMOUNT OF LEAVE**

Eligible employees may take unpaid Family and Medical Leave of up to 12 weeks in a rolling 12-month period for any of the reasons defined above. To determine the amount of eligible leave, the 12-month period is measured backwards from the date the Family and Medical Leave is requested to begin. The amount of leave will be determined by calculating the FMLA leave the employee has already used in the prior 12 months, and counting backwards from the new leave-request date. Employees and qualifying spouses that both work for the City, are limited to a combined total of 12 weeks of family leave to cover the time needed (1) after the birth or placement of a child; (2) to care for a seriously ill parent; or (3) when taking leave due to a qualifying child's call to active duty. Employees and qualifying spouses that both work for the City, are limited to a combined total of 26 weeks of family leave to cover the time off needed to care for a wounded child, who is a member of the uniformed services. However, married employees are eligible to take any unused portion of the 12 weeks for their own serious health condition, the care of a seriously ill child, or the care of the other spouse with a serious health condition.

#### **USE OF FAMILY MEDICAL LEAVE ACT**

Family and medical leave can be taken as a block of consecutive days, or on an intermittent basis, in increments as small as 15-minutes. Intermittent leave is permissible when the time is taken due to serious health condition, or for medical treatment of a serious health condition, or for recovery from such treatment. Consecutive and intermittent FMLA require medical certification in support of the leave. FMLA may also be taken on a reduced, part-time leave schedule basis. For example, your scheduled hours may be temporarily reduced to meet the needs arising from a serious health condition.

#### **LEAVE RULES**

Leave for Birth/Placement must be completed within the 12-month period beginning on the date of the birth or placement.

Employees who misrepresent facts to be granted FMLA leave will be subject to corrective action, up to and including suspension and/or termination of employment.

The City prohibits any employee from maintaining secondary employment, including self-employment, while on FMLA leave (including intermittent leave), which is inconsistent with the need for a leave of absence. Violations will result in disciplinary action up to and including termination of employment. An employee who intends to continue to work a second job that he/she already had before the leave commenced, must have the written permission of her/his Department Head.

### **MILITARY CAREGIVER LEAVE**

Eligible employees may take unpaid Family and Medical Leave of up to 26 weeks in a rolling 12-month period to care for a spouse, child, parent or next of kin who is a covered service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a severe injury or illness (incurred or aggravated in the line of active duty in the Armed Forces). Qualified employees for leave under this provision and leave for any other FMLA covered reason, are only entitled to a combined total of 26 weeks during any 12-month period. The City reserves the right to require confirmation of the family relationship to the service member.

### **COMPENSATION AND BENEFITS DURING LEAVE**

Generally, FMLA leave is unpaid. Employees may concurrently use accrued PTO to provide pay during FMLA leave that would otherwise be unpaid. FMLA leave will run concurrently with this use of paid leave. The City will continue employee medical coverage during FMLA leave for up to 12 weeks, or 26 weeks in the case of military caregiver leave, **if the employee pays its respective portion of the premium**. Employee benefits may be terminated if the employee refuses to pay its portion of the premium.

While on leave and at the City's discretion, employees may not be eligible for bonuses, short-term-incentives or other payments based on attendance or job-related performance goals that were not met due to FMLA leave. An employee on FMLA leave, has no greater rights to reinstatement or to other benefits and conditions of employment than if had not been utilized. Employees returning from leave will be required to provide the City with certification from their health care provider that they are able to resume work and to perform the essential job functions.

### **EMPLOYEE RESPONSIBILITIES WHILE ON LEAVE**

Employees will be required to periodically advise the City of leave status and intent to return to work after FMLA leave. Employees must also provide notice to the City at least two (2) business days prior to date of return to work. During an approved FMLA leave, employees are entitled to the same health insurance provided immediately prior to commencement of leave. Employees are required to continue to pay their portion of the premiums to continue benefit coverage during the leave period. Employees are responsible for any premiums due during the leave period.

Employees not returning to work following FMLA leave, will be responsible for any health insurance premiums paid by the City on the employee's behalf during FMLA leave, unless the failure to return to work was due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the employee's control.

## **INTERMITTENT LEAVE**

Intermittent leave can be used when it is medically necessary for: (1) the treatment of a serious health condition by and under the supervision of a health care provider; (2) for the recovery from the treatment of a serious health condition; (3) for the employee's own serious health condition; or (4) to provide care for a qualifying family member with a serious health condition. Intermittent leave is generally not available for the birth or placement of a child.

Employees are expected to consult with their appropriate Department Head to try to arrange for a mutually acceptable commencement of intermittent leave. Employees must make all reasonable efforts possible to schedule appointments and treatments outside of regular work hours while also limiting unduly interference with the City's operations. An employee utilizing intermittent FMLA leave only for a portion or portions of any given work day, are expected to work the remainder of the work day, whether before or after the requested and required period of leave.

During intermittent FMLA leave, The City reserves the right to temporarily transfer employees to an alternative position, provided the position has equivalent pay and benefits and accommodates the required leave. Employees that have exhausted all accrued paid leave or choose not to use accrued leave concurrently with intermittent unpaid FMLA leave, will receive reduced compensation consistent with the hours you work.

## **PRIVACY AND LEAVE REQUESTS**

Employees must inform their appropriate Department Head that family or medical leave is required and the dates of expected absence. Employees do not need to inform their Department Head and/or Supervisor, and the Department Head and/or Supervisor should not ask, about the specific reasons for the leave request. Instead, to ensure your privacy, Human Resources Generalist will make any necessary inquiries and evaluate whether there is a qualifying need for the leave. Human Resources is responsible for ensuring that all medical information provided by the employee is maintained in the strictest confidence.

## **REINSTATEMENT FOLLOWING LEAVE**

Employees qualifying for FMLA leave and protections, will have their current employment position, or an equivalent, held for the required time. After that time, the City is not required to protect employment positions. Generally, upon return from FMLA, employees will be reinstated to the same position or to an equivalent position with equivalent pay, benefits, and other employment terms, to the extent required by law. Employees taking leave because of a personal health condition, will be required to present a fitness-for-duty certification upon return to work. Employees failing to provide a release to return to work which certifies the employee can perform the essential job functions, with or without reasonable accommodations, when required to do so, will not be permitted to resume work until such certification is provided.

If an employee fails to return from leave as scheduled and without giving notice, the third day on which the employee is absent, he or she will be considered to have abandoned the job, voluntarily resigned, and separated from the City as provided herein.

### **HOLIDAY LEAVE**

The following legal holidays are observed by the City: New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the Friday immediately following Thanksgiving, Christmas Eve and Christmas Day, and such other days as maybe designated by the City Council and/or City Manager. For a holiday falling on Saturday or Sunday, the proceeding Friday will be observed or the following Monday, respectively, will be observed as a holiday for City employees. To receive holiday pay an employee must be a full-time employee and must not have been absent without leave either on the workday immediately before or after the holiday. If an employee is on paid leave, they will receive pay for the holiday in lieu of paid leave.

### **MILITARY LEAVE**

The City recognizes the right of employees to perform military service in the U.S. Armed Forces, military reserves or the National Guard and the responsibility of those employees enrolled in the military reserve training programs to be away from the job for periodic training events. The City will grant a leave of absence without pay to employees required to be deployed or to attend military training under appropriate official military orders. Employees on a military leave of absence may use accrued vacation time while on an unpaid military leave of absence, but are not required to do so. Employees granted military leaves of absence are re-employed and paid in accordance with the laws governing veteran's re-employment rights.

During an extended military leave of absence of more than 30 days, accrual of vacation time and City paid benefits will be suspended. Health insurance, as well as any other employee benefits, may be continued by arranging for the payment of premiums prior to the beginning of the leave. Additionally, vacation pay, jury duty pay, and holiday pay are not accrued or granted while on a leave of absence. The Human Resources Generalist for the employee's location will coordinate the administration of City's Military Leave Policy.

### **SEVERE WEATHER LEAVE**

The closing of City Hall due to severe weather and the responsibility of employees to report to work under such conditions is subject to the discretion of the City Manager. The City's method for treating absences and lateness due to severe weather shall be as follows:

- (1) In the event of severe weather, every City employee shall make every attempt to report to work as usual.
- (2) Each employee must inform his/her supervisor of his/her absence and the reason for it in the same manner used for any other absence. The employee shall report to work immediately should weather conditions change allowing safe transportation to his/her worksite.
- (3) If an employee is unfavorably late due to severe weather conditions, the employee will not lose paid time unless the delay is longer than sixty (60) minutes. Delays of longer than sixty

- (60) minutes but less than one-half (1/2) day may be charged to paid or compensatory leave taken without pay, or may be made-up with the approval of the supervisor.
- (4) If the employee reports to work and is not needed or the department has been closed, the employee shall be paid for four hours and the remainder charged to compensatory, paid, or leave without pay, or may be made up with the approval of the supervisor.
  - (5) If the needs of the City require it, an employee may be temporarily assigned to another department at employee's existing rate of pay.

**PAID LEAVE**

Paid leave allows employees time off to use for vacation, personal business, and illness. It shall be granted to all positions designated as full-time. Paid leave shall be accrued each pay period in accordance with the following schedule:

Years of Service	Hours earned Per Pay Period	Hours Earned Per Year	Days Earned Per Year
Up to 4 years complete	6.15	160	20
5 to 9 years complete	7.07	184	23
10 to 14 years complete	8.00	208	26
15 to 19 years complete	8.92	232	29
20 to 24 years complete	9.85	256	32
25 or more years complete	10.77	280	35

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Paid leave may be accumulated to a **maximum of 480 hours (exempt employees), 496 hours (Local 630) and 640 hours (FOP)**. Employees may sell up to 80 (eighty) hours of leave four (4) times annually, once per quarter, must have a minimum of 120 hours.

Upon termination of employment following completion of five (5) years of service, the employee shall be paid for all unused accrued personal leave on an hour for hour basis. Upon termination of employment with less than five (5) years of service, the employee shall be paid for seventy-five percent (75%) of all unused personal leave on an hour for hour basis.

**APPROVAL OF PAID LEAVE**

All requests for scheduling paid leave for other than illness must be submitted for approval to the immediate supervisor at least 24 hours in advance. Approval of a request for leave must be given by the supervisor and shall take into consideration the requirements of maintaining adequate service in the department.

- (1) Approval of unscheduled paid leave shall be granted for the following reasons, provided the employee shall have sufficient paid leave accumulated:



- (a) Personal illness or disability.
  - (b) Illness of a member of the employee's household that requires the employee's personal attention.
  - (c) To keep a health care provider's appointment.
- (2) Claims under false pretenses for unscheduled paid leave shall be cause for disciplinary action up to and including dismissal. To be granted approval for unscheduled paid leave an employee must meet the following conditions:
- (a) Notify the immediate supervisor prior to the beginning of the scheduled workday and the assigned work time.
  - (b) Present, as required by the supervisor, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's illness or injury, and that the employee is again able to return to work and perform his/her or her duties; or, other sufficient information to permit reasonable inquiry about such services. Such statement is normally required if the absence is of three consecutive days or longer but may be required at the discretion of the supervisor, with the approval of the City Manager, for less than three consecutive days.

Employees may appeal to the City Manager for a determination of their entitlement if not in agreement with the decision of the Supervisor and/or Department Head.

#### **VOTING**

The City supports and encourages all employees to exercise the right to vote in public elections. If, because of a work schedule conflict, an employee will not have at least two hours to vote between the time the polling location opens and the beginning of the work schedule or two hours between the end of the work schedule and the closing of the polling location, the employee will be entitled to time off to vote. The employee should give the Department Head reasonable notice of his/her need so that time off to vote can be arranged without disruption of department operations. Time off to vote of up to two hours due to a work schedule conflict will be paid.

### ***XIV. TRAVEL & EXPENSES***

#### **TRAVEL**

Travel by employees on City business includes trips within and outside of the City to conferences, conventions, workshops, seminars, educational training courses, forums and other City related business meetings. Justifiable expenses related to such travel are described in Section IV of this regulation.

All authorized trips, travel advances and reimbursements shall be made only on the authorization of the City Manager. City Council shall approve travel for the City Manager. Claims for reimbursement for authorized trips must be presented to the City Manager on the standard Travel Expense Reconciliation/Reimbursement Voucher, properly completed and signed by a person authorized to approve expenditure documents and the employee.

Employees authorized to travel may secure an advance of funds to cover the cost of travel. All travel advances should be presented to the City Manager **at least ten (10) days prior to the proposed travel (absent exigent circumstances)** to allow adequate time for preparation of finances.

It is the responsibility of the employee to prepare the Travel Expense Reconciliation/Reimbursement Voucher for expenses incurred. It is also the employee's responsibility to file the properly completed Travel Expense Reconciliation/Reimbursement Voucher and receipts with the City Manager's Office **no later than 30 days from the date of returning from the authorized trip. If reimbursement is claimed later than 30 days after return, it may be disallowed**, unless previous authorization of late filing has been given by the City Manager.

Any expense considered excessive will be disallowed.

#### **JUSTIFIABLE EXPENSES – LODGING**

Expenditures for lodging must be reasonable and generally follow lodging rates published in the Federal Travel Regulations Guide. It is recognized that expenditures will vary by geographical location; the City shall pay prevailing single room rate per traveler at the place of lodging.

Hotel accommodations will be made in advance and will be paid by a City check made payable to the hotel or charged to the City credit card.

Additional costs incurred due to the employee being accompanied by a spouse or other individuals not involved in City business are not reimbursable expenses. Such non-reimbursable expenses would include the additional expense of a double room, extra meal costs, etc.

#### **JUSTIFIABLE EXPENSES – MEALS / PER DIEM METHOD**

Meals will be reimbursed in accordance with the current Meals and Incidental (M&I) rates published in the Federal Travel Regulations Guide. On arrival and departure dates, meals will be reimbursed at  $\frac{3}{4}$  of the published rate. To qualify for M&I per diem, the employee must remain in an official travel status for four (4) hours or more. These amounts include tip and applicable taxes. This is a per diem allowance and does not need to be supported by receipts, provided the Travel Advance form is properly completed.

This Per Diem method applies equally to the Councilmembers and the City Manager unless utilizing actual cost method.

***[the contents of this document end here]***



Agenda Item #10A  
Pete's Giving Event

CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT

<b>AGENDA ITEM:</b>	Pete's Thanksgiving Day Event Approval
<b>SUBMITTED BY:</b>	Cheryl Bäck, Asst. to the City Manager
<b>DATE:</b>	11/07/2022
<b>BACKGROUND:</b>	<p>This item seeks approval by Council for the 2022 Pete's Thanksgiving Day event which will involve the closure of City streets. Slider's Seafood Grille, Southern Grounds, and Island Girl Cigar Bar will also be participating this year.</p> <p>The conditional approval letter has been carefully drafted with extensive input from the Police Department and the Community Development Department.</p>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	To approve the annual event as stipulated by the City Manager's conditional approval letter.
<b>ATTACHMENT:</b>	Attached is the draft conditional approval letter for the 2022 Pete's Thanksgiving Day event. Supplemental documentation includes the completed Special Events Application, event map, initial request letter from Robert Tilka, operations plan, and the signed Hold Harmless Agreement.



November 7, 2022

Mr. Robert Tilka  
Pete's Bar  
117 First Street  
Neptune Beach, FL 32266

Mr. Chris Wooten  
Slider's Seafood Grille  
218 First Street  
Neptune Beach, FL 32266

Mr. Jay Myers  
Southern Grounds & Co.  
200 First Street  
Neptune Beach, FL 32266

Mr. Robert Feindt  
Island Girl Cigar Bar  
108 First Street  
Neptune Beach, FL 32266

Dear Messrs. Tilka, Wooten, and Myers:

Thank you for seeking permission to conduct the annual Thanksgiving event on Thursday, November 24, 2022. I understand your request includes the closing of First Street between Atlantic Boulevard and Orange Street from 9:00 am to 1:00 pm.

By way of this letter, the City of Neptune Beach is to conditionally grant permission for this event as directed by the City Council at the October 18, 2021, Special Meeting. Conditions are as follows:

1. must meet and adhere to all rules established by the City Manager's Office and the Police Department of the City of Neptune Beach
2. observance of all laws and ordinances pertaining to the City of Neptune Beach, the State of Florida, and the Federal Government
3. ***each of the four (4) participating businesses must submit a liability insurance certificate for at least \$1 million naming the City of Neptune Beach as additional insured no later than 5:00 pm on Friday, November 19, 2021 (forward certificate to Cheryl Bäck at [acm@nbfl.us](mailto:acm@nbfl.us))***
4. ***each of the four (4) businesses participating will provide an extension of premises special event permit from the State Division of Alcoholic Beverages and Tobacco (forward State approval to Cheryl Bäck at [acm@nbfl.us](mailto:acm@nbfl.us))***
5. a contact name and phone number of a person in a position of responsibility must be provided for the event from each of the four businesses
6. noise be kept to a minimal level, and no amplified sounds are allowed
7. signs are to be posted at each event entry listing prohibited items for event participants
8. outside alcohol is expressly prohibited

9. the primary responsibility of event holders is to periodically have trash cans emptied to prevent overflow of garbage
10. required hiring of two (2) Neptune Beach Public Works employees for purposes of monitoring garbage control for the duration of the event at standard rates for such employees for the date of the event (Contact NBPD Commander Gary Snyder at 904-270-2413 or via email at [garysnyder@nbfl.us](mailto:garysnyder@nbfl.us) to coordinate)
11. required hiring of Rockaway, Inc. to install protective fencing around all landscaping and associated components servicing such landscaping and financial responsibility of the participating business for any damage to same.
12. the exclusive use of unbreakable/shatterproof containers by businesses
13. ensure that pets and bicycles are not in the event area
14. the area used must be free of debris once the event is completed
15. provide ten (10) portable toilets to service crowd; portable toilets are to be placed within the event boundary lines
16. the event coordinator(s) will post "No Parking after 12 am" signs at all First Street parking spaces between Atlantic Blvd. and Orange Street on Wednesday, 11/23, at 6:00 pm
17. traffic closures will be in place on Thursday, 11/24, from 8:00 am-2:00 pm, or until conditions allow, at the following locations (per attached event map):
  - a. First Street at Atlantic Blvd.
  - b. Lemon Street at First Street
  - c. Lemon Street at Midway
  - d. First Street at Orange Street
  - e. Hall Place at First Street
18. must provide five (5) "Road Closed" sign barricades (may contact Bob's Barricades for rental information) at the following locations (per attached event map):
  - a. Atlantic Blvd & First Street
  - b. Orange Street & First Street
  - c. Lemon Street & First Street
  - d. Lemon Street & Second Street
  - e. Lemon Street & Midway
19. must provide fifty (50) traffic cones and drop them at Atlantic Blvd. & First Street next to the Seahorse Inn lot
20. must hire five (5) off-duty NBPD Police Officers to provide security and traffic control for the event to be compensated at \$85.00 per hour with a four-hour minimum
21. street closure shall take place a minimum of one (1) hour prior to the event
22. Police Officers must be on duty from the time of street closure until the streets are cleared, reopened, and the crowd is dispersed
23. streets must be cleared, cleaned, and opened for normal traffic no later than 2:00 pm
24. the business shall be fully responsible for any private security utilized throughout the event and will ensure that ID checks are performed for every sale of an alcoholic beverage
25. must arrange for and provide a minimum of two (2) off-duty Jacksonville Fire and Rescue Department firefighters/paramedics equipped with AED and JFRD COMS (radio)
26. the City assumes no liability for any accident or injury that may occur during the event, and your organization will hold the City harmless should any occur
27. failure to abide by any of the conditions set forth could result in the event being shut down at any time

Please let me know if you have any questions or need further information regarding these event stipulations.

Sincerely,

Stefen A.B. Wynn, *MPA*  
City Manager

cc: Chief Richard Pike, Neptune Beach Police Department  
Commander Gary Snyder, Neptune Beach Police Department





1A (loop)

**Food Truck/Mobile Vendor/Special Events Application**

Please attach the following information with your application (subject to change):

- Site Plan showing location of the event and any food trucks, mobile vendors, tents, canopies, or temporary structures
- Traffic and/or parking plan
- Proof of liability insurance covering at least \$1,000,000
  - (REQUIRED ONLY FOR FOOD TRUCKS, MOBILE VENDORS, AND EVENTS SERVING ALCOHOL)
- Proof of Duval County Health Department inspection
  - (FOOD TRUCKS ONLY)
- Attach valid Neptune Beach Business Tax Receipt **202201181**
  - (FOOD TRUCKS AND MOBILE VENDORS ONLY)
- Hold Harmless Agreement for Special Events

Applicant Name: <b>PETE'S BML</b>	Applicant Phone Number: <b>904 465-5280</b>
Applicant Address: <b>117 1ST STREET NEPTUNE BEACH, FL 32266</b>	Applicant Email: <b>PETILKA@GMAIL.COM</b>
Property Owner: <b>RUBEN TILKA</b>	Property Owner Phone Number: <b>904 465 5280</b>
Property Owner Address: <b>3589 TRIDENT COURT</b>	
City: <b>JAX BEACH</b>	State/Zip: <b>FL 32250</b>
Property Owner Email: <b>PETILKA@GMAIL.COM</b>	
Description of Event: <b>PETE'S GUMBOS</b>	
Address of Event: <b>117 FIRST ST NEPTUNE BEACH FLA 32266</b>	Date(s) of Event: <b>11/24/22</b>
Event Time(s): <b>9AM - 1PM</b>	Event Sponsor Name (if different from property owner) and Contact Person: <b>PETE'S GUMBOS</b>
Event Sponsor Address: <b>117 FIRST ST NEPTUNE BEACH FLA 32266</b>	
Event Sponsor Email: <b>PETILKA@GMAIL.COM</b>	

By signing below, I agree to supply the above required documents and comply with all provisions of the City's Land Development Code. Should I not comply with any provisions of the Land Development Code or conditions of the approval for this permit, I understand that the City reserves the right to revoke my business tax receipt, contact the Department of Business and Professional Regulation to revoke any alcohol licenses, or revoke any agreements, leases, or other legal instruments in which the property has an interest.

\*\*No fee required at this time (subject to change)

[Signature]  
Signature of Applicant

10/17/22  
Date

[Signature]  
Signature of Property Owner

10/17/22  
Date

**State of Florida  
County of Duval**

(Notary Seal)

Subscribed and sworn to before me on this 17<sup>th</sup> day of October, 2022  
Robert Tilka who is personally known to me

or has presented \_\_\_\_\_, as identification.

[Signature]  
Notary Public



Official Use Only	
<input type="radio"/> APPROVED w/ CONDITIONS:	
<input type="radio"/> DENIED:	
Signature:	Date:



**PETE'S THANKSGIVING 2022  
EVENT/ROAD CLOSURE MAP**

Pete's Bar  
117 First Street  
Neptune Beach, FL 32266

Stefen A.B. Wynn MPA  
City Manager Neptune Beach  
116 First Street  
Neptune Beach, FL 32266

Subject: Request Approval for Thanksgiving Day Gathering (Pete's Giving) November 24<sup>th</sup>, 2022, Neptune Beach, Florida.

Pete's, Sliders, Island Girl, and Southern Grounds would like to accommodate once again the annual Thanksgiving Day Gathering (Pete's Giving) on Thursday November 24<sup>th</sup>, 2022, from 9am until 1pm. Any other establishments are welcome to participate. Each participating establishment will be required to adhere to the Special Events Application that is being submitted.

Our City of Neptune Beach Special Events Application is in the process of being completed and will be in the city offices no later than Friday Oct 14<sup>th</sup>, 2022.

We look forward to another safe Thanksgiving and look forward to seeing you November 24<sup>th</sup>, 2022, in the Heart of Neptune Beach.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Tilka', with a long horizontal stroke extending to the right.

Robert "Bob" Tilka  
Pete's Bar





202201181

## Hold Harmless Agreement for Special Events

In consideration for the City of Neptune Beach (the "City") issuing a permit to conduct a special event and its related activities (the "Event"), I, the undersigned agree to and acknowledge the following terms and conditions:

1. I, on my behalf and on behalf of the property owner as provided through the attached agent affidavit form, release, waive, discharge, and covenant not to pursue legal action against the City, its volunteers, employees, elected officials, agents, attorneys, insurance carriers, subsidiaries and affiliates (collectively, "Releasees") from any and all liabilities to the undersigned and for any and all claims, demands, losses, bodily injuries or death of any persons, costs, or expenses whatsoever, including but not limited to attorney's fees, which in any manner may arise or be alleged to have arisen or resulted from the presence, activities, events, omissions of any nature whatsoever of the applicant, the property owner, and the attendees, whether invited or uninvited on the dates provided in the application form or any action alleged to have been caused in whole or part by the negligence or intentional misconduct or omission of the City, or any other party (public or private).
2. I, on my behalf and on behalf of the property owner as provided through the attached agent affidavit form, and any and all parties who utilize the area designated in the application for the Event permit (the "Designated Area") for the purposes of the Event (collectively, the "Releasors"), releases, acquits and forever discharges the Releasees of and from any and all known and unknown causes of action, damages, liabilities, costs, expenses and claims and demands of whatsoever kind or nature which the Releasors now have or may ever have against the Releasees on account of any and all known and unknown present or future injuries, losses and damages sustained or received or which may be sustained by the Releasors or the property of the Releasors occurring on, at or about the Designated Area and surrounding City-owned lands, parking structures, parking areas, driveways, roads and appurtenant facilities, resulting during the time that the Releasors are occupying or using the Designated Area and surrounding City-owned lands for the purposes of the Event.
3. Notwithstanding that the Releasors shall have full responsibility for the conduct and management of the Event in a safe, lawful, and non-disruptive manner, all Event attendees shall obey all requests of the City Manager or his/her designee as to any matter regarding the conduct of the Event, including, without limitation, the number of persons attending and the ending time for the Event. The lessor, by signing below understands that the city may terminate the event at any time and for any reasons related to the health, safety, and welfare of its citizens.
4. Separate and independent of the duty to defend provided in the following paragraph, to the fullest extent permitted by law, Releasors shall indemnify and hold harmless the Releasees from any and all claims arising from or related to the Event (including reasonable attorneys' fees and costs, regardless of whether a defense is provided as required by the duty to defend described above). Notwithstanding, such indemnity shall not apply to damages caused by the negligent acts or omissions or willful, wanton, or intentional misconduct of such indemnified parties. Such obligation of indemnification shall apply up to, during, and after the Event. Such duties shall apply to and through all appeals. Nothing in this paragraph shall be construed to limit the remedies available to the Releasees.
5. Releasors shall defend, to the fullest extent permitted by law, any action, claim, proceeding, or any other assertion against the Releasees arising from or in any way related to the Event, by and through attorneys and other professionals at commercially reasonable rates selected by the Releasees and reasonably satisfactory to the Releasors. This duty to defend is separate and independent of any indemnity provided above. The duty to defend includes claims for which any of the Releasees may be liable without fault or may be strictly liable. Such duty to defend applies immediately, regardless of whether any of the Releasees have paid any sums or incurred any



detriment arising out of or relating, directly or indirectly, to any claims covered by this duty. It is the express intention of Releasors that the Releasees shall be entitled to obtain summary adjudication regarding the duty to defend at any assertion of any claim covered by this section. Notwithstanding the foregoing, any of the Releasees may, in their sole and absolute discretion and at their own cost, engage their own attorneys and other professionals to defend or assist them. Such duty to defend shall apply before, during, and after the Event, and through the expiration of the statute of limitations for all claims. Such duties shall apply to and through all appeals. Notwithstanding the foregoing or anything else to the contrary stated herein, in the event Releasors pay or reimburse any amounts pursuant to this section, such amount shall be credited against indemnification to ensure that such indemnification costs are not reimbursed twice.

6. If any term, covenant, condition, or provision of this document, or the application of this document to any person or circumstance, shall at any time or to any extent be invalid or unenforceable, the remainder of this document, or the application of the term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected by the invalidity or unenforceability, and the terms, covenants, and conditions of this document shall be valid and enforced to the full extent permitted by law unless to do so would violate the objective intent of the parties.
7. This Agreement contains the entire Agreement between the parties, and the terms of this Agreement are contractual and not a mere recital.
8. The Releasor represents to the City that no alcoholic beverages will be sold, provided, or consumed by the Releasor or attendees at the Event without providing liability insurance in the amount of \$1,000,000 and paying for the required police department officials to be present at the event to ensure proper safety and enforcement of alcoholic beverages.
9. Nothing in this document shall be construed to waive or otherwise affect the protections of sovereign immunity and/or Section 768.28, Florida Statutes, otherwise enjoyed by the City.
10. The City may cancel this Agreement upon providing the applicant seven (7) days written notice.

**I HAVE READ THE ABOVE WAIVER AND RELEASE; I UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS ACCRUING TO THE PROPERTY OWNER AND MYSELF, AND MY SIGNATURE IS VOLUNTARY.**

Applicant Name (Print) Robert Tiller

Contact Phone Numbers:  
CELL 904 465 5206 WORK \_\_\_\_\_

Signature of Applicant [Signature]  
Date 10/10/22



Updated 10/11/22

## NEPTUNE BEACH POLICE DEPARTMENT OPERATIONS PLAN

**EVENT:** PETE'S BAR THANKSGIVING

**DATE:** 11/24/2022

**UNIFIED COMMAND:** Sergeant Liam Toal

**INCIDENT COMMAND:** Sergeant Liam Toal

**INCIDENT COMMAND:** NA

**JSO LIAISON:** NA

**COMMAND POST:** NA

**PATROL DUTY SQUAD:** B-Squad-Sgt Toal

**SUPPLEMENTAL MANPOWER/SWORN:** A-B Squad

**OUTSIDE AGENCIES:** JFRD

**COMMUNICATIONS:** NBPD Primary Ch 1

**RADIO FREQUENCY:** NBPD Channel

**PIO:** NA

**MEDIA STAGING:**

**LOCATION:** Neptune Beach

**EVENT HOURS:** 0900-1300

### MISSION

The Neptune Beach Police Department is committed to protecting the lives and property of the citizens of our community. With professionalism and compassion, we shall preserve the peace, prevent crime and disorder while constantly guarding the personal liberties as defined by law.

### OBJECTIVES

- Provide safe ingress and egress of those that utilize our city's roadways during event.
- Provide for the safety and security of all citizens and those first responders assigned to work the event.
- Assist Neptune Beach residents and their guests affected by street closures and the festivities to have as little interruption as possible while accessing their homes and property.
- Conduct all law enforcement duties with professionalism, be courteous, friendly and engaging while interacting with citizens.

[REDACTED]

- [REDACTED]  
[REDACTED]  
[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

- [REDACTED]  
[REDACTED]

**ATU LANDING ZONE**

ID	NAME	PHONE	RADIO	TIME	ASSIGNMENT
1331	SGT D. KAMPPI	904 591-7401	731	0800-1400	SUPERVISOR
1322	SGT L. TOAL	904 729-9988	722	0800-1400	Lemon & 1 <sup>st</sup>
1351	OFCR D. JENSEN	904 504-6352	1325	0800-1400	Atlantic & 1 <sup>st</sup>
1339	OFCR W. TORRES	310 804-1577	1339	0800-1400	Lemon & 1 <sup>st</sup>
1330	OFCR S. KRAMER	904 718-3399	1330	0800-1400	Orange & 1 <sup>st</sup>

- In the event of a medical emergency requiring an ATU, JFRD will determine the landing zone location. The parking lot at 500 Atlantic Blvd. would be the recommended locations.

**NBPD PERSONNEL**

**PUBLIC WORKS PERSONNEL**

ID	NAME	PHONE	RADIO	TIME	
	TBD				
	TBD				



█ [REDACTED]  
[REDACTED]

---

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]



Agenda Item #10B  
Clydesdale Event

**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	Anheuser-Busch Clydesdale's Thanksgiving Day Event Approval
<b>SUBMITTED BY:</b>	Cheryl Bäck, Asst. to the City Manager
<b>DATE:</b>	11/07/2022
<b>BACKGROUND:</b>	<p>This item seeks approval by Council for the 2022 Clydesdale's Thanksgiving Day event. The team of horses will be temporarily staged at the Neptune Beach Publix parking lot and then proceed down Atlantic Blvd. east to park at the roundabout from approximately 10 am- Noon to allow for photos and visits from the public. An FDOT parade permit for the use of Atlantic Blvd. is being secured by the event coordinator.</p> <p>The conditional approval letter was carefully drafted with extensive input from the Police Department and the Community Development Department.</p> <p>The City of Atlantic Beach has been notified of this proposed event to facilitate City Hall and Police Department coordination.</p>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	To approve the event as stipulated by the City Manager's conditional approval letter.
<b>ATTACHMENT:</b>	Attached is the draft conditional approval letter for the 2022 Clydesdale's Thanksgiving Day event. Supplemental documentation includes the completed Special Events Application, parade/event map, the signed Hold Harmless Agreement, and Certificate of Liability Insurance.

November 7, 2022

Mr. Erik Joyner  
Marketing Manager  
North Florida Sales, Anheuser-Busch  
3601 Regent Blvd.  
Jacksonville, FL 32224

Dear Mr. Joyner,

Thank you for your email asking permission to bring the world-renowned Budweiser Clydesdales to the City of Neptune Beach on Thursday, November 24, 2022.

I understand that the eight-horse wagon will be hitched in the Publix parking lot in Neptune Beach from 9:00 am – 10:00 am and will ride down Atlantic Boulevard, with a police escort, east to the roundabout at the end of Atlantic Boulevard. The wagon will then stop at the roundabout at the foot of Atlantic Boulevard until Noon to allow the public to meet the horses and take pictures with them.

Lastly, I understand that a permit will be obtained from the Florida Department of Transportation to allow the Clydesdales to parade down Atlantic Blvd.

By way of this letter, the City of Neptune Beach is conditionally granting permission for this event.

Conditions are as follows:

1. must meet and adhere to all rules established by the City Manager's Office of the City of Neptune Beach
2. proof of liability for at least \$1 million naming the City of Neptune Beach as additional insured must be provided before the beginning of the event (*on file*)
3. approval from FDOT in the form of a parade permit will be provided to the City of Neptune Beach
4. must hire one (1) off-duty Neptune Beach Police Officer to escort and provide traffic control at the event site; the officer shall be paid the holiday rate of \$85.00 per hour with a four (4) hour minimum (Contact Sgt. D. Kamppi at 904-270-2413 to coordinate)
5. all movement of the horse-drawn wagon on the roadways must be coordinated with the police department
6. a contact name and number of a person in a position of responsibility must be provided for the event (*on file*)
7. adherence to all laws and ordinances pertaining to the City of Neptune Beach, the State of Florida, and the Federal Government
8. streets and areas used must be free of debris and defecation once the event is completed
9. the City assumes no liability for any accident or injury that may occur during the event, and your
10. the organization will hold the City harmless should any occur
11. failure to abide by any of the conditions set forth could result in the event being shut down

Should you have any questions or need further information, please let me know.

Sincerely,

Stefen A.B. Wynn, *MPA*  
City Manager

cc: Richard Pike, Chief of Police, Neptune Beach Police Department  
Gary Snyder, Commander, Neptune Beach Police Department





**Food Truck/Mobile Vendor/Special Events Application**

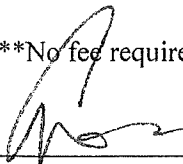
Please attach the following information with your application (subject to change):

- Site Plan showing location of the event and any food trucks, mobile vendors, tents, canopies, or temporary structures
- Traffic and/or parking plan
- Proof of liability insurance covering at least \$1,000,000
  - (REQUIRED ONLY FOR FOOD TRUCKS, MOBILE VENDORS, AND EVENTS SERVING ALCOHOL)
- Proof of Duval County Health Department inspection
  - (FOOD TRUCKS ONLY)
- Attach valid Neptune Beach Business Tax Receipt
  - (FOOD TRUCKS AND MOBILE VENDORS ONLY)
- Hold Harmless Agreement for Special Events

Applicant Name: NORTH FLORIDA SALES	Applicant Phone Number: (904) 645-0283
Applicant Address: 3601 REGENT BLVD JAX, FL 32224	Applicant Email: ERIK.SOYNER@NORTHFLORIDASALES.COM
Property Owner: ANTHEUSER BUSCH	Property Owner Phone Number: (904) 481-2572
Property Owner Address:	
City: ST. LOUIS	State/Zip: MO
Property Owner Email: GRANT.HELMAN@ANTHEUSER-BUSCH.COM	
Description of Event:  CLYDESDALE VISIT on THURSDAY	
Address of Event: PETES BAK	Date(s) of Event: THURSDAY
Event Time(s): 8am-12pm	Event Sponsor Name (if different from property owner) and Contact Person:
Event Sponsor Address:	
Event Sponsor Email:	

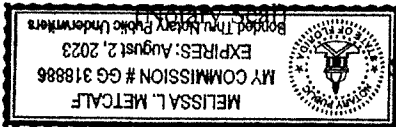
By signing below, I agree to supply the above required documents and comply with all provisions of the City's Land Development Code. Should I not comply with any provisions of the Land Development Code or conditions of the approval for this permit, I understand that the City reserves the right to revoke my business tax receipt, contact the Department of Business and Professional Regulation to revoke any alcohol licenses, or revoke any agreements, leases, or other legal instruments in which the property has an interest.

\*\*No fee required at this time (subject to change)

 10/3/22  
Signature of Applicant Date

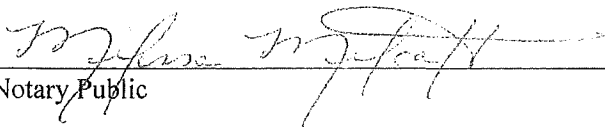
Grant D Herman 10/4/2022  
Signature of Property Owner Date

State of Florida  
County of Duval

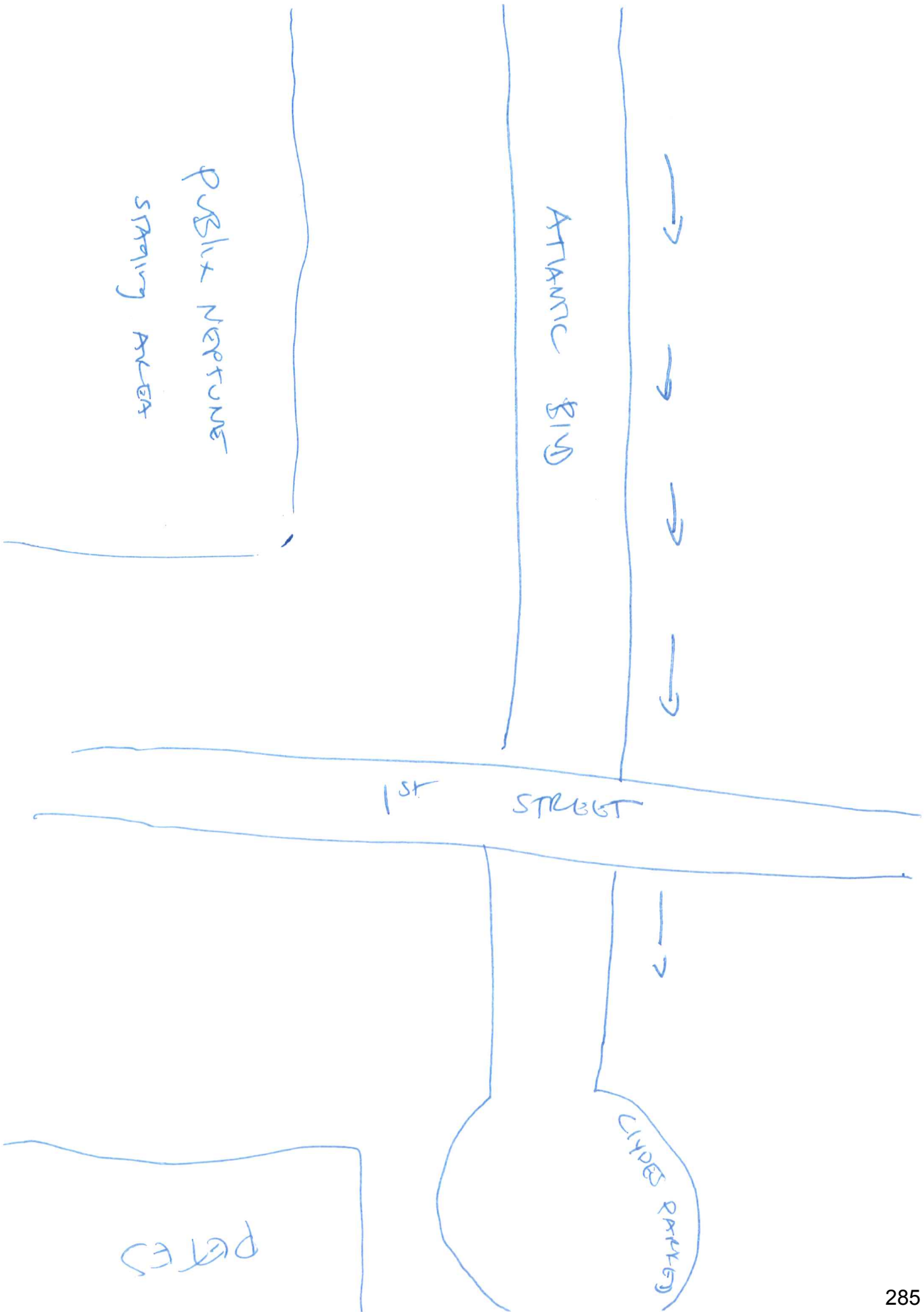


subscribed and sworn to before me on this 3<sup>rd</sup> day of October, 2022  
Erik Jasper who is personally known to me

or has presented \_\_\_\_\_, as identification.

  
Notary Public

Official Use Only	
<input type="radio"/>	APPROVED w/ CONDITIONS:
<input type="radio"/>	DENIED:
Signature:	Date:





## Hold Harmless Agreement for Special Events

In consideration for the City of Neptune Beach (the "City") issuing a permit to conduct a special event and its related activities (the "Event"), I, the undersigned agree to and acknowledge the following terms and conditions:

1. I, on my behalf and on behalf of the property owner as provided through the attached agent affidavit form, release, waive, discharge, and covenant not to pursue legal action against the City, its volunteers, employees, elected officials, agents, attorneys, insurance carriers, subsidiaries and affiliates (collectively, "Releasees") from any and all liabilities to the undersigned and for any and all claims, demands, losses, bodily injuries or death of any persons, costs, or expenses whatsoever, including but not limited to attorney's fees, which in any manner may arise or be alleged to have arisen or resulted from the presence, activities, events, omissions of any nature whatsoever of the applicant, the property owner, and the attendees, whether invited or uninvited on the dates provided in the application form or any action alleged to have been caused in whole or part by the negligence or intentional misconduct or omission of the City, or any other party (public or private).
2. I, on my behalf and on behalf of the property owner as provided through the attached agent affidavit form, and any and all parties who utilize the area designated in the application for the Event permit (the "Designated Area") for the purposes of the Event (collectively, the "Releasers"), releases, acquits and forever discharges the Releasees of and from any and all known and unknown causes of action, damages, liabilities, costs, expenses and claims and demands of whatsoever kind or nature which the Releasers now have or may ever have against the Releasees on account of any and all known and unknown present or future injuries, losses and damages sustained or received or which may be sustained by the Releasers or the property of the Releasers occurring on, at or about the Designated Area and surrounding City-owned lands, parking structures, parking areas, driveways, roads and appurtenant facilities, resulting during the time that the Releasers are occupying or using the Designated Area and surrounding City-owned lands for the purposes of the Event.
3. Notwithstanding that the Releasers shall have full responsibility for the conduct and management of the Event in a safe, lawful, and non-disruptive manner, all Event attendees shall obey all requests of the City Manager or his/her designee as to any matter regarding the conduct of the Event, including, without limitation, the number of persons attending and the ending time for the Event. The lessor, by signing below understands that the city may terminate the event at any time and for any reasons related to the health, safety, and welfare of its citizens.
4. Separate and independent of the duty to defend provided in the following paragraph, to the fullest extent permitted by law, Releasers shall indemnify and hold harmless the Releasees from any and all claims arising from or related to the Event (including reasonable attorneys' fees and costs, regardless of whether a defense is provided as required by the duty to defend described above). Notwithstanding, such indemnity shall not apply to damages caused by the negligent acts or omissions or willful, wanton, or intentional misconduct of such indemnified parties. Such obligation of indemnification shall apply up to, during, and after the Event. Such duties shall apply to and through all appeals. Nothing in this paragraph shall be construed to limit the remedies available to the Releasees.
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detriment arising out of or relating, directly or indirectly, to any claims covered by this duty. It is the express intention of Releasors that the Releasees shall be entitled to obtain summary adjudication regarding the duty to defend at any assertion of any claim covered by this section. Notwithstanding the foregoing, any of the Releasees may, in their sole and absolute discretion and at their own cost, engage their own attorneys and other professionals to defend or assist them. Such duty to defend shall apply before, during, and after the Event, and through the expiration of the statute of limitations for all claims. Such duties shall apply to and through all appeals. Notwithstanding the foregoing or anything else to the contrary stated herein, in the event Releasors pay or reimburse any amounts pursuant to this section, such amount shall be credited against indemnification to ensure that such indemnification costs are not reimbursed twice.

6. If any term, covenant, condition, or provision of this document, or the application of this document to any person or circumstance, shall at any time or to any extent be invalid or unenforceable, the remainder of this document, or the application of the term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected by the invalidity or unenforceability, and the terms, covenants, and conditions of this document shall be valid and enforced to the full extent permitted by law unless to do so would violate the objective intent of the parties.
7. This Agreement contains the entire Agreement between the parties, and the terms of this Agreement are contractual and not a mere recital.
8. The Releasor represents to the City that no alcoholic beverages will be sold, provided, or consumed by the Releasor or attendees at the Event without providing liability insurance in the amount of \$1,000,000 and paying for the required police department officials to be present at the event to ensure proper safety and enforcement of alcoholic beverages.
9. Nothing in this document shall be construed to waive or otherwise affect the protections of sovereign immunity and/or Section 768.28, Florida Statutes, otherwise enjoyed by the City.
10. The City may cancel this Agreement upon providing the applicant seven (7) days written notice.

**I HAVE READ THE ABOVE WAIVER AND RELEASE; I UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS ACCRUING TO THE PROPERTY OWNER AND MYSELF, AND MY SIGNATURE IS VOLUNTARY.**

Applicant Name (Print) NORTH FLORIDA SALES ATT. ERIC JOYNER

Contact Phone Numbers:  
CELL (904) 627-8971 WORK (904) 645-0283

Signature of Applicant   
Date 10/3/22



