

REVISED APRIL 2025



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EMPLOYEE SELECTION & HIRING GUIDE

EMPLOYEE RELATIONS DISCIPLINE HANDBOOK

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FAMILY & MEDICAL LEAVE HANDBOOK

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) SUMMARY

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TOPIC: General Overview

SECTION: 1-1

EFFECTIVE: October 1, 2019

REVISED: N/A

As the official responsible for the employment of all City employees pursuant to the City Charter, the Mayor retains the right to alter or amend the scope of coverage of this manual at any time. Employees covered by collective bargaining units or the Senior Executive Services (SES) group are covered by this policy manual only to the extent that the collective bargaining agreements or SES group policies are silent on an issue or do not conflict with this policy; in the event of conflicting provisions or language, the language of the collective bargaining agreement or SES group policy will prevail.



TOPIC: Definitions

SECTION: 1-2

EFFECTIVE: October 1, 2019

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In this policy manual, words used in the masculine gender include the feminine and neuter genders, and words used in the neuter gender include the masculine and feminine genders. The following words, terms, and phrases when used in this policy manual, shall have the meanings respectively ascribed to them in this policy manual unless the context plainly indicates a contrary meaning.

Administrative Leave/Excused Absence: A type of paid time used in limited situations due to inclement weather, facility utility outage, employee participation in training and learning activities, wellness classes, or related activities deemed by the Department Director to be appropriate. Managers may approve up to one (1) hour of excused absence, with pay, per week. Department Director level positions may approve up to one (1) workday of Administrative Leave, with pay, in a single pay period. Periods of extended Administrative Leave, (more than one (1) workday) for personal emergencies and other exigencies deemed appropriate, must be submitted to the Human Resource Director for review and recommended for approval by the City Administrator.

Advancement: A salary increase within an arranged schedule or established scale of pay for a class of positions, made without an examination.

Allocation: The act of assigning a position upon its initial creation to its appropriate class; also known as position "assignment" and "classification."

Anniversary Date: The employee's anniversary date is the initial hire date to a full-time position. This date may be adjusted to account for periods of layoff, leaves without pay over sixty (60) days and breaks in service.

Appeal: A request of a regular employee to review any disciplinary action, i.e. termination, demotion, or separation due to failure to meet requirements of a Performance Improvement Plan (PIP).

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

Appointee: An individual selected from a referral list in accordance with the Policies and Procedures.

Break In Service: A separation for any of the following reasons: leave of absence without pay over thirty (30) days, resignation, retirement, layoff, or dismissal.

Callback: An off-duty employee called back to work due to emergency or other unforeseen circumstances.

Certification: Referring a list of names of qualified applicants for appointment or promotion.

City Personnel Board (CPB): A board designed to review and adjudicate appeals by regular employees of involuntary demotions, terminations and separations based on substandard performance.

Class or Class of Positions: A group of positions established under these Policies and Procedures which are sufficiently similar in duties, responsibilities and authority to be given the same job title, the same minimum qualifications, the same qualifying examination, and the same salary range.

Class Series: The grouping of classes according to the general functional nature or character of duties performed.

Class Specifications: The description of each class of position that establishes a class title, characteristics of the class, examples of duties, knowledge, skills, abilities, required and minimum qualifications for the class.

Classification: A descriptive designation for a class and all positions of a class.

Classification Plan: The orderly and systematic arrangement of classes into series.

Classify: The act of assigning a position to the appropriate class in accordance with its duties, responsibilities, and authority.

Compensation: The salary or wage rates for work performed.

Compensation Plan: The combination of the Classification Plan, the Pay Plan and the Salary Administration procedures.

Competitive Job Vacancy: Positions filled through a competitive process where candidates compete.

Compressed Work Schedule (4-10): An alternate work schedule based on a forty (40) hour work week that is worked as four (4) ten (10) hour workdays with a day off on the fifth day of each workweek. Normally either Monday or Friday in a regular work week are taken as the day off. *If approved, this schedule is available to all regular employees, both FLSA Exempt and Non-Exempt.*

Compressed Work Schedule (5-4-9): An alternate work schedule based on a forty (40) hour work week. This schedule incorporates eight (8) days working "nine (9) hour days",

one (1) "eight (8) hour work day" and a single day off every two week pay period. Since one of the weeks will entail forty-five (45) total hours and the second week only thirty-five (35) hours and a day off, the first week would accumulate over forty (40) hours and require overtime payment. For this reason, this schedule is only available to FLSA Exempt employees.

Days: Calendar days, unless specifically defined as work days.

Declared State of Emergency: The actual period of time immediately preceding and/or during the "Emergency," as determined by the Mayor, City Administrator or designee, normally in conjunction with the State of Florida or federal authorities.

Demotion - Involuntary: An involuntary change of employment from a position of one class to a position of another class leading to a reduction in grade and/or pay.

Demotion - Voluntary: A voluntary change of employment to a position in a class having a lower grade than the position previously held.

Department: The basic organizational unit of government which is functionally unique in its delivery services. Its components are hierarchically arranged.

Directed Reassignment: Management directed reassignments to another position, with no reduction in pay (involuntary); provided that the employee is qualified for the new position.

Disciplinary Action: Either letter of counseling, written reprimand, demotion, suspension (with or without pay) dismissal, resulting from misconduct or performance deficiencies of an employee.

Eligible: A person who has successfully met all the requirements of a particular class.

Eligible list: A list of names taken from the eligible register, used for promotions and entrance appointments. A list established from an internal recruitment contains the names of the top five (5) applicants and ties; a list established from an external recruitment contains the names of the top twenty-five (25) applicants and ties. Names are listed in rank order according to their final examination grade or score, either for initial employment or promotion.

Eligible register: A register of names of all eligible applicants for a particular position, listed in rank order according to their final examination grade or score, either for initial employment or promotion.

Emergency: A condition which exists immediately preceding, during, or following a situation which poses a threat to the health, safety and well-being of the citizens of Escambia County. This situation may be caused by man or by nature and may be accidental or intentional. Special rules, regulations, and procedures may be placed in effect during this time. Other standing rules, regulations, and procedures may be temporarily suspended until the emergency expires.

Emergency Appointment: A temporary appointment, without competition, to meet unforeseen conditions or other situations requiring immediate staffing without delays.

Emergency Essential (EE): Employees not normally required during the actual event. **They report within 24 hours of the event, or as directed.** Duties are normally in support of the departments' post-event or recovery mission. The appropriate department director is responsible for duties of these employees.

Emergency Staffing Assignment Pool: During an emergency, the City Administrator can mobilize the City Continuity of Operations Plan (COOP) and the Emergency Staffing Pool (ESP) to help ensure "Essential Critical Infrastructure Workers" are identified, including the pre-notification of employees of their emergency assignment status. For example, the ESP can assist in organizing and deploying non-essential (NE) workers to more urgent assignments, such as food and water distribution, to meet community needs during times of local emergency.

Emergency Operations Center (EOC): The central locations at which all participating emergency agencies are convened to best coordinate and manage necessary emergency activities. The EOC is located at the Escambia County Department of Public Safety.

Examinations: Methods used to determine eligibility of applicants for employment, including but not limited to a written test, an interview, a performance test, an evaluation of training and experience, supervisory rating, assessment centers, psychological tests, or any combination of these.

External Recruitment: Position open to persons not employed by the City of Pensacola.

Extra Personnel Services (EPS): A contracted agency position that is intended or which is likely to require the services of an incumbent for a period of time normally not to exceed six (6) months.

Full-time Employee: An employee who has been appointed to a permanent budgeted position and works at least 40 hours per week is considered a regular employee. Such employees are immediately eligible for coverage under the Florida Retirement System (FRS).

Green Circled: When an employee's salary is below the minimum of the pay range.

Grievance: A document filed by an employee alleging violation(s) of these Policies and Procedures.

Hours Worked: The actual hours worked, Holiday hours, Personal Time Off (PTO), State of Emergency Leave (SEL), Funeral Leave and Jury Duty.

Incumbent: An employee serving in an authorized position.

Intern (Student) Appointment: Any individual currently enrolled in a local county school, accredited college or home school verification. Must be at least sixteen (16) years of age

and pass required drug screening and background check if applicable. Normally will serve in intern capacity for no longer than six (6) months.

Internal Recruitment: Position open to persons employed by the City of Pensacola, including Other Personnel Services (OPS) and Extra Personnel Services (EPS) employees.

Job Description: A written description of a set of duties and responsibilities assigned to a specific position.

Lateral Transfer: The lateral movement of an employee from one position to another within the same pay grade.

Layoff: The involuntary termination of employment because of lack of funds or lack of work requiring a reduction in force (RIF) and not to the discredit of the employee affected.

Leave: An approved type of absence from work as provided for by these Policies and Procedures.

Leave without pay (LWOP): An approved temporary nonpaid status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency internal policy.

Minimum Qualifications: Requirements such as education and experience that qualify an applicant to be considered for appointment. Additional requirements may also be indicated when necessary, such as licenses, certificates, etc. No person is employed or promoted who does not qualify for a position.

New Hire: Someone who has not been employed by the City in the last 12 months.

Other Personnel Services (OPS): A temporary position that is intended or which is likely to require the services of an incumbent for a period of time normally not to exceed six (6) months.

Overtime: Time worked by a non-exempt regular non-union employee in excess of forty (40) hours in a seven (7) day work period as defined by the Fair Labor Standards Act.

Part-time Temporary Employee: An employee assigned to an OPS account and who works less than thirty (30) hours per week. If the employee is initially hired for a period that will extend beyond six (6) months, or is subsequently extended beyond six (6) consecutive months, the employee will be eligible for enrollment in the Florida Retirement System (FRS).

Pay Grade: A salary range with a minimum, midpoint, and maximum pay bracket established to fairly and competitively compensate an employee for assigned work under the specific job classification.

Pay Rate: A specific dollar amount, expressed either as an annual rate, a monthly rate, a semi-monthly rate, a bi-weekly rate, or an hourly rate, that comprises each class as shown in the pay schedule.

Pay Plan: A formal plan of pay for all classes of work. The schedule shall set forth as to each class the minimum (base) rates, midpoint (base) rates, and the maximum (base) rates of pay. In addition, the pay plan may reflect the economic conditions of the area, the CPI, area wage surveys, and any difficulties experienced in recruitment.

Performance Improvement Plan (PIP): A tool to give an employee with performance deficiencies the opportunity to succeed. It may be used to address failures to meet specific job goals or to ameliorate behavior-related concerns.

Personal Time Off (PTO) Leave: A policy that provides a bank of hours in which the employer pools sick days, vacation days, and personal days that allows employees to use as the need or desire arises. This policy is contingent upon pre-approval of the supervisor.

Position: A set of duties and responsibilities that are defined in the official Job Description.

Position Description Questionnaire (PDQ): Job analysis tool used to develop, modify or establish a new job description.

Probationary Employee: A regular employee appointed to a regular position from an eligible referral list who has not completed his six (6) months probationary period, or as may be defined in certain class specifications or collective bargaining units.

Probationary Period: The working test or trial period, beginning with a person's initial employment, promotion, demotion or lateral transfer generally six (6) months or as defined in certain class specifications, or collective bargaining units.

Promotion: Advancement from one class to another class having a higher grade with increased duties, responsibilities, and pay.

Public Notice: An official announcement published in local newspaper of general circulation which must meet notice requirements as prescribed by Florida Statutes.

Public Record: A record that the public shall have the right to inspect in a reasonable manner during regular business hours; any record that meets the requirements of Chapter 119, Florida Statutes.

Qualifications: The requirements of training and experience and other qualifications to be measured by an appropriate assessment tool.

- Basically Qualified (BQ) meets minimum qualifications for a position.
- Highly Qualified (HQ) meets or exceeds highly qualified criteria for a position.
- Not Qualified (NQ) does not meet minimum qualifications for a position.

Reassignment: A voluntary transfer to another position, for which the employee is qualified.

Recall: Employees who are laid off by RIF may be recalled within one year to the affected classes when those positions become available without further examination.

Reclassification: The change of the position and the incumbent's classification due to a gradual accretion of responsibilities leading to a permanent change in the assigned duties and responsibilities.

Red Circled: When an employee's salary is frozen at the present rate due to the salary being over the maximum of the pay range.

Reduction in Force (RIF): Separation from employment due to lack of funds, lack of work, redesign or elimination of position(s) or reorganization, with no likelihood or expectation that the employee will be recalled because the position itself has been abolished.

Re-employment Priority List (RPL): A referral list that gives priority consideration for vacancies for employees affected by layoffs, rollbacks, and involuntary demotions due to RIF.

Referral List: A list of applicants qualified for appointment or promotion to a regular position in any of the ways established by these Policies and Procedures.

Regular Employee: A full-time non-union employee holding a position in the City other than), Other Personnel Service (OPS), temporary, part-time or agency contract.

Regular Position: Any funded position that is established and likely to require the services of an incumbent without interruption for an unlimited period, subject to the provisions of these Policies and Procedures.

Regular Status Employee: An employee appointed under the provisions of these Policies and Procedures to a regular position and has thereby gained all rights and privileges provided by these Policies and Procedures.

Resignation: The voluntary separation from service made at the written request of the employee.

Salary Adjustment: An increase or decrease in salary.

Score: The final numerical grade attained on any examination process, rounded to the nearest whole number.

Senior Executive Services (SES) Employee: An "at will" employee who is appointed, with or without competition, to an authorized position in the Senior Executive Service (SES) group.

Seniority: First determined by: 1) a period of service in a class or position within a chain of command (rank) in a department; 2) then by period of service within a department; 3) then by period of service as an employee of the City; 4) and then by random selection.

Seniority Date: The beginning date of employment with the City within a class or position. This date may be adjusted to account for periods of layoff, leaves without pay over sixty (60) days, breaks in service, and transfers from other City departments.

Seniority promotion: Promotion of a person by reason of seniority, who meets minimum qualifications and special requirements for a position, without competitive examination.

Standby Assignment: An assignment made by a supervisor which shall require an employee to standby and be available for work, in addition to the employee's regular workweek, on nights, weekends, and holidays, or at any other required time.

State of Emergency Leave: The Mayor, or his/her designee, may authorize the use of State of Emergency Leave (SEL) in response to a declared state of emergency tied to sever weather conditions (e.g. hurricane threat) or health conditions (e.g. contagious disease). When approved, SESL is paid leave not charged to PTO.

Suspension: An enforced leave of absence without pay (workdays or hours) for disciplinary purposes.

Telecommuting: A flexible work arrangement whereby selected City employees are allowed to perform the normal duties and responsibilities of their positions through use of computers or telecommunications, at home or another place apart from the employee's usual place of work. Hours of work, schedule, and workplace safety rules normally are carried over to the new work site. Such arrangements must be recommended by the respective Department Director with approval by the Human Resources Director.

Term Appointment: "At Will" employees directly appointed by the Mayor to a non-bargaining unit position to provide extra or specialized services to the City for a period of normally six (6) months to one (1) year.

Unauthorized Absence Without Leave (AWOL): A type of absence from work, which is not pre-approved and may subject the employee to disciplinary action.

Upgrade: A change to a budgeted position's pay grade to a higher pay grade.

Vacancy: A funded position that is not currently occupied.

Workday: The start and stop time and number of hours an employee is required to work per day. The normal workday for the City is 8:00 am until 5:00 pm Monday-Friday with a minimum half-hour and maximum one-hour lunch break.

Workweek: The number of hours an employee is required to work per week; the workweek is typically forty (40) hours per week.



TOPIC: Employment

SECTION: 1-3

EFFECTIVE: October 1, 2019

REVISED: 1/6/2020; 4/1/2020; 7/1/2021; 4/1/2022; 1/1/2023

Per the City Charter, the Mayor has the executive authority to, "appoint, discipline, and remove all officers and employees..." When a vacancy is to be filled, the Mayor or designee may choose to fill the vacancy from within the City's workforce (internal), may request an external recruitment process be conducted, or in limited cases directly hire the person the Mayor determines best suited for a position. Those positions to be filled by recruitment may be advertised internally and externally concurrently. Job bulletins will provide information about the position being filled, such as salary, qualifications, selection process, etc.

When an appointing authority chooses to fill a position by seniority promotion, he or she may do so as defined in this policy.

When a position is announced internally, a job bulletin will be distributed and open for a minimum of five (5) business days. The position may be open to one department or to all city departments. Applicants are required to submit the appropriate application by the announced application deadline. Positions announced internally are open only to employees of the City. Employee must maintain employment to continue eligibility. In situations where an employee from a temporary employment agency has filled a vacant position, the job bulletin may state that temporary employees are eligible to apply. If the temporary employee has filled the position for six (6) weeks or longer, a direct hire may be made without the need for an interview.

When a position is announced externally, a job bulletin will be distributed and open for a minimum of ten business (10) days. External recruitments may require outside advertising (i.e., newspapers, trade journals, etc.). External recruitments are generally posted on Fridays.

Applications are accepted only when positions are posted. Applications are required for

all positions filled by a recruitment process and must be filed with Human Resources by the announced application deadline. Applications collect details regarding experience, training, education, and other pertinent information. Required documentation may be required with the application that provides proof of education, certification, veteran preference, etc. Applicants must attest to the truthfulness of all statements contained in the application; false statements or misrepresentation is cause for denying employment or for discharge from city employment at any time after being employed.

Examinations for positions will be practical and objectively measure the relative capabilities of the applicant to perform the duties of the position. Persons eligible to make application—whether by internal or external recruitment—who meet the minimum qualifications, may apply and take an examination.

Examinations may include a written test, an interview, a performance test, an evaluation of training and experience, supervisory rating, assessment centers, psychological tests, or other accepted assessment, or any combination thereof. Examination components will total 100%.

Examinations administered for internal promotions may be reviewed in accordance with the review policy. Leased examinations require adhering to strict security policies of the leasing company. Human Resources staff maintains responsibility for exam review and security of examination materials.

Eligible registers will be prepared based on internal and/or external recruitment status. Registers will contain the names of candidates who meet the minimum qualifications and who have obtained a passing score on the examination process. Passing examination scores may be augmented by additional points, such as veteran preference points (per Florida statutes), education points, etc. Applicants will be listed by total score/grade.

Eligible registers are in effect for one year, unless extended by request of the appointing authority and approved by the Human Resources Director. Additional examinations may be conducted prior to expiration of a register. In such case, applicants' names are integrated with the existing register and listed according to total grade. If a substantial change is made to the qualifications of a position, an eligible register may be cancelled.

The eligible list of applicants will be certified/referred to the appointing authority; any person on the list is eligible for employment or promotion. However, employees who separate employment are no longer eligible to remain on an internal eligible register/list.

Prior to employment or appointment to a position, appropriate background and reference

checks will be completed in accordance with city policy.

Any applicant for employment who makes a false statement in connection with any application or examination forfeits his or her right to be eligible for selection under that job announcement. In case he or she has been appointed, he or she forfeits his or her employment.

When a vacancy is to be filled by demotion, the employee must meet the qualifications for the target position. Demotions may be voluntary or involuntary.

When a vacancy is to be filled by transfer, the employee must meet the qualifications for the target position and department directors must agree to accept the transferee. The request for transfer must be documented on an approved form and approved by both department directors.

Certain situations require a candidate to travel to the City of Pensacola for an employment interview. Subject to the approval of the City Administrator, the City will reimburse travel expenses for candidates interviewing for positions of Assistant Director and higher. Other positions may be considered for reimbursement with the approval of the HR Director and the City Administrator.



TOPIC: Probationary Period

SECTION: 1-4

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; October 1, 2021; January 1, 2024

A. Initial Probationary Period

- The first six (6) months of service in a position to which an employee has been appointed under the provisions of these Policies shall constitute the initial probationary period.
- The department director may request the Human Resources Director to approve up to a ninety (90) day extension of the probationary period by providing written justification and a PIP.
- The department director shall provide final results of the PIP to the Human Resources Director at the end of the ninety (90) day probationary extension period.
- Failure to complete the ninety (90) day PIP may result in termination or demotion.
- An employee may be separated from the regular service during the initial probationary period at any time and shall not have the right of appeal to the City Personnel Board.

B. Extension of Probationary Period

- Any probationary period of an employee shall be extended by the length of any leave of absence in excess of one (1) week during the probationary period.
- Employees working in classes that require certifications, licenses, etc., shall remain in probationary status until the required certifications, licenses, etc., have been obtained.



TOPIC: Employment of Relatives

SECTION: 1-5

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; January 1, 2023

The City is an equal opportunity employer and hires individuals based solely on their qualifications and ability to do the job to be filled. The City seeks to ensure that organizational practices do not create situations such as conflict of interest or favoritism based on employment of relatives. Employment of relatives is prohibited when it creates or is perceived to create favoritism. This extends to practices that involve employee hiring, promotion, and transfer.

To prevent preferential treatment in the City's employment practices, as well as to avoid creating situations where favoritism may be alleged to be associated with operational decisions within the City's departments, the following policy on nepotism applies:

- The City will consider a member of an employee's immediate family for employment if the applicant possesses all of the qualifications for employment for the position.
- An immediate family member may not be hired, however, if the employment would
 - create either a direct or indirect supervisor/subordinate relationship with a family member; or
 - create an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring or promoting an employee.

• For purposes of this policy, "immediate family" includes the employee's spouse, brother, sister, mother, father, stepmother, stepfather, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-

law, step/half-brother, step/half-sister, grandparents, grandchildren, first cousin, aunt, uncle, niece, nephew and any other member of the employee's household.

• Employees who have a close personal relationship, marry, become members of the same family, or become members of the same household may continue employment as long as there is not a) a direct or indirect supervisor/subordinate relationship between the employees or b) an actual conflict of interest or the appearance of a conflict of interest. Such action must be specifically authorized by the Mayor or Mayoral designee.

Should one of the above situations occur, the City will attempt to find a suitable position within the organization to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the affected employees will be permitted to determine which of them will resign.

- If there is a situation where an action of the City, such as reduction in force, results in an involuntary circumstance in which two relatives, partners or members of the same household may be reporting to each other, one of the employees may be reassigned within sixty (60) days. During those sixty (60) days, the supervisory employee may not have involvement or direct input in the employment decisions of the other employee.
 - The City reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if no direct reporting relationship or authority is involved. In these situations, the City may reassign one of the employees within sixty (60) days.
 - Any exceptions to this policy must be approved by the Mayor or Mayoral designee. Written justification for the exception must be submitted to Human Resources prior to any employment decisions.
- Prior to relatives being employed, promoted, or transferred into any department, activity, or section, a department director must certify to the Mayor, or his designee, that no prohibited relationship would occur now or in the future.



TOPIC: Re-Employment of Former Employees

SECTION: 1-6

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020

Former employees who left the City in good standing may be considered for reemployment, provided that they will not accrue additional benefits in the City's general or police pension plans. Former employees who resigned without written notice or who were terminated for disciplinary reasons may not be eligible for re-employment.

A former employee who is re-employed will be considered a new employee from the date of re-employment. Employees who retire may be eligible, in certain circumstances, to be considered for rehire. Eligibility for rehire is based on an employee relinquishing employment with the City "in good standing." To be considered an "employee in good standing," an employee must not be in violation of any Human Resources policies and procedures, must not have engaged in inappropriate conduct that required disciplinary action, and must have given sufficient notice of intent to terminate employment.



TOPIC: Hours of Work

SECTION: 1-7

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; January 1, 2025

Employees of the City generally work a forty (40) hour work period, as outlined in the *Fair Labor Standards Act (FLSA)*. Exceptions are identified in the FLSA, which include public safety positions (firefighters and law enforcement personnel), part-time, and seasonal.

Depending on the position held, some positions are considered "exempt" or not eligible for overtime pay under the FLSA, while other positions are "non-exempt" or eligible for overtime pay. Overtime is paid for hours worked over forty (40) in a workweek. (See Compensation and Benefits chapter for more information). For non-exempt employees, the workweek begins at midnight Sunday. To the extent possible, work should be scheduled during normal business hours of 8 a.m. to 5 p.m., Monday through Friday. When this is impractical, the Mayor or designee may set alternate schedules.

A. Punctuality and Attendance

City employees are important to the effective operation of the City. When employees are not present at expected times or on expected days, someone else must do the work or delay doing their own job while waiting for the tardy employee to arrive. Employees that work with customers or vendors may frustrate these parties if they cannot reach the employee during their regularly scheduled work time. As a result, the City expects its employees to keep regular attendance and to be on time and ready to work at the beginning of each scheduled workday. The City recognizes that life matters may arise that will delay or prevent the employee from getting to work as scheduled. If an employee is to be more than five (5) minutes late, then they are expected to call (not email) their supervisor to let them know prior to the start time of the employee's scheduled work shift. If the employee cannot reach their immediate supervisor, then they are expected to contact the next level of management to inform that supervisor of the expected delay. Employees are expected to utilize their time away from work in accordance with the PTO policy of this manual.

Because of the diversity of operations, different working schedules are required in order to provide efficient services to the City's customers. Depending on job responsibilities, some schedules are standard and routine, while others are non-standard and changing. This policy guides supervisors in fair and equitable treatment, ensuring all employees are given the opportunity to work the proper number of hours in the work day and that proper steps are taken to correct situations where employees fail to report for work as scheduled.

- All employees are expected to work a prescribed work schedule. Each employee is expected to be at his or her assigned work area at the beginning of the work schedule. If an employee is more than five (5) minutes late to work six (6) or more times in a 180-day period, regardless of whether the employee calls to inform his or her supervisor prior to the start time of the scheduled work shift, such repeated tardiness may result in a disciplinary action for "habitual tardiness", as referenced in HRPM Section 5-7.
- Unforeseen emergencies may occur which prevent an employee from reporting to work on time. In such cases, the employee is responsible for notifying his or her supervisor as soon as possible. Failure to do so may result in disciplinary action.
- Employees who are late, or who have a record of repeated tardiness, may be subject to disciplinary action.

If an employee arrives late to work or fails to appear without calling as required by this policy, or in accordance with the PTO policy, then they may face disciplinary action up to and including termination.

B. Incentive Work Program

Incentive work programs may be established by department director, with the Mayor or designee's approval, whereby employees performing a specific function may complete a unit of work each shift rather than work a specific number of hours.

C. Board/Committee Meetings and Non-Work Related Activities

Employees who wish to attend board/committee meetings or other community functions during their regular work hours must have prior approval from their department director and must take leave for such hours of non-work activity, unless approval has been given by the Mayor or designee. Approval to attend such meetings and community activities shall be made at the discretion of the department director. All non-work time will be reported as leave without pay if approval was not given.



TOPIC: Ethics & Standards of Conduct

SECTION: 1-8

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2021

The City conducts its business fairly, impartially, ethically, and in compliance with all laws and regulations. Employees are held to the same expectation of conducting business in accordance with the letter and spirit of relevant laws. Employees are expected to behave in an ethical fashion. Employees shall – during both working and non-working hours – act in a manner which will inspire public trust. The Mayor and all employees of the City are subject to the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes, as provided in the Code of Ordinances for the City of Pensacola, Section 2-5-3(c). The terms used in this policy are to be understood as having the same meanings as used in the City Code, Section 2-5-2, which also references Chapter 112, Part III, Florida Statutes.

A. Confidentiality

Many City records are considered public records and are available to the general public. However, entire documents or information contained within a document may be confidential under the law or sensitive information that is not general public knowledge. Employees may not disclose or use information not available to members of the general public and gained by reason of their employment for personal gain or benefit or for the personal gain or benefit of another person or business. Employees should not discuss information obtained as a direct result of their employment with other individuals outside of their office or with persons outside the City, including relatives and friends. Disclosure of information should be for legitimate business purposes only. Employees are prohibited from attempting to obtain confidential information for which they do not have authorization or do not have a legitimate business purpose to access. Employees violating this policy will be subject to discipline up to and including termination and may be subject to criminal or civil penalties.

B. Prohibited Acts

"Conflict of interest" is defined as "a situation in which regard for private interest tends to lead to disregard of a public duty or interest." (§112.312, Florida Statutes). Various types of situations may arise that could raise conflicts of interest for an employee. If an employee is in doubt as to whether a conflict of interest exists or whether an act is prohibited under the Code of Ethics or under this policy, it is the employee's responsibility to seek clarification from Human Resources.

1. Solicitation or Acceptance of Gifts

No public officer or employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the action or judgment of the employee would be influenced thereby. (§112.313(2), Florida Statutes).

2. Unauthorized Compensation

No employee, employee's spouse, or employee's minor child shall accept any compensation, payment, or item of value when the employee knows or should know that it was given to influence the employee's actions. (§112.313(4), Florida Statutes).

Disclosure or Use of Information

An employee may not use their official position or make use of any City facility, equipment, or materials to secure a special privilege, personal benefit, or exemption for the employee or others. Employees are prohibited from disclosing or using information not available to members of the general public and obtained by reason of their employment for their personal benefit or the benefit of others. (§112.313(8), Florida Statutes).

4. Misuse of Position

No employee will misuse their position or any property, resource, or information within the employee's trust, or fail to perform the employee's duties to secure a special privilege, benefit, or exemption for the employee or others. (§112.313(6), Florida Statutes). No employee will give preferential treatment to any person or entity in the course of performing their duties.

5. Doing Business with the City

An employee may not transact business with the City, nor may an employee who is responsible for purchases for the City transact business on behalf of the City with a business in which the employee, the employee's spouse, or the employee's child has a material interest. (§112.313(3), Florida Statutes).

6. Conflicting Employment or Contractual Relationship An employee shall not hold any employment or contractual relationship or receive any compensation from a business entity or agency regulated by or doing business with the City. An employee shall not have an employment or contractual relationship that will create a continuing or frequently recurring conflict between the employee's private interests and the performance of the employee's duties. (§112.313(7), Florida Statutes).

C. Political Activity

Employees may participate in all aspects of political activities, as long as such participation does not interfere with their job performance and is conducted during off-duty hours (§104.31, Florida Statutes). Employees may not participate in any political activities while at work, including the display of campaign materials in the workplace. Employees are precluded from wearing campaign buttons or campaigning while wearing any clothing with the City's logo or seal.

An employee may be a candidate for or hold public office only insofar as the candidacy or position does not conflict or interfere with the employee's regular employment with the City. No such political activities will be undertaken by any person who disadvantages the functioning of City government. A City employee is prohibited from using City resources to aid or boost the political campaign of any elected public officer. This policy shall not be interpreted to violate the protected constitutional rights of the First Amendment or the impairment of any public officer or employee's civil rights to vote and to take part in political campaigns.

D. Personal Use of Equipment

The City provides its employees with the necessary equipment to carry out the job assigned to them. If assigned such equipment, it becomes the responsibility of the employee to exercise reasonable care to preserve the life of the equipment and to observe all safety precautions. Personal use of materials, supplies, or equipment is not permitted. Any damage, loss, or theft of equipment should be reported immediately upon discovery to the manager or designee.

E. Fraud Policy

The City is committed to preventing fraud and maintaining an environment in which internal controls can be established and followed. The City has adopted policies and

procedures to aid in the detection, prevention, and reporting of fraudulent activities by employees, contractors, vendors, citizens, and other entities who have a business relationship with the City, and to promote awareness of the potential for fraud, waste, and abuse throughout the City.

An employee is subject to disciplinary action up to and including termination and prosecution as a result of participation in or commission of any fraudulent act and for intentional false reporting or concealment of fraud.

City of Pensacola Fraud Hotline 1-866-428-1501

24 hours a day / 7 days a week

Or file a web-based report at:

secure.ethicspoint.com/domain/media/en/gui/68016/index.html



TOPIC: Employee Communication

SECTION: 1-9

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

Realizing that communication within the organization is essential to its effective operation, the City has established an internal website which can be accessed within the City's website (www.cityofpensacola.com). Employees are also able to access personnel tools and forms through the Human Resources portion of the City's Intranet site. Human Resources also publishes a monthly newsletter informing employees of a variety of topics including but not limited to benefits, policy changes, wellness tips, announcement of new hires and retirees and a number of other informational items for City team members. The newsletter is sent via email to those with a City email account and can be provided via hard copy for those that request it.

A. Bulletin Boards - Department

The intent of this policy is to clarify the City's position concerning the posting of information at work sites, and returns the authority and responsibility for this function to management.

Department directors will be responsible for designating an official department bulletin board for the posting of information. Department directors must also provide the Human Resources Director with a list of bulletin boards, their location, and the name of the person responsible for posting approved items, removing outdated items, and periodically reviewing what is posted on the board to ensure compliance with the departmental posting policy.

The following items may be posted on the bulletin board, but only with approval of the department director or their designee:

- Job bulletins posted for internal and external recruitments.
- Letters and memoranda from the Mayor or designee and other department directors.
- Official department memoranda.
- Items of information to employees. (non-union related information)

Documents required by law to be posted.

Unless subject to a collective bargaining agreement, employees may have announcements posted on the official bulletin board with the approval of the department director or designee.

B. Bulletin Boards – Work Site

The department director may designate additional bulletin boards for the department as work site bulletin boards. The board will carry a set of procedures for the posting of information.

The following items may be posted on the bulletin board, but only with approval of the department director or their designee:

- Job bulletins posted for internal and external recruitments
- Letters and memoranda from the Mayor or designee and other department director.
- Official department memoranda
- Items of information to employees. (non-union related information)

All items to be posted on the work site bulletin board must be submitted and have approval of the department director or their designee. The department director will designate an individual who is responsible for proper posting and maintenance of items posted on the board. The individual will be responsible for posting approved items, removing outdated items, and periodically reviewing what is posted on the board to ensure compliance with the departmental posting policy.

C. Bulletin Boards - Program/Operational

The department director may also designate additional bulletin boards as program/operational bulletin boards. These boards will be restricted to information concerning programs or operations of the respective City department. The department director will be responsible for providing, in writing for approval by the Mayor or designee, a set of procedures for the posting of information. These procedures will include a statement of those items, which may be approved for posting.

As noted above, the department director will designate an individual to be responsible for proper posting and maintenance of items posted. All items to be posted on the program/operational bulletin board must be submitted and have written approval of the individual responsible for posting. Items posted must comply with the statement of items,

which have been approved for posting. The individual, as designated, will be responsible for posting items, removing items, and periodically reviewing items to ensure compliance with policy.

D. Prohibition Against Removing Information From Approved Bulletin Boards

No employee, other than the department director or designee may remove information from bulletin boards. Employees violating this policy shall be subject to disciplinary action.

E. Prohibition Against Posting Information Other Than On Approved Bulletin Boards

Employees may not post signs, letters, posters, charts, or other announcements in any place other than the official departmental bulletin board.

Unless subject to a collective bargaining agreement, employees violating this policy shall be subject to disciplinary action as outlined in Chapter 5 of the City's *Human Resources Policy Manual*.

F. Dissemination Of Policy Information To Employees

Each department director is responsible for issuing a statement incorporating the above policy, and specific departmental procedures for the above. The statement will include the location of the official bulletin board, limitations on posting, procedures for requesting materials be posted, and a statement of action which will be taken if the policy is violated. Departmental procedures shall not be in conflict with policy stated in the sections above.

G. Public Records

All City generated Internet/Intranet transactions (i.e. messages, web pages, files, documents, etc.) carried out while conducting City business using City-owned computer resources are considered official City records and may be public records under *Chapter 119, Florida Statutes*.



TOPIC: Acceptable Use Policy

SECTION: 1-10

EFFECTIVE: October 1, 2019

REVISED: January 7, 2025; April 1, 2025

The Innovation & Technology Department strives to maintain an open and transparent digital environment aligned with the City of Pensacola's mission and core values. Our goal is to shield both the City and its stakeholders from digital threats, whether intentional or accidental. All systems, including computers, software, storage devices, network resources, and social media platforms, shall be used ethically and responsibly to uphold the City's reputation.

This policy provides guidance on the appropriate use of the City of Pensacola's information systems to ensure their integrity and protect the City from potential cyber risks, including malware attacks and network vulnerabilities. In accordance with Florida Statute 282.3185, the Local Government Cybersecurity Act, this policy also mandates the implementation of robust cybersecurity measures and practices. These measures are designed to safeguard the City's digital infrastructure, ensure compliance with state regulations, and promote a secure and resilient cyber environment for all City operations and services.

This policy extends to anyone using the City of Pensacola's information systems, including, but not limited to, employees, contractors, consultants, and affiliates, regardless of their role or relationship with the City.

A. General Use and Ownership Standards

- 1. To ensure policy compliance and security, the City retains the right to inspect all network traffic, digital devices, and platforms associated with the City.
- 2. All data on City-owned devices, including but not limited to cell phones, and computers, will be preserved and stored for at least the minimum duration required by applicable federal, state, or local regulations. This includes emails, documents,

text messages, communications, and other digital records created, received, or stored on City devices. Data retention policies ensure compliance with legal, regulatory, and operational requirements.

3. Unauthorized exposure or misuse of non-public City information must be promptly reported.

B. Security and Proprietary Information Standards

- The City of Pensacola is committed to respecting user privacy and safeguarding data on its systems. However, any data created or stored on, or retained from City systems is considered City property and may be subject to public disclosure in accordance with Florida's Public Records Law, Chapter 119 of the Florida Statutes.
- 2. Safeguard passwords and ensure that account details are not disclosed under any circumstances.
- 3. Passwords for all City employees must be at least sixteen (16) characters and adhere to National Institute of Standards and Technology (NIST) guidelines. Pensacola Police Department employees must meet additional requirements to ensure Criminal Justice Information Services (CJIS) Security Policy compliance.
- 4. Devices shall lock automatically within 15 minutes of no activity and be password-protected. Unattended devices must be locked.
- 5. Exercise caution with mobile devices. Do not store passwords with them and monitor them closely during transit.
- 6. Avoid opening attachments or links from unfamiliar senders to prevent malware exposure.
- 7. Type web addresses manually rather than clicking on them directly from emails and direct messages.
- 8. Employees must refrain from using third-party VPN services when accessing the City network or email.
- 9. In compliance with Florida Statute § 282.3185, which mandates cybersecurity training for local government employees, all employees must complete security

awareness training within thirty (30) days of employment and annually thereafter. Yearly training must be completed within thirty (30) days of being assigned.

C. Unacceptable Use Standards

All city employees are prohibited from any illegal activities using City resources. If an exception is needed for any of the activities listed below, please contact the Innovation & Technology Department for guidance.

System, Network, and Internet Activities

- Unauthorized use or sharing of copyrighted materials.
- Malware introduction
- Fraudulent offerings using city accounts
- Security bypass or unauthorized access attempts
- Unauthorized deletion and/or disposal of city data
- Executing any form of network monitoring intended to intercept data.
- Accessing inappropriate or offensive content
- Sharing account credentials or allowing unauthorized account access
- Connecting non-city equipment to our internal network
- Unauthorized use of banned software/applications
- Streaming media and gaming services such as, but not limited to, Xbox Live, Netflix, Sling, and Hulu are prohibited without prior approval by Innovation & Technology

Email and Communication Activities

- Sending unsolicited emails or spam
- Communicating harmful or inappropriate content
- Misrepresentation or alteration of sender information
- The use of non-city email services on City-owned devices
- Remotely connecting to city assets with non-City owned devices
- Unauthorized distribution or sharing of employee or non-public information via email or other communication channels

Social Media/Blogging/Tweeting

Using social platforms on city resources is not permitted unless job-related. Any social media usage must align with the city's "Social Media" policy in the Human Resources Policy Manual (Chapter 1, Section 16).

Removable Media

Only city-issued removable devices are permitted on City systems. They should not be used on non-City devices without explicit consent from the Innovation & Technology Department. Encryption is mandatory when storing sensitive data on these devices.

Reporting Abuse

Report any witnessed or suspected digital misconduct to a superior or the Human Resources Department. All concerns will be addressed promptly. For guidance on digital usage, contact your supervisor or a member of the Innovation & Technology Department.

Software Management

The Innovation & Technology Department authorizes and oversees all software installation or removal to guarantee compliance and proper execution.

Enforcement

Violators of this policy may face disciplinary actions per the City of Pensacola Human Resources Policy Manual's guidelines on progressive discipline.

E. Requesting Service

All requests for IT services or support must be made by the user directly or through the user's leadership team. Certain requests, particularly those involving access to sensitive information (e.g., Personally Identifiable Information or financial data), may require additional approval steps to ensure compliance with security and privacy standards.

Submitting a Request: Requests for service can be submitted through one of the following methods:

- 1. **Ticketing Shortcut**: Use the shortcut located on your desktop.
- 2. **Help Desk Phone**: Call the help desk at (850) 436-5611 or dial extension 5611 from an internal city phone.
- 3. **Email**: Send an email to ITSupport@cityofpensacola.com.

Emergency Requests: An emergency request may be submitted when there is a significant work stoppage or security threat. Emergency requests include, but are not limited to:

- **Significant work stoppage**: Situations where a user is unable to perform their duties due to issues like a non-functioning computer, inability to log in, or loss of essential access.
- Public-facing disruptions: Issues affecting public services or the City's reputation, such as website outages or phone system failures.
- **Security incidents**: Any issue that may compromise the City's information security, including malware infections or lost/stolen devices.

For any emergency requests, please contact the Innovation & Technology Department immediately using one of the above methods to initiate a priority response.

F. Extended Absences

To maintain security, the Innovation & Technology department must be notified by the employee's supervisor of any absences lasting fourteen (14) calendar days or longer. Upon notification, the employee's access to City systems will be temporarily disabled. Requests to reinstate access upon the employee's return must come directly from the employee's leadership.

G. Reporting Security Risks

¹All employees are required to report any cybersecurity risks or incidents immediately to the Innovation & Technology Department. This includes, but is not limited to, unintentional actions that may pose a risk, such as clicking on phishing emails, opening malicious attachments, or interacting with suspicious links. Failure to report known or suspected cybersecurity risks, regardless of intent, may be considered neglect of duty and may result in disciplinary action¹.

¹ Refer to the City of Pensacola Human Resources Policy Manual, Chapter 5 – Administrative Appeals & Discipline, ND-1 (Neglect of Duty).



TOPIC: Cell Phones

SECTION: 1-11

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

It is the policy of the City of Pensacola to determine when it is appropriate and in the public interest to provide designated City employees with mobile communications devices under the following circumstances (unless otherwise represented by a collective bargaining agreement through which this issue is addressed):

- 1. The devices are acquired by and remain the property of the City of Pensacola.
- 2. The devices are provided to facilitate the conduct of City business.
- 3. All communications to and from the City-provided devices are subject to the provisions of the Florida Public Records Law and may be disclosed pursuant to law.
- 4. The employee to whom a mobile communications device is provided and any user of the device has no expectation of privacy in the use of such devices; the City expressly retains the right to obtain and inspect the device at any time and to examine any communication, whether verbal, photographic or text, that has been made, received or retained by any City-provided device.
- 5. All employees to whom a mobile communications device has been assigned must provide and disclose any and all account information, passwords, personal identification numbers (pin), codes or other operator-generated security access measures to the operating system and all business-related applications to supervisor or a City Technology Resources technician immediately upon request.
- 6. City-provided mobile communications devices will not be used for any unlawful purpose, or for any commercial purpose not related to the conduct of City business.
- 7. Although this policy allows brief, incidental personal use of an assigned mobile communications device under the circumstances described below, no such personal use shall be made which has the effect of increasing the City's cost of service to the device.

A. Mobile Communications Device Issuance

1. General

- a. Any mobile communications device acquired by the City is the sole property of the City.
- b. The acquisition of mobile communications devices or services must be coordinated through Technology Resources.
- c. Technology Resources must be contacted immediately if a mobile communications device is damaged, lost or stolen.
- d. The use of mobile communications devices by City employees should meet one of the following criteria in order to justify issuance to the employee:
 - Be for mission-related communication requirements that involve public safety functions, such as Fire and Police.
 - Required for critical operations that cannot be handled by radio, such as Airport or Pensacola Energy operations.
 - Essential to respond to service delivery functions.
 - Necessary due to frequent communication contacts that cannot be efficiently satisfied by normal phone or radio communications. This includes City staff that need to be accessible after normal working hours or on weekends.
 - Instances where demonstrable savings or productivity improvements can be achieved for a particular City function.

2. Department Directors

- a. Department directors will submit to Technology Resources a list of employees whom they have determined need a mobile communications device and the justification for issuance on the Department Mobile Communications Device Request Form. They may provide the same information through the help desk ticketing system or through email.
- b. Department directors may use this form, help desk ticket, or an email with the same information at any time to request changes, additions, or deletions in mobile communications device users.

- c. Department directors are responsible for determining their departmental needs and, with the assistance of Technology Resources, selecting the appropriate peak minute base calling plan for the employee due to usage requirements.
- d. Department directors are responsible for budgeting for the payment of their portion of the consolidated mobile communications device services bill.
- e. All mobile communications device equipment and accessories, including chargers and clips, must be collected from any departing employee by the department director and turned in to Technology Resources.

Employees

- Employees who are issued a City-provided mobile communications device must review and accept this policy.
- b. Employees must execute an Employee Certification Form and provide it to Technology Resources upon receipt of the device.

B. Mobile Communications Device Usage

Mobile communications devices may incur "air time" and other various charges; therefore, employees are expected to use a regular telephone when available. This requirement applies to personal and business calls.

The mobile communications device is only to be used by the employee to whom it has been issued in the performance of their official duties.

The employee assigned the mobile communications device is responsible for the physical security of the device and is responsible for all charges incurred on it.

C. Personal Use Of Mobile Communication Devices

Employees are authorized to make incidental, reasonable, and limited use of City mobile communications devices for necessary personal calls when desk phones are not available as long as calls meet the following criteria:

- The call does not adversely affect the employee's work performance or negatively impact the employee's organization.
- The call is of reasonable duration and frequency.
- The call could not have been made at another reasonable time.

- Use of mobile communications devices while on business trips to call home, in accordance with City policy, is encouraged as a cost saving measure.
- No charge to the employee will be imposed for calls within these guidelines
 provided the employee does not exceed the peak minute base calling plan for their
 mobile communications device.
- If the peak minute base calling plan number of minutes is exceeded, then the Bill Review Procedures outlined within in this policy must be followed.

D. Prohibited Use

These activities are strictly prohibited while using a City-owned mobile communications device:

- Sending unsolicited emails, text messages, calls, or advertisement materials to anyone who has not requested such material (spam or "junk" mail).
- Viewing, listening to, streaming, or storing offensive pictures, sites, video or audio on the device.
- Usage seen as insulting, harassing, disruptive, or offensive by others or harmful to morale.
- Usage compromising the integrity of the City or its business.
- Downloading or using copyrighted software, mobile apps, music, pictures, or other materials.
- Excessive usage for personal reasons as determined by the employee's department head or their designee.
- Usage that creates an unsafe working environment or threatens an employee, customer, resident, constituent, or anyone else.
- Usage intended to circumvent security measures implemented and adopted by the City to protect its networks, systems, or other computing environment.
- Use of a handheld mobile communications device while driving a vehicle is prohibited. This includes activities such as texting, using mobile/internet/phone apps, or any other activity which creates a hazardous condition or distraction of the driver.
- If a City employee needs to communicate (i.e. make a call, receives a call, send or view a text, etc.) while driving a vehicle, such communication would be permitted only if consistent with Florida law and this policy. See §1-13 for further information.

E. Public Records

Employees should be aware that mobile communications devices are considered City property and information or data, which is stored, sent, or received over the device in connection with the transaction of City business is subject to public record requests as provided for in Florida Statues Chapter 119. This includes, but is not limited to, instant messages, text, SMS, VoIP, and transactions within various communication/social applications. Bills associated with these devices may also be subject to public records requests.

Employees who are issued mobile communications devices are directed to refrain from using the text message, instant message, or any other transitory communication feature of the device's capability for any City business communications other than transitory messages having no retention value for public records purposes. Employees must use the email function to create text communications when using the device for any City-related business.

If a City employee utilizes his or her personal mobile communications device to engage in any communication involving City business, all requirements of the Florida Public Records Act will apply to the records of such communications and the employee will be subject to all retention and disclosure provisions of the law. Violation of these requirements may subject the employee to disciplinary measures, and civil, or criminal penalties as provided by law.

F. Reimbursement for Official Use of Personal Mobile Communications Devices

On occasion, employees who do not have City issued mobile communications devices may find it necessary to use their personal mobile communications device to make business calls. These calls may be eligible for reimbursement by the City to the employee in accordance with the procedures below.

- 1. Employees can be reimbursed for official calls made on their personal mobile communications device with the approval of their department director.
- Reimbursement will only be for actual expenses; i.e. if the free minutes have not been exceeded and there are no usage (air time) charges, no reimbursement is due.
- 3. Reimbursement will only apply to usage (air time) charges and NOT to the monthly fee, taxes, or other charges.

- 4. Reimbursement will be allowed for texting and/or downloading of data for official City business only. Reimbursement for charges will be actual expenses.
- 5. Reimbursement can be by petty cash voucher, signed by the department director if less than twenty-five dollars (\$25). Otherwise, a Request for Payment (RP) is required.

G. Servicing Of Mobile Communications Devices

If a City-owned mobile communications device needs repair or service, a request can be made by submitting a ticket through the help desk system, emailing helpdesk@cityofpensacola.com or calling Technology Resources at 436-5611.



TOPIC: Apparel and Grooming

SECTION: 1-12

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

All City officers and employees are public servants and are accountable to the citizens for the image, reputation and performance of the city government. How the workforce appears to the public is an important factor in determining the reputation of the City of Pensacola among the citizenry. The purpose of the apparel and grooming policy is to ensure that the City's employees take pride in their appearance and present a professional image to the public and to fellow employees.

All City employees, regardless of position held or work performed, are expected to perform their jobs attired in a manner suitable to the tasks being performed, presenting for work well-groomed and wearing neat, clean clothing that conforms to the particular policy of the employing department.

A. Apparel

- All clothing worn when presenting for work or in situations where the employee is representing the City of Pensacola must be neat, clean, free of wrinkles, in good repair and appropriate to the work setting.
- All clothing worn while at work or while representing the City shall be properly tailored and an appropriate fit.
- Department directors are authorized to establish and enforce departmental dress uniforms or standards appropriate for the work requirements of the particular department.
- City-issued uniforms or clothing provided to employees for use at work must not be used when not working.
- Employees who report for work inappropriately attired will be directed to leave and remedy the matter while in a leave without pay status.

B. Grooming

Employees must report to work in a clean, neatly groomed status, free from any distracting or offensive characteristics pertaining to personal appearance or odor.

C. Accommodations

Employees requiring accommodations pertaining to apparel or grooming because of cultural, religious or medical requirements may request such accommodations by contacting the Human Resources Director who will receive, consider and resolve all such requests.

D. Casual Day

The following information is intended to serve as a guide to help define appropriate casual business attire for employees during designated casual days at the City. Each Friday is designated as casual day. Other days, such as certain holidays or days preceding holidays, or in the field site visits, may be designated as casual days, with prior authorization from the immediate supervisor.

Employees should project a professional image even with casual and relaxed fashions, since not all casual clothing is appropriate for the office. Casual business wear means clean, neat, professional clothing. It is never appropriate to wear stained, wrinkled, frayed, or revealing clothing in the workplace. If there is a question as to whether clothing is acceptable, choose something else or inquire first.

The following list provides a general overview of acceptable casual business apparel as well as clothing that is not appropriate for the office. Of course, neither list is intended to be all- inclusive. Rather, these items should help set the general parameters for proper casual business wear and allow making judgments about items that are not specifically listed.

Appropriate casual business apparel includes but is not limited to:

Slacks Sweaters

Jeans Casual Dresses & Skirts

Capris City/Department/ Logo Clothing

Skorts Casual Shirts & Blouses

Golf Shirts

The following items should **not** be worn:

Jeans with excessive wear or fading Warm-up or jogging suits
Bib overalls
Form-fitting pants or miniskirts
Offensive messages or images
Halter tops
Sweatshirt or sweatpants
Slippers

Non-City Issued uniform shorts Spandex, exercise pants, or similar Spaghetti-strap dresses or tops Tank tops or low cut tops Bare shoulder tops, unless under a blouse or jacket Beach sandals / flip flops



TOPIC: City Vehicles and Equipment Use

SECTION: 1-13

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

The Mayor or designee sets the vehicle and equipment use policy. The cost of operating and replacing vehicles and equipment is significant, given the size of the fleet. This policy is reviewed periodically; policy changes are issued in administrative memos. All City employees operating City-Owned vehicles will be required to read and execute the City's Vehicle Use Agreement and adhere to the City's Vehicle Use Policy.

The way City-owned vehicles are used and maintained directly influences the public's view of the City and its employees. This policy establishes guidelines and procedures for the use of City-owned or City-leased vehicles and privately-owned vehicles when used in the performance of City of Pensacola business.

A. Employee Responsibility

Vehicles and equipment are essential to accomplishing job duties and can be expensive and difficult to replace. Employees are responsible for notifying a supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, in need of repair, or lost. Prompt reporting of damages, defects, and need for repairs could prevent deterioration of the equipment and prevent possible injury to employees or others. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

B. Supervisory Responsibility

Supervisors are responsible for answering any questions about an employee's responsibility for maintenance and care of vehicles and equipment used on the job.

C. Disciplinary Action for Violation of City Equipment Policy

The improper, careless, negligent, destructive, unsafe use or operation of equipment and vehicles is prohibited. Misuse of equipment and vehicles may result in counseling, written reprimand, or disciplinary action, including suspension, up to and including termination of employment.

D. Definitions

- Departmental Vehicles: trucks, automobiles, and other equipment designated for general use by City employees. All City-owned vehicles not otherwise assigned under any other classification shall be designated Departmental.
- Drive-Home Vehicles: City-owned or leased vehicles assigned to employees to be driven to and from work. Department directors are responsible for making such assignments, based on need. There are four classifications of "drive home" vehicles: Emergency, Service, Support, and Administrative. The determination as to which classification a vehicle falls within and the value of the vehicle to the individual/operator as additional compensation is based upon the following:
 - Emergency vehicles are those assigned to sworn police officers and certified firefighters. Operators of vehicles in this classification are not subject to any personal income tax liability or fuel reimbursement charges for commuter use.
 - Service vehicles are those specially designed or equipped to perform construction or repair services and the operator is on 24-hour call-out.
 Operators of vehicles in this classification are not subject to any personal income tax liability or fuel reimbursement charges for commuter use.
 - Support vehicles are those assigned as drive home for operational efficiency where the operator has irregular work hours or is routinely required to perform duties before and after normal working hours. Operators of vehicles in this classification will be subject to a personal income tax liability equal to additional compensation of \$1.50 for each one way commute or \$3 per day for each day that the vehicle is utilized. Operators of vehicles in this classification will not be subject to the City fuel reimbursement charge for commuter miles driven.
 - City vehicles are assigned to individuals/operators that have managerial and operational responsibilities, whose duties require mobility and that are

subject to response in critical and emergency situations. Operators of administrative vehicles that are driven home will be subject to a tax liability equal to a prorated lease value and reimbursement of fuel for commuter use based upon the following:

- Prorated Lease Value for the City the prorated lease value will be determined by the IRS Annual Lease Value Table (based upon the fair market value of the vehicle) and the ratio of total annual/quarterly miles driven relative to the annual/quarterly miles driven commuting from the place of residence to the work place. The prorated lease value will be adjusted every forty-eight (48) months or upon vehicle replacement.
- Fuel Reimbursement individuals who commute in Administrative vehicles will be required to reimburse the City for fuel consumed when commuting based upon the vehicle manufacturers estimated City miles per gallon at the average cost paid by the City for fuel during the billing quarter.
- On-Call Vehicles: Departmental vehicles that are temporarily assigned to an employee for use during an on-call period to ensure the response of an employee to an emergency or other after hours call for service and requires take home responsibility. The department director shall assign this classification and the assignment is subject to Mayor or designee review.
- Personal Vehicle Use for City Business: If an employee uses their personal vehicle more than twice a month to conduct City business, a Vehicle Use Agreement must be signed and provide proof of insurance provided to Financial Services with minimum limits equal to those required by the State of Florida. Signing the Vehicle Use Agreement indicates the employee understands that the employee's insurance coverage is primary; the employee will pay any deductibles; and is responsible for insurance premiums. While the employee's insurance is primary, accidents must still be reported in accordance with the Accident Reporting procedures outlined in this policy. City Policy shall govern mileage reimbursements.

Rental Vehicles: When traveling on City business outside the State of Florida, the employee will rent a vehicle and purchase insurance coverage from the rental agency, unless approved by the department director, City Administrator, Mayor or designee.

E. Vehicle Maintenance and Operation

Employees operating or assigned City-owned or leased vehicles are expected to care for and properly maintain those vehicles. All vehicles and equipment must receive regularly scheduled preventive maintenance in compliance with Fleet Management's Maintenance Program.

An employee shall inform his/her immediate supervisor of any vehicle condition that may present a safety hazard. The Fleet Manager has the responsibility and authority to remove any vehicle from service that he or she feels is unsafe, and/or shows evidence of inappropriate care by the operator(s).

Before operating a City-owned vehicle or a personal vehicle on City business, an employee must report to their supervisor or the City Clinic the use of medications (over the counter or prescribed) that may impair his/her ability to ensure the safe operation of an assigned vehicle.

An employee assigned or authorized to drive a City-owned vehicle shall take the safest route to and from all jobs; utilize the most practical size vehicle to accomplish the job, and plan work in order to eliminate all unnecessary trips.

All City-owned vehicles and equipment with locking mechanisms will be locked when unattended.

City-owned vehicles will not be left running while unattended. Keys to the vehicle shall never be left in an unattended vehicle.

An employee assigned or authorized to drive a City-owned vehicle shall be responsible for the appearance of the vehicle by ensuring that its exterior is periodically washed and its interior is vacuumed or swept out regularly and is kept free of accumulated trash.

F. Use Of City Owned Vehicles

In addition to using an authorized vehicle for daily work activities, use of authorized vehicles under the following circumstances is also approved subject to the discretion of the Mayor or designee or department director. These circumstances are approved because the use provides accommodation for restricted, need based, personal use of City-owned vehicles:

- Commuting to and from the employee's residence
- Minor stops while commuting, so long as such stops are on the usual and regular route of the employee.
- To and from a meal or authorized break during the employee's working hours.
- To and from a personal medical or dental appointment while commuting or during the employee's working hours.

Employees operating City-owned vehicles must maintain and carry at all times a valid driver's license for the class of vehicle being operated. Employees have the responsibility to report immediately to their supervisor any conviction for a violation resulting in points charged against their driver's license, any license restriction (to include denial, expiration, suspension, or revocation) or any motor vehicle-related accident. This reporting obligation applies whether the employee is operating a City Owned or their personal vehicle.

Drive-Home Vehicles and On-Call Vehicles shall be parked off-street, if possible, when parked at a place of residence.

If a City-owned vehicle is involved in an accident, the employee should follow the procedures set forth by Risk Management.

At all times, an employee operating a City-owned vehicle shall drive safely and comply with all traffic laws.

Employees operating a City-owned vehicle and authorized passengers in the front seat must use seat belts in accordance with FS 316.614, "Mandatory Seat Belt Law."

City of Pensacola Cell Phone Policy governs the use of personal communication devices while operating a City-owned vehicle.

G. Wireless Communications While Driving Law (Texting While Driving)

Florida Statues §316.305(3)(a) states:

A person may not operate a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging.

As used in this section, the term 'wireless communications device' means any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service as defined in s. 812.15 and that allows text communications.

Some exceptions apply. The law does not apply to vehicles that are stationary or to a driver who is:

- Performing official duties, such as operating an emergency vehicle (i.e., law enforcement, fire service professionals, and emergency medical service providers).
- Reporting an emergency, a crime or other suspicious activity to law enforcement.
- Receiving messages that are:
 - related to the operation and/or navigation of the motor vehicle;
 - safety-related information (emergency, traffic, and weather alerts);
 - data used primarily by the motor vehicle; or
 - · radio broadcasts.
- Using the device in a hands-free manner for navigation purposes.
- Using the device in a way that does not require manual entry of characters or reading of text messages, except to activate, deactivate, or initiate a function or feature.

H. Prohibited Practices

The following practices or activities are specifically prohibited and any violation could result in applicable disciplinary or legal action:

 The operation of a City-owned or Leased Vehicle while under the influence of alcohol or any other intoxicating or hallucinatory drugs or medication.

- The transportation of alcohol or any other intoxicating or hallucinatory drugs in a City-owned or leased vehicle with the exception of Public Safety vehicles in the course of authorized City use.
- Except as otherwise provided for in this Policy, the personal use of City-owned or leased vehicle.
- The transportation of any non-City employee in a City-owned or leased vehicle, except when the transportation of a non-employee involves the official business of the City. For the purposes of this section, official business includes transporting spouses to local events where both the City employee and spouse have been invited to appear as representatives of the City.
- Operating a City-owned vehicle in violation of any traffic regulations.
- Operating a City-owned vehicle in a careless or negligent manner.
- Affixing or permitting the placement of a bumper sticker or advertisement of any kind on a City-owned vehicle unless the placement is authorized by the Mayor or designee.
- Operating a City-owned vehicle or a personal vehicle on City business when the employee's physical condition, with or without medication, is such that the employee is unable to ensure the safe operation of an assigned vehicle.

I. Training

Driver training will be as determined by department policy.

J. Licensing Criteria for City of Pensacola Driving Privileges

Employees eligible for driving privileges must be 18 years or older, be a regular, full-time employee or temporary services employee (i.e. EPS or OPS) and must have a valid driver's license.

Temporary agency staff working for the City are not authorized to operate City- owned vehicles or equipment without the approval of the department director.

Criteria that may indicate an unacceptable driving record includes, but is not limited to:

- Driver license is revoked or suspended;
- Accumulated nine or more points within the last three calendar years;
- Conviction of DUI within the past 12 months (a no-contest plea is the same as a guilty plea);
- Listed on the National Driver Register; or
- Habitual traffic offender as defined by Florida Statutes 322.264.

An employee's driving privileges may or will be suspended if:

- Driver's license is suspended or revoked;
- Nine or more points is accumulated within three calendar years;
- Convicted of DUI (a no-contest plea is the same as a guilty plea) or refusal to be tested in the course of a DUI investigation while operating a City owned vehicle on or off the job;
- · Designated as a habitual traffic offender; or
- Determined to be at fault by either a law enforcement agency or by the findings of the City accident investigation, subsequent to involvement in an accident while operating a City owned or leased vehicle.

Subject to City departmental discretion, if a license is revoked or suspended, the employee may be subject to disciplinary action, including termination if the job requires driving.

K. Accident Reporting

Monday – Friday 8:00 a.m. – 5:00 p.m. Risk Management PH# 850-435-1731

If involved in an accident while on business for the City of Pensacola, the employee should notify his or her supervisor. The employee or the department should contact the appropriate law enforcement agency and Risk Management. If unable to reach Risk Management, call the City's' adjusting company, Johns Eastern Co., at 877-326-5326, ext. 1410.

All other hours, call Police Dispatch, 435-1845, who will contact the City's adjusting company. If the accident occurs outside normal business hours, the employee's supervisor should be notified according to departmental policy.

Report the accident to Risk Management as soon as possible.

Insurance information is located on the vehicle key tag.

L. Exceptions to the Policy

Any exceptions or unusual circumstances not provided for in this policy must have the specific written approval of the Mayor or designee, and/or department director.



TOPIC: Media Requests

SECTION: 1-14

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; January 1, 2025

This policy establishes guidelines for City of Pensacola personnel when handling media requests. The purpose of the policy is to ensure consistent, accurate, and timely communication that aligns with the City's strategic vision. This policy ensures that the City of Pensacola maintains a professional and unified voice when communicating with the media, fostering transparency, accuracy, and accountability.

This policy applies to all City of Pensacola employees, department directors, and contractors working on behalf of the City.

NOTE: Recognizing that some city departments, such as Pensacola Airport and the Pensacola Police Department, have unique media requirements separate from most other departments, they should communicate with the City Public Information Officer for deviations and/or exceptions from this policy.

Media Request Procedures:

1. Initial Point of Contact:

- Employees and Contractors: Upon receipt of a direct inquiry from a media organization or person, City Employees or contractors must contact their department director or the City Public Information Officer (PIO) upon receipt for further guidance. No employee or contractor should provide information or comment to the media without express guidance from their director or the PIO.
- Department Directors: Upon receiving a media request, department directors must notify the City PIO immediately with details of the inquiry. The PIO will then give further guidance on the City's response.

2. Directing Media Requests:

- Direct all media inquiries to the City's PIO and provide PIO contact info to the media representative when necessary.
- Email: jwheeler@cityofpensacola.com; Phone: (850) 529-8841 (cell)

 Note: Should the PIO or Assistant PIO be unreachable, contact the City Administrator or the Mayor's Office for further guidance.

3. Response Guidelines:

- The PIO will review the media request and determine the appropriate vehicle and content for the response.
- The PIO will determine if approval is required from the Mayor, City Administrator, or legal department.
- The PIO is the principal coordinator for all media responses to ensure consistency with City messaging.

4. Requests for Media Appearances & Interviews:

- City employees and department directors must not appear in media interviews, including television, radio, or podcast interviews, without prior approval from the Public Information Officer.
- Upon approval for the interview, the PIO will assist in preparing key talking points.
- A PIO team member will be available to accompany the interviewee to assist as needed.

5. Social Media & Online Engagement:

- Media requests made via social media channels must be referred to the PIO for review and appropriate response.
- Employees should not engage on social media platforms with respect to City affairs.

6. Crisis Communication:

- In an emergency or crisis, the PIO, in coordination with the City's Emergency Management Team, will handle all media communications.
- The Mayor or Administrator are the principal City spokespersons during a City emergency or crisis. Unless expressly directed, they or the PIO should be the only

City personnel commenting to the media on city affairs during a City emergency or crisis.

7. Public Records Requests:

 Any media request for public records must follow the City's established public records request process and, in addition to notifying the PIO, should be forwarded to the Records Department.

8. Training:

- Department directors and designated employees may receive media training through the PIO to increase preparedness for potential interviews or media interactions.
- City personnel may request training from the PIO at any time.

9. Media Requests Concerning Confidential or Legal Matters:

• City employees and department directors should refrain from discussing confidential or legal matters with the media without prior approval from the City's Legal Department and Public Information Officer.



TOPIC: Secondary Employment

SECTION: 1-15

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; October 1, 2024

A General

City employees are permitted to engage in additional non-City employment, referred to as secondary or outside employment, when the following criteria are observed:

- No secondary employment may be of a character inconsistent or incompatible with or in conflict with the employee's duties with the City.
- Approved secondary employment must be carried on fully outside of City employment and must not interfere with the performance or efficiency of the employee's City position. Such work must not be of such a strenuous nature or schedule as to adversely impact or influence the employee's conduct, efficiency, attendance or promptness in fulfilling the employee's City responsibilities.
- The secondary employment must not place the employee in a position of compromise with regard to the employee's City responsibilities or be of such a nature as to cast doubt upon the employee's fairness or impartiality in his or her duties as a City employee.
- Under no circumstances may the employee, while engaged in secondary employment, sell any service or merchandise to the City.
- Prior to engaging in secondary employment, the employee must have secured written approval to do so from the employee's department head.
 Employees who are on donated leave are prohibited from engaging in any form of secondary employment, paid or unpaid, during the period in which they are receiving donated leave. This restriction is in place to ensure that the employee's focus is on recovery and return to work. Violation of this provision may result in the termination of donated leave benefits and possible disciplinary action.

NOTE: If the provisions of an applicable collective bargaining agreement conflict in any manner with this policy, the provisions of the collective bargaining agreement shall prevail to the extent of such conflict.

B. Procedure

Employees seeking approval to engage in secondary employment must fully and completely complete a Secondary Employment Form (PF405) and submit it to the employee's department director for review and approval. This form must be completed and submitted for each secondary employment. The form may be used to seek approval for recurring secondary employment.

The department director must state his or her approval or disapproval in writing on the form and must forward the completed form to Human Resources within two (2) weeks of the time that the secondary employment begins.

Termination of secondary employment must be reported to the department director on the Termination of Secondary Employment Form (PF406), and the department director must forward the form to Human Resources for retention in the employee's personnel file.

C. Responsibility for Supervision

It is the responsibility of each director and supervisor to conduct annual counseling interviews with all employees and determine the existence of such secondary employment. This does not propose extraordinary supervision or enforcement of regulations upon employees, but it is important that a supervisor be aware of time-consuming activities in which the employees may be involved. If an employee's performance becomes unsatisfactory as a result of any of the above factors then the supervisor and director will, in order, give counseling and warning, disciplinary suspensions, and ultimately, recommend discharge of the offending employee.



TOPIC: Social Media

SECTION: 1-16

EFFECTIVE: October 1, 2019

REVISED: N/A

Social media includes all means of communicating or posting information or content of any sort on the Internet, including your own or someone else's blog, journal or diary, personal web site, social networking web site, web bulletin board, or a chat room. Employees should not use the City email account or password in conjunction with any social media site. Employees shall not access or use personal social media while at work unless on a break or at lunch and shall not use City equipment at any time to access personal social media.

Employees shall not make statements or express views on social media about co-workers that would be in violation of the City's anti-harassment, anti-discrimination, or ethics policies. Employees shall not disclose information obtained in their employment at the City in violation of ethics or confidentiality policies. Employees are expected to act in a respectful manner that will inspire public trust.

Employees who identify themselves as an employee of the City through any social media account shall immediately remove such association upon separation of employment by changing the status to indicate the employment has ended or removing reference to the City altogether.



TOPIC: Lay-Off / Reduction in Force (RIF)

SECTION: 1-17

EFFECTIVE: October 1, 2019

REVISED: N/A

A Reduction in Force (RIF) may become necessary due to shortage of funds, material changes in duties or organization for purposes of economy or efficiency, lack of work, or abolishment of positions. When it has been determined by the Mayor that an excess number of positions and employees exist, the Mayor will certify a Reduction in Force (RIF). In the event of a RIF, the City will adhere to the statutory requirements of § 295.07 of the Florida Statutes, that provides preference in retention for eligible veterans.



TOPIC: Timekeeping

SECTION: 1-18

EFFECTIVE: October 1, 2019

REVISED: N/A

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is time actually spent on job assigned duties. All time other than time worked must be identified by the appropriate leave code. Altering, falsifying, or tampering with time records may result in disciplinary action up to and including termination.

A. Timesheets

Employees are responsible for recording and certifying the accuracy of time worked and leave taken. In each department or division, an employee is assigned with payroll responsibilities such as reviewing all timesheet entries for accuracy. To ensure accurate timekeeping, each employee should coordinate with the individual in his or her department or division who is assigned payroll responsibilities.

B. Rounding

Time will be kept in quarter hours. Minutes of seven (7) or less will be rounded down and minutes of eight (8) or more will be rounded up to the nearest quarter hour.

C. Lunch and Work Breaks

Depending on the type of work performed, employees are allowed an unpaid lunch period ranging from thirty (30) minutes to one hour. City employees are allowed a fifteen (15) minute morning work break and a fifteen (15) minute afternoon work break. This time is not cumulative.



TOPIC: Uniforms and Safety Shoes

SECTION: 1-19

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

If an employee has not been assigned or is not required to wear a city uniform, but that employee wishes to wear clothing that displays the City or departmental logo, that employee may do so with prior approval of their department director consistent with all policies regarding the wearing of uniforms. The IRS requires that the cost of the clothing be included in the employee's income and taxed.

Any employee wearing clothing that displays the City of Pensacola or departmental logo shall have the responsibility to uphold the City's image and not disgrace the City or bring the City into public disrepute.

Employees may not wear or attach any badges, patches, jewelry, pins or other adornment to their uniforms, belt buckles, and hats, unless approved as part of the standard uniform. Such non-issued items may be worn concealed underneath the uniform.

A. Uniforms

Generally, uniforms are provided to all permanent full-time employees, who by virtue of their job, would benefit from the protection, identification or safety from the use of a uniform. Permanent, part-time employees may be provided uniforms at management's discretion. This provision shall not apply to employees covered by the terms of a collective bargaining agreement unless authorized by the terms of such an agreement.

- Employees who are furnished uniforms by the City shall be required to wear such uniforms.
- Employees are responsible for laundering and normal repair and are expected to report to work each day wearing a clean and neat uniform.

- Uniforms are replaced annually. Employees requiring more frequent replacement must purchase the uniforms at their expense. However, uniforms may be replaced on an as-needed basis if approved departmental guidelines are established and approved by the Mayor or designee.
- The uniform can be worn to and from work including incidental stops but shall not be worn under any circumstances for personal use. Incidental stops are briefs stops that conveniently cannot be made later such as picking up a child from daycare. At no time should any intoxicants be purchased or consumed while in uniform or any other actions performed which may discredit the City.
- Uniforms issued by the City with logo patches, may not be worn at times other than during performance of City duties.
- Uniforms are City property and shall be returned to the City in cases where an employee leaves the City or moves to a position that does not require such uniform.
- City issued shoes, caps, or hats are part of the standard City uniform.
- Uniform costs may be subject to taxes by the IRS.
- Employees wearing City uniforms not in accordance with this policy will be subject to disciplinary action.

B. Safety Shoes

It is the policy of the City of Pensacola to provide safety-toed shoes to employees who, because of their work operations, are exposed to foot injuries.

- All safety-toed footwear purchased for City employees must meet the specifications in the specifications in the American National Standard for Safety Toed Footwear Z41.1 -1991.
- City approved safety-toed shoes will be black or brown in color. Cowboy style boots will not be approved as a work boot, nor shoes with a fabric cover, which will not repel water, grease or oil.
- Safety-toed shoes are provided for employee safety and well-being. It is essential
 that employees understand that wearing them while on duty is mandatory. Any
 employee reporting for duty without them will not be allowed to work until they have
 them.
- Employees are responsible for ensuring that shoes fit properly. Employees are expected to maintain their shoes at their own expense. This includes polish, shoestrings, and new soles and heels if economically feasible.
- Employees having a medical problem, which would prohibit them from wearing their safety shoes, are required to provide a medical excuse from their private physician, written on the physician's letterhead, to the City Clinic. The affected operations will

- either assign the employee to other duties or modify the job operations to eliminate the exposure of a foot injury until the employee returns to full duty.
- Replacement safety shoes will be authorized by department directors or their designee as needed, based on the condition of the shoe, and not length of time in use. Further, the City's contribution towards the purchase of safety shoes is \$150.00.
- Conflicts involving the issue of new or safety toed shoes will be brought to the Mayor or designee for resolution.

The responsibility for the administration and enforcement of the uniform and safety shoe policy will be that of each department director. Department directors will designate those positions for which uniforms will be furnished.



TOPIC: Relationships Between Employees

SECTION: 1-20

EFFECTIVE: January 6, 2020

REVISED: April 1, 2020; July 1, 2024

The City of Pensacola is committed to a professional, stable, and harmonious work environment. Employment-related decisions should be made based on valid, employment-related criteria.

Professional Working Relationships

Department directors, managers and supervisors are encouraged to develop and maintain professional working relationships with each other and with other employees. All employees have a responsibility to avoid relationships that may result in actual or perceived favoritism, employee morale problems, or liability to the City.

Intimate or Romantic Relationships

The City recognizes that close personal relationships can give rise to concerns about actual or perceived preferential treatment or favoritism. Specifically, if any employee, regardless of their position, is involved in an intimate or romantic relationship with another employee, it can adversely affect the work environment. Such decisions can also be disruptive to the morale of other City employees. Examples of problems that may arise include the following:

- Preferential treatment or favoritism in decisions related to employee hiring, pay, promotions, advancement, training, assignments, or other terms and conditions of employment, which are based upon the relationship, rather than on valid employment related criteria.
- The appearance of preferential treatment or favoritism that adversely affects employee morale.

- Claims of quid pro quo sexual harassment when employees believe or later claim that it is necessary to submit to sexual advances in order to be given more favorable treatment.
- Claims of a hostile work environment that can have a significant negative impact on the individuals and the City.

Policy on Supervisor-Subordinate Relationships

To prevent these and other adverse consequences, it is the policy of the City to discourage department directors, managers and supervisors from having intimate or romantic relationships with employees in the same work unit, subordinate employees or applicants for City employment when a relationship could occur.

No department director, manager or supervisor working for the City is permitted to have an intimate or romantic relationship with an employee whom they directly or indirectly supervise.

No department director, manager or supervisor working for the City may appoint, employ, promote, advance, or advocate for the appointment, employment, promotion or advancement of any individual with whom they are intimate or romantically involved in or to a position in a department over which they exercise jurisdiction or control.

An individual intimately or romantically involved with a department director, manager or supervisor of the City may not be appointed, employed, promoted, advanced in or to a position in the City, if such appointment, employment, promotion, advancement has been advocated by the department director, manager or supervisor with whom the employee applicant is having an intimate or romantic relationship.

Disclosure of intimate or romantic relationship

To avoid a violation of this policy, employees who believe they are developing an intimate or romantic relationship are required to disclose the relationship to their department director and/or the Human Resources Director for further guidance. The City does not tolerate sexual harassment in the workplace. In order to assure that no department director, manager or supervisor sexually harasses a subordinate employee and to protect the City and employees from liability for sexual harassment, any department director, manager or supervisor who has an intimate or romantic relationship with any employee under their direct or indirect supervision is required to disclose that relationship. Appropriate corrective action (i.e. transfer, reassignment, resignation, etc.) will be taken.

Policy on Peer Relationships

In addition to the guidelines for supervisor-subordinate relationships, the City also requires that intimate or romantic relationships between peers be disclosed. Employees who are involved in a peer-to-peer intimate or romantic relationship must report this to their department director and/or the Human Resources Director. This measure is to ensure that the work environment remains professional and free from any potential conflicts of interest or perceived favoritism.

By adhering to this policy, the City aims to maintain a professional and equitable workplace for all employees.



CHAPTER 1 – EMPLOYMENT

TOPIC: Education Reimbursement Plan

SECTION: 1-21

EFFECTIVE: July 1, 2020

REVISED: January 1, 2024; April 1, 2024

The education reimbursement program encourages personal development through formal education so that employees can maintain and improve job related skills or enhance their ability to compete for reasonably attainable jobs within the City of Pensacola. Individual courses that are part of a degree, licensing, or certification program must be related to the employees' current job duties or a foreseeable future position. The City of Pensacola may reimburse employees for the costs of obtaining certifications, licenses, undergraduate or graduate degrees in all full time positions with the City of Pensacola. Employees should contact Human Resources for more information about education reimbursement.

For college courses, the City encourages all employees to utilize courses offered by the University of West Florida or Pensacola State College. Approved reimbursement will be made at the prevailing hourly course rate for "in state" students, utilized at the University of West Florida or at Pensacola State College, respectively.

Employees who otherwise meet the education reimbursement criteria set forth above but who elect to attend a college or university other than the University of West Florida or Pensacola State College may receive reimbursement in an amount not to exceed the higher rate of the University of West Florida or Pensacola State College. If attending a college or university that allows a deferred payment plan, the employee is responsible for any payment to that institution exceeding the cost set forth in the above criteria. The City will not be responsible for payment to that institution, if the rate exceeds the prevailing "in state" rate of the University of West Florida or Pensacola State College.

Employees seeking to receive education reimbursement from the City of Pensacola shall accept a contractual employment condition obligating the employee to remain in the

employment of the City of Pensacola for a period of six (6) months for each fifteen (15) hours of paid reimbursement. This obligation shall be cumulative in nature. Employees who voluntarily sever employment with the City of Pensacola prior to fulfilling the employment obligations set forth above shall reimburse the City of Pensacola for any remaining balance of education reimbursement, and employees will be obligated to consent to pay such balance from any funds in the possession of or managed by the City of Pensacola before any remaining balances are paid to the terminating employee.

Employees receiving tuition payment for vocational credits such as enrollment in the fire or police academy are subject to a repayment agreement to be executed by the employee prior to entering into the vocational education program. In the event that such an employee should voluntarily terminate his or her employment with the City within two (2) years of receipt of the amount paid by the City to attend the fire or police academy, the employee shall be contractually responsible for repayment to the City of the cost incurred to attend such school. Employees will be required to consent in advance to allow the City to recoup such funds from any funds in the possession of or managed by the City of Pensacola prior to the employee receiving the balance of such funds after reimbursement has been made.

(1) Required Courses

The City will reimburse 100% of the tuition, books, and fees for any employee attaining a "C" grade or better in a course that is required by the City. Upon completion of the course, all books or course material will become property of the City.

(2) Voluntary Job-Related Courses

The City will reimburse 100% of the tuition only for any employee who voluntarily takes a course which is directly related to their job, and who attains a "C" grade or better in the approved course. The City may reimburse the costs of books with the approval of the Department Director and the Human Resources Director. Department Directors will be the signing authority on determining if a course is job related, along with review by the Human Resources Director for reimbursement purposes.

(3) Non-Job-Related Courses

The City will reimburse 50% of tuition only for any employee who voluntarily takes a course and who attains a "C" grade or better even though that course is not job related.

(4) Certifications/Licenses

The City will reimburse 100% for fees and book expenses of approved certifications or licenses that are job related.

(5) High School Diploma

Any employee wishing to obtain their high school diploma or G.E.D. will be reimbursed 100% for any tuition, book or fee expenses they may incur.

(6) Tax Status

All education reimbursements are subject to income tax laws and regulations as determined by the Internal Revenue Service. Employees may have to report any amounts received under the Education Reimbursement Plan as taxable income.

PROCESS

- 1. Prior to course registration, employees requesting education reimbursement, must submit an application for reimbursement on the Application for Education Benefits Form (PF-202), to the department director for approval. Each course must be part of a curriculum related to an employee's present position with the City or a reasonable promotional objective as determined by the Human Resources Director. Once this determination has been made, then the approved request form (PF 202) will be submitted by the department director to Human Resources, before course registration commences.
- 2. The Human Resources Director will review the application and approve. Once approved by the Human Resources Director, Human Resources will check the fund balance and, if sufficient funds are available, will notify the employee to that funds are allocated for the course. If sufficient funds are not available, the Human Resources Director will notify the employee and the director. If more documentation is needed, the employee will be notified prior to course approval.
- 3. Once approved the employee may register for the course.
- 4. In order to receive reimbursement, the employee an employee must complete the Course Completion Notification form PF-203 and submit a copy of his or her final grades and proof a payment for the course within forty-five (45) days of completion of the course, to the department director to be forwarded to the Human Resources Director for final review and payment. When an employee has received advance approval for education reimbursement, following the receipt of grades or certification/license at the end of a course, the employee must have achieved a grade of "C" or better; however, an employee will not receive reimbursement by the City for any course for which the employee has also received reimbursement or payment from any other source.



CHAPTER 1 – EMPLOYMENT

TOPIC: Prohibition on City Employee Participation in Non-City Event Committees

for City-Permitted Events

SECTION: 1-22

EFFECTIVE: October 1, 2023

REVISED: N/A

A. Purpose

To maintain the highest level of public trust and confidence in the City's operations and to ensure impartiality, this policy establishes that City employees are prohibited from serving on event committees for non-City groups if such events require permitting or approval from the City.

B. Definition

Event Committee: Any formal or informal group or organization responsible for planning, organizing, or overseeing events. This includes but is not limited to boards, councils, steering committees, and planning groups.

C. Scope

This policy applies to all City employees, irrespective of their employment status, including full-time, part-time, temporary, seasonal, and contract employees.

D. Guidelines

Policy Guidelines Regarding Event Committees:

1. **Prohibition:** No City employee shall serve on an event committee for any event hosted by a non-City group or organization if that event requires a permit or any

Section 1-22 Prohibition on City Employee Participation in Non-City Event Committees for City-Permitted Events

- kind of approval from the City of Pensacola, particularly if the employee is asked to contact or influence another City employee.
- Disclosure Requirement: If a City employee is currently serving or is invited to serve on such an event committee, they must promptly notify their immediate Director and the Human Resources Director in writing. The Director and Human Resources Director will review the involvement to ensure it does not violate this policy.
- 3. Exemptions: Any request for exemption from this policy must be made in writing to the Human Resources Director, providing a detailed justification for the exemption. The decision to grant or deny the exemption will be made on a case-by-case basis, keeping in mind the best interests of the City and its commitment to avoiding conflicts of interest.



CHAPTER 1 – EMPLOYMENT

TOPIC: Parade Participation

SECTION: 1-23

EFFECTIVE: January 1, 2024

REVISED: N/A

On an event-by-event basis, the Mayor **may** elect to make one (1) or more City-owned vehicles, trailers and/or floats available to allow members of City Council and/or City staff the opportunity to participate in the various parades held in the City throughout the year. The following policy reflects the rules, requirements and conditions for such participation, when offered.

Throughout this policy, all references to the Mayor shall mean the Mayor or designee, and all references to the Mayor's Office shall mean the Mayor's Office or other office, department, employee or representative assigned by the Mayor's Office.

PARADES

The parades the City **may** elect to offer for participation are:

- Dr. Martin Luther King, Jr. Day Parade (January 15 of each year)
- Krewe of Lafitte Illuminated Parade (Friday night of Mardi Gras weekend; date varies annually)
- Pensacola Mardi Gras Grand Parade (Saturday afternoon of Mardi Gras weekend; date varies annually)
- Fiesta of Five Flags Parade (Date varies annually from the end of May to the 2nd week of June)
- Veterans Day Parade (November 11 of each year)
- Pensacola Christmas Parade (Date varies annually but, typically, the 1st or 2nd Saturday of December)
- Other parades as approved by the Mayor

CITY COUNCIL PARTICIPATION

City Council members may utilize a City-owned vehicle to participate in any of the above parades, regardless of whether a City employee availability has been announced. Council members may request a sedan, SUV or pickup truck, and City staff will make every effort to secure the requested vehicle type, however, vehicle availability may be limited based on operational demands and no guarantee can be made regarding vehicle type. Vehicles will be assigned in the order requested. Requests, along with the required Hold Harmless Statement, should be submitted to paradesignup@cityofpensacola.com.

Councilmembers utilizing City vehicles for parade participation will be required to pay the following expenses, as/when applicable, from their discretionary fund or other funding source within the City Council's budget:

- Parade entry fees
- Driver pay
- Banners, flags and other decorations (to be acquired by the Council member)
- Branded parade "throws" or giveaways (to be acquired by the Council member)
- Safety vests and other safety gear and equipment as required
- Bottled water, soda or other refreshments
- Any other parade-related expenses

All participants are required to submit a signed Hold Harmless Statement, attached hereto as Attachment A. Anyone who has not provided a signed Hold Harmless Statement will not be permitted to participate.

City vehicles can only be driven by authorized City employees. Council members planning to participate in any parade(s) will be required to secure their driver, who must be a City employee.

An employee driving for a member of City Council can choose to volunteer but shallot be required to do so. If the employee elects not to volunteer, then the City Council member must pay the driver at the employee's normal hourly rate plus overtime and/or holiday pay, if applicable, for the entire duration of service which, typically, shall be from one and one half (1 ½) hours prior to the parade to one (1) hour after the parade. Additionally, **per Title 29 of the Code of Federal Regulations, Subsection 553.101(d)** "an individual shall not be considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer." Therefore, **all drivers whose City employment involves driving City vehicles and/or equipment as their primary job function must be paid.** If there is any question as to whether a driver is eligible to volunteer, the Council member should contact the City's Human Resources Department for guidance.

The pre-parade time will allow the driver to pick up the assigned vehicle from its usual designated parking area, meet/pick up the Council member at a pre-determined location, if desired, and arrive at the parade staging area no less than one (1) hour prior to the start of the parade, which is typically what is required by parade organizers. The post-parade time will allow the driver to deliver the Council member to a desired location and return the vehicle back to its usual designated parking area.

Council members should arrange to have all parade "throws" or giveaways accumulated at the pre-determined pickup location arranged between the Council member and their driver. Drivers may assist the Council member in loading their items but shall not be required to do so. Banners and other decorations should be affixed to the vehicle at the parade staging area (typically on Spring Street adjacent to City Hall) and all banners and other decorations must be removed prior to the vehicle being returned to its usual designated parking area. Again, the driver may assist the Council member with affixing and removing decorations but shall not be required to do so.

CITY EMPLOYEE PARTICIPATION

When the Mayor makes one (1) or more City trucks, trailers and/or floats available for City employee participation in parades, such availability will be announced as far in advance of the parade date as practical to allow for proper planning.

In such cases, the City will fund related expenses including:

- Parade entry fees
- Driver pay
- Banners, flags and other decorations (to be acquired by the Mayor's Office)
- Branded parade "throws" or giveaways (to be acquired by the Mayor's Office)
- Safety vests and other safety gear and equipment as required
- Bottled water, sodas or other refreshments
- Any other parade-related expenses

The opportunity to parade is provided as a benefit to City employees. As such, participation is strictly voluntary and participating employees shall not be paid for their participation, drivers excepted.

Eligibility and Registration

All regular full-time and part-time City employees are eligible to participate (no seasonal, temporary or contract employees). Once a parade availability is announced, eligible

employees can register to participate by email to paradesignup@cityofpensacola.com. This email should state which parade the employee is registering for and whether they prefer to ride on or walk alongside the City's entry. Additionally, the required Hold Harmless Statement, attached hereto as Attachment A, should be signed and returned as an attachment to the email. Rider spots will be assigned in the order requested until filled with a final cutoff of one (1) calendar week prior to the parade. Walker spots are unlimited unless limited by the parade organizer. It is important to note that walkers are different from Safety Spotters, which are described elsewhere herein. Walkers are full parade participants who may dance, throw trinkets, and interact with the crowd. Employees who request to ride but do not make the cut-off for the available number of rider spots will be given preference for a rider spot in a future parade of their choice and may elect to participate in the originally requested parade as a walker.

Additional rider and walker spots may be made available on an event-by-event basis for use by immediate family members of employees at the discretion of the Mayor and on a space-available basis. In such cases, the conditions for family member participation shall be set in advance by the Mayor. In no case shall a family member "bump" any employee from participating.

For each parade, the Mayor will name one (1) or more individuals to serve as Parade Captain(s) who will be responsible for certain duties described elsewhere in this policy.

Safety Spotters

Each parade requires Safety Spotters to walk on either side of pulled entries (trailers or floats) at each axle. Spotters are required to wear safety vests and their primary role is to ensure the safety of spectators by actively monitoring their surroundings, including turn radii, and alerting spectators and drivers to any hazards or unsafe conditions. They are not permitted to "throw" and must take their role seriously at all times. The City's assigned Parade Captain(s)will make every effort to recruit volunteers for this purpose. However, if an insufficient number of spotters is secured, then the difference will be made up by walkers assigned by the designated Parade Captain(s).

Decorum

Participating employees are reminded that while parading, including during pre-parade staging, they are representing the City of Pensacola and are expected to comport themselves accordingly. The designated Parade Captain(s) shall have the authority to take corrective action to address unruly, hostile or belligerent behavior, up to and including removing the offending employee(s). Any such incidents shall be reported by the Parade Captain(s) to the City's Human Resources Department within five (5) business days to determine whether any further disciplinary action may be warranted.

Preparation and Cleanup

Prior to each parade, the Mayor's Office will:

- Complete any required parade registration and pay associated fee(s), if any.
- Secure appropriate "throws" for the parade, if any.
- Secure appropriate decorations for the vehicle(s), trailer(s) and/or float(s) to be deployed.

Registered parade participants may be asked to serve on a planning/decorating committee to select the decorations and "throws," time permitting. All parade participants are expected to assist with decorating the City's entry prior to each parade and with removing all decorations prior to the unit(s)being returned to the City fleet for regular operational use. The amount of time allotted ahead of each parade for decorating and after each parade for dismantling shall be determined event-by-event based on the type of units being deployed and the owner department's operational demands for them.

If not completed in advance, Parade Captain(s) should coordinate with driver(s) to arrange for all "throws," decorations, refreshments, etc. to be pre-loaded onto the designated parade unit (vehicle, trailer or float) at its usual designated parking area prior to the parade. This may include requiring participating employees to assist. Likewise, if the unit must be returned to normal City service immediately following the parade, Parade Captain(s) should coordinate with driver(s) to remove any remaining "throws," decorations, leftover refreshments, trash, etc. from the unit prior to it being returned to its usual designated parking area. Again, this may include requiring participating employees to assist.

Themes and Costumes

If appropriate, the Parade Captain(s) with approval of the Mayor's Office, may designate a theme for the parade. This could include such things as Santa hats or "ugly" Christmas sweaters for the Christmas parade, wearing red, white and blue for the Veterans Day parade, etc. Participating employees will be encouraged, but not required, to dress in theme-appropriate attire. In the absence of theme-based attire, clothing that would normally be permitted on a Friday or other "casual day" at work should be worn.

Indemnification and Hold Harmless

All participants are required to submit a signed Hold Harmless Statement, attached hereto as Attachment A. Anyone who has not provided a signed Hold Harmless Statement will not be permitted to participate.

Driver(s)

City vehicles can only be driven by authorized City employees. The Mayor's Office or designee will secure the required number of drivers, who must all be City employees, for each parade.

An employee driving for a parade can choose to volunteer but shall not be required to do so. If the employee elects not to volunteer, then the City must pay the driver at the employee's normal hourly rate plus overtime and/or holiday pay, if applicable, for the entire duration of service which, typically, shall be from one and one half (1 ½) hours prior to the parade to one (1) hour after the parade. Additionally, **per Title 29 of the Code of Federal Regulations, Subsection 553.101(d)** "an individual shall not be considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer." Therefore, **all drivers whose City employment involves driving City vehicles and/or equipment as their primary job function must be paid.** If there is any question as to whether a driver is eligible to volunteer to do so, the Parade Captain(s) should contact the City's Human Resources Department for clarification.

The pre-parade time will allow the driver to pick up the assigned unit from its usual designated parking area, including working with Parade Captain(s) and participants to complete any pre-parade loading or other preparations, and arrive at the parade staging area no less than one (1) hour prior to the start of the parade, which is typically what is required by parade organizers. The post-parade time will allow the driver to drop participating employees off at a central location, including working with Parade Captain(s)and participants to complete any post-parade cleanup, and return the assigned unit back to its usual designated parking area.

This policy shall remain in effect until altered or rescinded by the Mayor.

ATTACHMENT A HOLD HARMLESS STATEMENT

I understand that participating in a parade has inherent risk which may result in serious bodily injury including death. I, personally and on behalf of my heirs, personal representatives, executors and assigns, hereby release, waive, discharge and covenant not to sue the City of Pensacola ("City"), its City Council, Mayor, any City department or subdivision, its employees, servants, representatives, officers, agents, volunteers, and successors and assigns, (hereinafter collectively referred to as "Releasees"), for any claims, demands, actions, causes of action, judgments, costs, expenses, court costs, attorneys' fees or other damages or liability, of any nature whatsoever, including but not limited to personal injury, property damage or wrongful death, or whether arising out of any defect, or presence or absence of any condition in or on any City property, premises, or right of way or in any City vehicle, which against Releasees I ever had, now have, or can, shall, or may ever have, upon or by reason of, directly or indirectly, relating to or arising from, my participation in the Parade.

 Signature	
Type or Print Name	
Date	



CHAPTER 1 – EMPLOYMENT

TOPIC: Employee Compliance

SECTION: 1-24

EFFECTIVE: July 1, 2024

REVISED: N/A

The objective of this policy is to ensure that all City employees comply with mandatory directives, including training requirements, policy acknowledgments, or other city-wide directives

Initial Compliance Period

Employees are required to complete all assigned trainings, acknowledge all relevant City policies, and/or review the employee handbook by the specified deadlines communicated through official notifications. Employees on extended leave (FMLA, Military etc.) during the initial compliance period will be expected to comply within thirty (30) days of their return to work.

Final Warning and Deadline

If an employee fails to meet the initial deadline, they will receive a final written warning. A final deadline, extending to no more than five (5) business days from the date of warning, will be set. Failure to comply by this final deadline will result in immediate denial of access to the City's computer systems and network.

Conditional Access Restoration

Upon a director's request, an employee who has missed the final deadline may be granted access to City computer systems and network for one (1) business day to complete the outstanding requirements. This access is conditional and solely for the purpose of fulfilling the missed compliance requirements.

Consequences of Non-Compliance

If the employee fails to comply with the mandatory directives during the one-day access period, further disciplinary actions may be taken, which could include suspension or termination of employment, in accordance with City employment policies and procedures.

This policy applies to all current and future employees of the City of Pensacola. Directors and managers are responsible for ensuring their team members receive all communications regarding all communications regarding mandatory compliance requirements and for enforcing this policy within their departments.



CHAPTER 1 – EMPLOYMENT

TOPIC: Personally Identifiable Information (PII)

SECTION: 1-25

EFFECTIVE: October 1, 2024

REVISED: N/A

A. Purpose

The City of Pensacola upholds the confidentiality and integrity of Personally Identifiable Information (PII) as defined under Florida State Statute 817.5685. The City is dedicated to preventing the unauthorized access, use, alteration, and destruction of PII.

B. Scope

This policy applies to all city departments and units, encompassing all employees, contractors, and third-party agents who manage or encounter PII in their official duties.

C. PII Definition

Following Florida State Statute 817.5685, PII includes but is not limited to a person's social security number, state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, and medical records.

D. PII Protection Principles

- Minimization: Collect only necessary PII.
- Access Control: Restrict PII access to authorized individuals.
- Encryption: Use encryption for storing digital PII that follows department or Innovation & Technology guidelines. Retention and Disposal: Only retain PII as needed and securely dispose of it in accordance with federal, state, or local statute. Refer to the City Clerk's office for guidelines on proper disposal methods.
- Incident Response: Implement an incident response plan that includes a section for PII breaches.

 Guidance on Handling PII: Users unsure about the proper handling of PII should contact their leadership or Innovation & Technology for guidance.

E. Enforcement

All persons defined in the scope are required to comply with this policy and Florida State Statute 817.5685. Violations may result in disciplinary actions in accordance with the City of Pensacola Human Resources Policy Manual's guidelines on progressive discipline and have network access revoked. Additionally, offenders may face penalties as outlined in the statute.

F. Annual Reviews

This policy will be reviewed and updated annually or as necessary to ensure compliance with legal requirements and technological changes.



CHAPTER 2 – COMPENSATION

TOPIC: Compensation Administration Plan – Overview

SECTION: 2-1

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

The development and maintenance of the Compensation Policies are the responsibility of the Human Resource Director. Department directors are responsible for the implementation of and adherence to all compensation program policies at each level of a department or organization.

The compensation administration program is the formal system for classifying positions and compensating employees of the City. It is divided into two (2) distinct plans:

The compensation plan provides a salary structure, and the components of the compensation plan. Compensation practices within an organization and relative equity to external pay rates (i.e. job market) is a key aspect of the compensation plan. Each component will be discussed in detail in this policy.

The classification plan relates to the categorization of job positions, levels of responsibilities, duties, and qualifications into various pay grades or levels, and focuses on internal pay equity.



CHAPTER 2 – COMPENSATION

TOPIC: The Compensation Plan

SECTION: 2-2

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; October 19, 2020: April 1, 2024

The Compensation Plan is designed to be a fair and equitable method of compensation for all employees of the organization. The Plan establishes a basic salary schedule, as recommended by the Human Resources Director and approved by the City Administrator. The salary structure, or pay schedule, includes the minimum and maximum rates of pay for all classes of positions included in the Classification Plan. In addition to the basic salary schedule, the Compensation Plan consists of components, including, but not limited to, market adjustments, pay for performance, and exceptional circumstance adjustments. The rate of pay set forth in this Plan does not include allowance for actual travel expense authorized and incurred as incidental to employment or overtime.

A. Components of the Compensation Plan

The compensation for each employee is the product of the salary structure and the components of the compensation plan that shall be used to adjust employee compensation. Each component of the compensation plan is subject to funding approval on an annual basis by the City Administrator and Mayor as part of the budget approved by the City Council. These components are discussed in detail in the following sections.

B. Market Adjustments

The market adjustment is the component that is used to ensure that the salary structures are adjusted to reflect changes based on economic indicators. When applicable and when funds are available and approved by the City Administrator, an increase or modification, may be applied to the salaries of all eligible employees, with the exception of those salaries set by state or local legislation. When an employee's current salary exceeds the maximum of the assigned pay grade, the employee's base salary will be "red circled", or frozen, until the current salary falls within in the assigned range for the pay grade.

C. Exceptional Circumstances Adjustments

When it is asserted by a department director that an employee's salary requires adjustment based on one of the following reasons:

- 1. Pay Adjustment due to added higher level duties Job audit by Human Resources validates the addition of significantly higher-level duties, responsibilities, qualifications, etc. The Human Resources Director may recommend up to ten (10%) percent base pay increase for approval by the City Administrator.
- 2. Pay Inconsistency Inequities up to fifteen (15%) percent as determined by the Human Resources Director and approved by the City Administrator; and
- 3. Employee Retention purposes If job knowledge, skills, performance, and difficulty in recruiting an equally qualified replacement is validated by the Human Resources Director, a recommendation of up to twenty-five (25%) percent may be forwarded to the City Administrator for final approval.

If approved, the respective department is responsible for funding the budget modification. If funds are not in the budget, the department director shall seek approval of the Finance Director.

Exceptional circumstances adjustment requests, together with the required documentation (i.e. offer letter from an outside employer), must be submitted to the Human Resources Director. The Human Resources Director shall review a request for any exceptional circumstances adjustment for compliance with this policy, before forwarding the request along with his or her recommendation to the City Administrator.

D. Effective Date of Salary Adjustments

The effective date of any salary adjustment shall be determined by the department director in consultation with the Human Resources Director and Finance Director or designee and typically should be at the beginning of a pay period. If funding is not available and not approved, then a request may be submitted to the Finance Director, for inclusion in the budget for the following fiscal year budget.

E. Starting Rates for New Employees

In most cases, a new employee meeting minimum qualifications shall be paid the minimum rate of the pay grade. Exceptions may be approved by the department director, the Human Resources Director and/or the City Administrator, as set forth below. For all employees, approval authority is delegated to department director for starting salaries begin no more than ten percent (10%) above the minimum pay of appropriate salary

range. Request for starting salaries that exceed 10% and/or fall within the first quartile of the pay range for the position of the established annual salary range shall require approval by the Human Resources Director. Any salary offer that is above the first quartile requires the concurrence of the Human Resources Director, Finance Director and approval of the City Administrator.

The following are examples of cases in which an exception might be approved as specified in the above guidelines:

- 1. If a tentatively selected candidate's qualifications significantly exceed the minimum qualifications stated in the job posting and they will not accept appointment at the minimum rate of the class, the candidate may be appointed at a higher rate. These cases should be thoroughly analyzed and measured against objective qualification standards and reviewed and compared with the salaries of current employees in the class by the Human Resources Compensation Administration unit and approved by the Human Resources Director of up to the first quartile.
- 2. Difficulty in recruitment may justify a higher rate. If difficulty in recruitment at the minimum rate in the salary range persists, the Human Resources Director and City Administrator shall be consulted and approval given first before assigning a higher hiring rate within the pay grade as long as the salary offer is within the first quartile of the established salary range. Appropriations for funding positions above the minimum rate must be secured within the framework of the budget of the department employing the individual. Any recommendation exceeding the first quartile will be forwarded by the Human Resources Director to the City Administrator for final approval. The City Administrator may approve or reject the request. Such circumstances (e.g., tight labor market, education and/or experience levels which are significantly above minimal job requirements) should be documented and verified by the Human Resources Compensation Administration unit.

Department directors will be held accountable and must make every effort to ensure internal pay equity in their department. Human Resources will review all practices to ensure appropriate pay equity across all departments.

F. Employee Communication and Rights

Employees should receive written notification of any increase to their base pay from their supervisor. Supervisors should not communicate any increase or promise to increase employee compensation unless they receive a written notice of approval from the Human Resources Director to do so. Employees who have issues or concerns with their

compensation (for other than EEO reasons) should discuss the matter with their supervisor and contact Human Resources for additional guidance and assistance.

G. Annual Salary Schedule Determinations

The City salary pay schedule should be reviewed on an annual basis in line with that of World at Work Compensation Organization, using the first quarter of the Fiscal Year's CPI Index (Bureau of Labor Statistics), and/or comparable survey data. Based on this information, the Human Resources Director may recommend via the Finance Director to the City Administrator consideration for a salary schedule adjustment tied to the September 30th CPI. If approved, a an across the board increase, commonly referred to as a Cost of Living Adjustment or COLA, would be implemented in the following fiscal year. The Human Resources Director shall complete a CPI adjustment review and recommendation to the City Administrator with a copy to the Finance Director for review and consideration by May 1 of each year based on the September 30th CPI data and analysis.

H. Annual Base Salary Adjustments

The maximum possible COLA increase applicable to probationary employees (i.e., those hired during the current fiscal year) shall be the same as that of other regular employees. All employees must be actively employed in their assigned position on or before September 30th preceding the next fiscal year (FY) in order to be eligible for any approved annual COLA adjustment. NOTE: Employees in a bargaining unit are subject to the negotiated compensation benefits specified in their respective collective bargaining agreements.

I. Rehired Employees

Rehired employees include those individuals who were previously employed by the City, terminated their employment (former employee) or retired (retiree) and are now seeking re-employment. The City shall in all cases retain the sole discretion for rehiring an individual and neither retirees nor former employees have any additional or special rights by virtue of this policy. Restrictions for rehiring retirees who have retired under FRS, the City's Defined Benefits Plans and DROP apply.

J. Former Employees

For the purposes of determining service awards and any other program based upon length of service as eligibility criteria, an employee who left employment with the City Section 2-2 The Compensation Plan

while in good standing and is rehired within one year, shall receive prior service credit for their previous full-time tenure with the City and given an adjusted hire date to be calculated by Human Resources, provided they gave appropriate notification of resignation and worked throughout their notice period. Persons rehired after one year has passed will be treated as a newly hired employee with no credit for previously worked time.

K. Retirees of the City of Pensacola Statement of Policy

The City recognizes the valuable service provided by long-tenured employees and provides a retirement program for employees who have reached the end of their City career. As such, it is policy that employees who have achieved FRS retirement status will not normally be reemployed in a regular position status for a period of one (1) year. A retired employee may provide services through an outside agency.



CHAPTER 2 – COMPENSATION

TOPIC: Compensation Adjustment

SECTION: 2-3

EFFECTIVE: October 1, 2019

REVISED: 1/6/2020; 4/1/2020; 7/1/2022; 1/1/2024; 10/1/2024

A. Employee Lateral Transfers, Promotions and Reassignments

An employee may transfer to another department or office after serving six (6) months in their current position and in the same classification/grade; such transfer shall not change the employee's pay rate.

Employees are eligible to apply for promotional positions after successful completion of their six (6) month probationary period, except for public safety positions (firefighters and law enforcement).

The department director in consultation with the Human Resources Director may also direct a reassignment of an employee to another job or position based on mission needs or exigencies of the service.

B. Temporary Work at a Higher Classification

An employee may be required to work in a higher classification on a temporary, incidental, or emergency basis and may do so for a period of thirty (30) consecutive days or less at no increase in pay. If the employee is required to perform the full duties and responsibilities for a period exceeding thirty (30) consecutive days, the employee shall be given a temporary assignment and be paid the appropriate rate for the higher classification. Pay shall be applicable only when such vacancy has resulted from illness, an on-the-job injury or a job vacancy. A vacancy is defined as a position duly created and still existent, but not occupied by an employee. Therefore a vacancy must exist before higher classification pay is authorized. At the conclusion of the appointment, the employee's pay shall revert to the authorized rate established for the regular position. Any such temporary increase granted shall not affect the employee's eligibility for normal pay for performance increases. Temporary assignment may not exceed six (6) months without

written approval for extension by the Human Resources Director and the City Administrator. The Human Resources Director and the City Administrator, at the request of the department, may authorize one (1) additional six (6) months extension. After the additional six (6) month extension, no further extension shall be approved for the position unless approved by the Human Resources Director.

C. Promotional Increase Policy

When an employee is promoted to a higher grade position, he or she will be entitled to a minimum of ten percent (10%) increase in pay or the minimum of the new pay scale, whichever is greater. Such salary shall not be lower than the grade minimum or such salary shall not exceed the maximum of the pay grade for the promoted position.

D. Reclassification Promotions

If a reclassification results in an employee occupying a position of higher class and pay, the employee may be promoted, without competition, to the higher class. In cases where promotion occurs as a result of a reclassification, the employee's salary will increase at least to the minimum salary of the new pay grade. If an employee is reclassified one (1) grade higher, the increase will be at least the minimum salary of the new pay grade or up to ten percent (10%) more than the previous salary. A pay action request is needed if the reclassification results in two (2) or three (3) grade increases, the employee shall receive at least the minimum salary of the higher class or up to fifteen percent (15%) more than the previous salary, but not to exceed the maximum of the range. If the reclassification is four (4) or more grades higher, the employee shall receive at least the minimum salary of the new pay grade or up to twenty percent (20%) more than the previous salary, but not to exceed the maximum of the range.

E. Procedures for Determining Promotional Increase

The department director will recommend the amount of the promotional increase within the standards stated in this policy. The Human Resources Director will review the recommendation for appropriateness and internal equity. Promotional increases are not to exceed the maximum of the range.

Final approval for all promotional increases must be made by the Human Resources Director. The Human Resources Director may recommend an additional five to ten percent (5-10%) of current pay if warranted. The final decision regarding a promotional

increase shall reflect the promoted employee's experience and qualifications in comparison based on pay equity considerations with other employees' backgrounds in the same job. If the department director deems that the promotional guidelines as aforementioned do not fulfill this requirement, the department director may request an additional promotional adjustment through the Human Resources Director but not more than ten percent (10%) for the employee. In the event that a department director and the Human Resources Director do not agree on a promotional increase, the department director may appeal the matter to the City Administrator for final disposition.

F. Disciplinary or Involuntary Demotions

The department director shall furnish a written letter of intent to demote to the employee detailing the reason(s) for the action, the pay adjustment and a notification of the right to appeal as applicable.

The rate of pay for an employee that is demoted for disciplinary reasons shall be reduced at a minimum of ten percent (10%) for up to three (3) grades demotion, or to the rate applicable to the new position as determined by the department director and approved by the Human Resources Director. A demotion of four (4) grades or more shall result in a reduction in salary of at least fifteen percent (15%) or to the rate applicable to the new position as determined by the department director and approved by the Human Resources Director.

In instances where the demotion would place the new salary above the range for the position that the employee is demoted to, the salary shall be adjusted so as not to exceed the maximum pay of the pay grade. Exceptions to this policy require written justification from the requesting department and approval by the Human Resources Director.

G. Reclassification Demotion

If a reclassification results in an employee occupying a position of lower class and pay, the employee shall be demoted to the lower class. In cases where demotion occurs as a result of a reclassification, the employee shall be allowed to continue at his or her current rate of pay.

H. Voluntary Demotion

An employee may be demoted at his or her own written request to a vacant position in a lower class, subject to the approval of the department director and the Human Resources Director. The Human Resources Department shall determine whether the employee meets the minimum qualifications of the lower class of position.

Employees who voluntarily demote shall have their rate of pay reduced up to five percent (5%) for one (1) grade and up to ten percent (10%) for a two (2) or three (3) grade demotion, or to the rate applicable to the new position as determined by the department director and approved by the Human Resources Director. A demotion of four (4) grades or more may result in a reduction in salary up to fifteen percent (15%) or to the rate applicable to the new position as determined by the department director and approved by the Human Resources Director.

In situations where the top of the range for the position that the employee is demoted to is lower than projected new pay rate, the salary shall be adjusted to the maximum pay of the new pay grade. Exceptions to this policy require written justification from the requesting department and approval by the Human Resources Director.

I. Involuntary Demotion Based on Poor Performance

An involuntary demotion may also occur based on unacceptable job performance. With this type of demotion, a Performance Improvement Plan (PIP) documenting the performance is required.

A demotion based on "unacceptable job performance" requires completion of a PIP resulting in an overall "fails to meet" performance rating. The new rate of pay is recommended by the department director or City Administrator and approved by the Human Resources Director.



CHAPTER 2 - COMPENSATION

TOPIC: Overtime

SECTION: 2-4

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; July 1, 2021; January 1, 2022

All employees may be required to work overtime upon the request of the immediate supervisor, or the department director. It is the policy of The City to strictly comply with the Federal Fair Labor Standards Act (FLSA) with regard to overtime policy for non-exempt employees.

A. Overtime Policy for Full-time Non-exempt Employees

Upon authorization for overtime worked, the supervisor shall clearly communicate to non-exempt employees the method of compensation.

The base workweek or work cycle shall normally only include actual Hours Worked, State of Emergency Leave (SEL), Holiday hours, Personal Time Off (PTO), Personal Holiday, Auxiliary PTO, Funeral Leave and Jury Duty. Time off because of an on-the-job injury, Administrative Leave and Leave Without Pay (LWOP) will normally not count toward the hours worked in the work cycle for overtime purposes.

B. FLSA Section 207(k) Public Safety Employees

Employees engaged in fire protection and law enforcement activities, including correctional officers, on behalf of a public sector employer are subject to liberalized overtime standards under section (7)K of the FLSA. Certain cross-trained emergency medical service personnel often qualify as well. Fire protection employees are eligible for overtime based upon a declared work period which may range from not less than seven (7) days nor more than twenty-eight (28) consecutive days and two hundred twelve (212) hours. The overtime standard ranges from fifty-three (53) to two hundred twelve (212) hours depending upon the length of the work period. The work period rather than the shift cycle, determines when overtime must be paid. For law enforcement personnel and correctional officers, the standard for a seven (7) to twenty-eight (28) day work period Section 2-4 Overtime

ranges from forty-three (43) to one hundred seventy-one (171) hours. Human Resources shall determine which protective service occupations may work under the work cycle system. Non-exempt Public Safety employees, working on a work cycle will receive time and one-half (1.5) for those hours that exceed the maximum for the work cycle. Each department director shall determine the average scheduled number of hours worked in a year. The hourly rate is calculated by dividing the annual base salary by the number of hours scheduled for the year.

C. FLSA Section 213 (a) (3) Fully Exempt Seasonal/Recreational Employees

According to Section 213(a)(3) of the Fair Labor Standards Act, certain seasonal and/or recreational employees are exempt from the overtime provisions of the law. This exemption applies to any employee who is employed in a recreational establishment, organized camp, or non-profit educational conference center if: a) the establishment does not operate for more than seven (7) months in any calendar year; OR b) during the preceding calendar year, its receipts for any six (6) months of the year were not more than thirty-three and one-third (33 1/3) percent of its average receipts for the other six (6) months of the year. As a matter of policy, persons employed by the City, in a capacity falling within the above referenced FLSA exemption shall be paid straight time for all hours worked.

D. Overtime for Part-time Non-exempt Employees

Part-time, non-exempt employees who work more than their normal work schedule but less than the FLSA maximum hours for the appropriate work cycle will be paid at straight time. When hours worked exceed FLSA maximums for the appropriate work cycle, part-time employees will be paid overtime at time and one-half (1.5) of the regular rate.

Section 2-4 Overtime 90



CHAPTER 2 – COMPENSATION

TOPIC: Amendment of Salary Administration Plan

SECTION: 2-5

EFFECTIVE: October 1, 2019

REVISED: N/A

The City Administrator shall have the authority to approve all classifications, reclassifications, pay adjustments that are within the pay range of the position, and final decision authority regarding any disputes regarding pay and benefits.

The City Administrator, when necessary, may request a meeting with the Human Resources Director for the purpose of amending the Salary Administration Program and to conduct a salary and wage competitiveness survey. Based upon this review, the Human Resources Director will present recommendations for revisions in the Salary Administration Program to the City Administrator for appropriate action.



CHAPTER 2 – COMPENSATION

TOPIC: Interim Pay Policy

SECTION: 2-6

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020

The purpose for this policy is to provide a salary adjustment to employees who are placed in an interim position. An individual serving on an interim basis in a position at a higher salary will receive interim pay if the position will be vacant for at least thirty (30) days.

Interim Pay Amount:

The following adjustments will be provided to an employee who is in the interim position based on the following criteria:

- 1. Employees will be moved to the entry level pay of the job grade of the vacant position or the employee will receive a fifteen percent (15%) increase, whichever is greater. In cases where exceptional skills or qualifications warrant, higher compensation, the City Administrator may approve an additional increase if recommended by the Human Resources Director and funds are available.
- 2. At the end of the interim term, the adjustment will be eliminated and the employee will return to their previous salary. There will be no exceptions to this guideline, unless approved by the City Administrator.

Approval:

All interim salary adjustments must be approved in accordance with this policy before any salary adjustment is to be implemented. All salary adjustments will be implemented at the beginning of the pay period following approval. Adjustment will not be made during a pay period.

Procedure:

All salary adjustments must be submitted in writing to the Human Resources Director and must include the following:

- 1. A memorandum justifying the salary adjustment including the names of both the person who will be off duty (i.e. LWOP) or on a leave of absence and the person qualified to be placed in the interim position.
- 2. A time frame that states the length of the salary adjustment, not to exceed ninety (90) days.
- 3. If more than ninety (90) days is needed, another request justifying the need should be submitted in writing to the Human Resources Director and will require the appropriate approval of the City Administrator.



CHAPTER 2 - COMPENSATION

TOPIC: Position Classification Plan

SECTION: 2-7

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; April 1, 2023

The City Administrator shall have the authority to approve all classifications, reclassifications, pay adjustments and final decision authority of classifications, except as otherwise provided.

A. Purpose of the Plan

The position classification plan provides a systematic arrangement of the positions in the City workforce. The plan groups the various positions into classes with appropriate titles, description of duties, responsibilities, and types of work performed. Each description lists the minimum requirements and qualifications needed to perform the job. By describing job duties, responsibilities, and qualifications, the classification plan provides guidelines for establishing a pay plan based on these relationships.

B. Uses of the Plan

The Classification Plan shall be used to:

- 1. Establish qualifications and scope of work for each position; prepare examination announcements, and examination content
- 2. Determine salaries to be paid for the various classes of work.
- 3. Determine lines of promotion.
- 4. Develop an employee training program.
- 5. Provide an understandable and uniform terminology of jobs.

C. Content of the Plan

The Classification Plan shall consist of a grouping of positions into classes on the basis of approximately equal difficulty and responsibility which require the same general qualification, and which can be equitably compensated within the same pay grade.

There are two types of classification titles:

- Approved Job Title is recommended by the Human Resources Director and approved by the City Administrator and cannot be changed by a department director. When warranted, the Human Resources Director may recommend a job title change for approval at any time to the City Administrator.
- Working Job Title may be changed by a department director upon written notice to Human Resources. Prior to changing the Working Job Title, a department director must consult with the Human Resources Compensation Administration Unit. Human Resources shall update records to reflect any "working" job tile changes.

The City Human Resources Compensation Administration unit shall administer a job title system that groups non-represented jobs into related and logical progressions. Jobs are organized by field, which is a broad occupational grouping (for example, Information Technology would be a job field). Within each field is a group of job families, which are more specific, such as the Database Administration family. Within each family are categories of jobs, which describe the nature of work performed, such as Professional or Supervisory & Managerial. Lastly, within each category there are different levels of jobs. For example, for professionals within the Database Administration family there may be a Database Administrator 1, 2, 3, 4 and 5. Not all families have every category or level, only those that are required to represent current jobs.

By developing organization-wide career progressions, job families can serve as a starting point for our discussions around career development. Jobs in the new structure shall be assigned new, standardized titles. The new titles are based on industry-standard job titles, which are commonly found in government organizations nation-wide and in professional salary surveys.

The intent is that all employees who perform the same type of work at the same level of expertise will be assigned the same organization-wide job title and pay grade

The Approved Job Title, indicative of the work of the class, shall be used on all personnel, accounting, budget and related official records. No person shall be appointed to a position that is not a job title approved by the Human Resources Director and City Administrator.

Written job descriptions for each job classification containing the nature of work and relative responsibilities of the class, typical illustrative tasks found in the class, Section 2-7 Position Classification Plan

requirements of the class setting forth the necessary knowledge, skills, and abilities required for adequate performance of the work, and the desirable experience and training needed for recruiting to the class will be drafted and maintained by Human Resources.

D. Adoption of the Classification Plan

The Classification Plan shall be prepared by the Human Resources Director with such assistance as necessary and shall be presented to the City Administrator for final approval.

E. Changes in the Classification Plan

The addition of new classes or deletion of existing classes shall be accomplished in the same manner as the original adoption of the Classification Plan.

F. Maintenance of the Classification Plan

Human Resources shall be charged with the responsibility of maintaining the Classification Plan and providing for the continued, proper allocation of the employees in the classified City positions:

- On the basis of studies made by Human Resources on new or proposed positions and on the recommendations resulting there from, the Human Resources Director shall, place the position in the proper class reflecting the duties and responsibilities of the work.
- On the basis of studies made by Human Resources and on the recommendations resulting there from, the Human Resources Director may propose to the City Administrator a reclassification of positions to the proper classification for his or her approval.

G. Position Descriptions (Class Specifications)

Class specifications are very general descriptions of the duties and tasks of positions in the organization. Employees shall have a class specification associated with their official position. It shall describe examples of actual tasks performed in a generic manner, including the essential functions of the position and physical abilities generally required to perform those essential functions. An approved position description template by the Human Resources Director shall be used by all department directors at all times.

H. Official Copy of Class and Position Descriptions

A master set of all approved class and position descriptions, which shall constitute the official Classification Plan, shall be maintained in Human Resources. The official copy shall show all amendments to the original plan. All approved job classes can be found in the Human Resources website.

I. Titles of Positions

The approved job title of a position shall be used to designate the position in all budget estimates, payrolls and other official records, human resources documents, vouchers and communications in connection with all personnel processes. Other working titles may be used for a position, if desired, by the Appointing Authority for purposes not involving an official personnel process. Approved job titles may be changed only with the approval of the Human Resources Director.

J. Minimum Qualifications

Minimum qualifications are comprehensive statements of the minimum skills, experience, education and abilities necessary to perform the essential functions of the job.

K. Procedures for the Allocation of Positions

Human Resources is responsible for ensuring that all classified positions are allocated and, after consulting with the affected employee(s) (if applicable) and his or her department director, recommending the appropriate class of each position.

Every position shall be placed in the appropriate class before final administrative action can be taken on appointments, transfers, promotions, changes in pay grade or payment of salary involving the position. Those positions which are sufficiently similar with regard to duties performed, level of responsibility, minimum requirements of training, experience, or skills and which merit approximately equal pay shall be allocated to the same class.

A complete set of written specifications for each job classification including any special entrance qualifications for particular classes shall be maintained by Human Resources. When new positions are approved in the budget, Human Resources shall create new class specifications and assign them to an appropriate class.

In order to propose a new position, a department director shall provide to the Human Resources Director a job description of the position, a completed job content Section 2-7 Position Classification Plan

questionnaire and both current and proposed organization charts. A field audit and/or oral interview with a department representative shall be required by Human Resources in order to verify the information provided on the questionnaire. The Human Resources Director or the designee conducts a market analysis of the position to determine appropriate pay grade and salary range of the position, and then recommends approval to the City Administrator or designee all proposed actions for reclassifications, additions, deletions and reallocations.

L. Procedures and Conditions for the Reallocation of Vacant Positions

The Human Resources Director may recommend approval to the City Administrator or designee for the reallocation of existing vacant positions when it is determined that the position is incorrectly allocated. Such action is called reallocation and must be approved by the City Administrator or designee. The City Administrator may reallocate a vacant position when provided with appropriate justification from the department director.

Reallocations may occur as the result of the conditions described below:

- 1. The position was incorrectly allocated initially and there have been no substantial changes in duties; or
- There has been a substantial change in the duties and responsibilities or qualifications associated with a position since it was allocated to a particular class.

M. Procedures for the Re-grading of Positions

The Human Resources Director may recommend approval to the City Administrator or designee for a change in pay grade of existing positions when it is determined through re-evaluation of the position that the pay grade needs to be adjusted. Such action is called re-grading and must be approved by the City Administrator or designee. Re-grading may occur as a result of the position being re-evaluated when compared to comparable jobs within the market without any substantial changes in duties. If a position is assigned a higher pay grade than the current classification, such action is considered an upgrade of the position. In order for a position to be re-graded to a higher position, the job duties and responsibilities must have changed by a minimum of fifteen percent (15%). Any position re-grade or higher level changes not meeting the fifteen percent (15%) change in duties and responsibilities of the position shall not merit a shift in pay grade or any salary movement.

N. Updating the Classification Plan

To fill a job vacancy, the department director must initiate a request which will include a statement that the essential job functions and qualifications are still the same, or if different, must include a position description questionnaire form outlining the current duties and responsibilities for the position. When a department is reorganized, the department director shall submit new position description questionnaires for all affected positions, including justification for re-organization showing significant cost reduction, improved productivity and efficiency as a result of the reorganization. In addition, the department director shall furnish department organization charts (old and new), and qualifications of each incumbent (if position was advertised only for internal candidates) of the new position to the Human Resources Director.

Any change, except as indicated in these policies, in the Classification Plan, such as establishing new classes, abolishing classes, reallocating classes or pay grade changes for classes require the prior approval by the Human Resources Director and approval by the City Administrator or designee if it impacts current fiscal year budget.

O. Departmental Reorganization/Reclassification Policies and Procedures

At the direction of the Mayor, the City Administrator shall have the authority to approve all classifications, re-organizations, and reclassifications; pay adjustments of base pay and final decision authority of classification matters.

1. Introductions

The classification system was designed to group positions together which have similar duties, have approximately the same levels of complexity and responsibility, require similar training and experience at the time of recruitment, and uses pay grades which allow for compensation within the same pay ranges for comparable positions. Reclassification of an existing position shall be based upon changes in duties and responsibilities in a position such that the new job duties and responsibilities are no longer appropriately placed in the current compensation system within the department. Such changes should be reflected in factors as increases in the level of training or skills, knowledge, responsibility, scope of supervision (if applicable), working conditions and accountability. The Reclassification System should not be used to reward or punish an employee's performance, circumvent raise recommendations, to recognize an incumbent's workload, dependability, loyalty or financial need. Reclassification may result in a position upgrade that necessitates an increase in salary or it could result in a position downgrade to a lower pay grade.

In an effort to reduce costs, improve efficiency and productivity, department directors may have a bona-fide need to reorganize their department, create new position(s), eliminate unnecessary position(s), or reclassify existing position(s). Prior to attempting to implement a reorganization, department directors should initiate a discussion with the Human Resources Director, Finance Director, and perhaps the City Attorney's Office, as applicable, to help determine the feasibility, appropriateness, compliance with all applicable employment laws (i.e., FLSA, Equal Pay Act, etc.) and organizational savings associated with the proposal.

2. Overview

Any requests for reorganization must first be submitted to the Human Resources Director for initial review. The Human Resources Director shall recommend to the City Administrator suitable action. Justification to meet new or changing mission priorities, overall net cost-savings and/or data supporting any improvement or efficiency resulting from departmental reorganization. Availability of appropriate funding in current budget for the position(s) in question, consolidation of duties, responsibilities, etc., that will produce tangible efficiencies in operations or measurable quality of customer service.

3. Special Note

Any requests for departmental reorganization / reclassification not in conformance with this policy will not be processed by Human Resources.

4. Submission Procedures to Human Resources

The department director must attach a memo that will help make a business case for the reclassification or reorganization request. The following items must be provided by department director to the Human Resources Director when submitting a reclassification or re-organization proposal:

- a. Position control or funding information for current and proposed organization (obtain from finance department);
- b. Name, pay rate and grade for all incumbents;
- c. Position(s) that will be abolished, respective savings, productivity and efficiency improvement to be realized;
- d. Addition/deletion of duties and responsibilities for all positions that are proposed for reclassification;
- e. Current and proposed organizational charts (for your department);
- f. Proposed job description for all positions and position questionnaires as appropriate; and

g. Availability of funding in the current Fiscal Year to support the reorganization.

Plans to request a review of next fiscal year's positions shall be forwarded to the Human Resources Director. A preliminary review of position(s) shall be performed by Human Resources. If recommended by the Human Resources Director and approved by the City Administrator, specific positions can be budgeted as part of the fiscal year budget process.

Any request will not proceed without these documents. The length of time for the review or reclassification requests by Human Resources will depend on factors such as the complexity of the review and the number of reclassification and/or reorganizations that are in process.

P. Conducting a Job Audit

From time to time, the Human Resources Director may order an audit of a single or multiple position(s) in one department, selected departments, or all departments, as deemed necessary. Should the Human Resources Director order an audit, the results of the audit will be made available to the City Administrator and department directors.

- 1. The process of the job audit is as follows:
 - a. A representative of the Human Resources Compensation Administration Unit is directed by the Human Resources Director to conduct an audit. The Human Resources Director will coordinate with the department director confirming the date, time and place of the audit.
 - b. The department director shall notify incumbent(s) of the position(s) of audit date.
 - c. A Compensation Administration representative shall utilize an approved Job Audit form and/or Position Description Questionnaire (PDQ) for this purpose. The cooperation of employee/supervisor are required.
 - d. A Compensation Administration representative may interview the department director, manager, immediate supervisor, and/or incumbent.
 - e. Results of the audit shall be forwarded to the Human Resources Director.
 - f. The Human Resources Director shall notify department director of the results of the audit.
 - g. A copy of the audit result(s) and Compensation Administration recommendations may be forwarded to the City Administrator for review and approval of changes, to include financial approval if required.

h. Ensure that all job descriptions include a statement as a final duty, "Other duties as Assigned".

2. Job Audit or Reclassification Requests.

The department director shall review each employees request first and, if deemed appropriate, recommends or submits the request to the Human Resources Director.

Q. Administrative Review of Reclassifications, Reallocations and Reorganization

1. Employee Initiated

Any employee who feels that his or her position was adversely effected by a reclassification, reallocation and/or reorganization may seek reconsideration of the adverse action by submitting to his or her department director the reasons the adverse action was inappropriate. If the department director deems that reconsideration is appropriate, the department director shall complete the steps under department director initiated appeals below. If the department director/division administrator does not believe that reconsideration is appropriate, the department director shall provide the employee with a written explanation why reconsideration in not appropriate.

2. Department Director Initiated.

Of his or her own will or at the request of an employee, a department director may seek reconsideration of any position adversely effected by a reclassification, reallocation, and/or reorganization. In order to seek a reconsideration, the department director shall submit the following to the Human Resources Director:

- a. Position control information for current and previous position (obtain labor funding rates for positions from the Finance department);
- b. Name, pay rate and grade for the position at issue;
- c. Addition/deletion of duties and responsibilities for the position at issue;
- d. Current and proposed (if reconsideration granted) organizational charts (for your department);
- e. Proposed job description for position at issue; and
- f. Availability of funding in the current or following Fiscal Year to support the reconsideration.

Upon receipt of this information, the Human Resources Director will reconsider the adverse impact upon the position at issue. If the Human Resources Director grants the reconsideration, steps will be taken to institute the reconsideration. If the Human Resources Director denies the reconsideration, the department director will be provided a written explanation why the reconsideration was denied.



CHAPTER 2 – COMPENSATION

TOPIC: City Performance Management System (CPMS) – Overview

SECTION: 2-8

EFFECTIVE: October 1, 2019

REVISED: N/A

Performance management systems are designed to support organizational goals and strategic plans, decisions related to training and career development, compensation, transfers, promotions, and reductions-in-force or employment termination. Generally, the performance review process includes setting clear and specific performance expectations for each employee and providing periodic informal and/or formal feedback about employee performance relative to those stated goals.

The City Performance Management System (CPMS) review process is designed to ensure that regular City employees know what is expected in their performance and current progress related to their duties.

Organizations can prevent or remedy many performance problems by ensuring that twoway conversations occur between supervisors and employees, resulting in a complete understanding of what is required, when it is required, and how everyone's contribution measures up. Everyone benefits when:

- The employee knows exactly where he or she stands in relation to achieving goals and reaching performance milestones that contribute to career development, promotions, and more.
- The supervisor gains insights into the motivations of the people working for him or her through the required conversations.
- The organization retains motivated employees who understand their role and the roles of others in contributing to the overall success of the organization.

Effective performance management systems typically include the following three broad elements: (1) goal setting, (2) performance review, and (3) a performance improvement process.



CHAPTER 2 – COMPENSATION

TOPIC: Goal Setting

SECTION: 2-9

EFFECTIVE: October 1, 2019

REVISED: N/A

Goal setting is a process of establishing objectives to be achieved over a period of time. It is the performance criteria an employee will be evaluated against. Performance goals for individual employees should align with City-wide objectives, competencies and organizational goals and job specific performance requirements.

Common types of goals include the following:

- Job specific goals. Goals may be based on the achievement of a pre-established set of job duties within the scope of the description. These goals are expected to be accomplished continuously until the job description changes. Examples might be financial, customer oriented, or process- or system-oriented goals.
- Project or Strategic goals. Goals may be based on achievement of a project or objective. These goals may be set for a single year and changed as projects are completed. While job descriptions provide general guidance on the position's duties and responsibilities, project goals provide specific objectives for the individual employee with time frames or deadlines for specifying when the objectives should be met.
- Behavioral goals. Goals may be based on certain behaviors. These goals are
 expected to be accomplished continuously. Behavioral goals are "how" things
 need to be accomplished, such as fostering teamwork or treating customers with
 understanding and respect.
- Stretch goals. Goals that are especially challenging to reach are sometimes
 referred to as "stretch goals". Stretch goals are usually used to expand the
 knowledge, skills, and abilities of high-potential employees and should be based
 on "measurable outcomes."

In addition to focusing only on a few major goals during a single year, the goals should be SMART:

Specific, clear, and understandable.

Measurable, verifiable, and results-oriented.

Attainable, yet sufficiently challenging.

Relevant to the mission of the department or organization.

Time-bound with a schedule and specific milestones.

Examples of effective goals include statements such as:

- Increase customer satisfaction by 10 percent (10%) during the first quarter.
- Reduce budgeted expenses by 25 percent (25%) as compared with the prior year's actual costs.
- Decrease employee unscheduled absences from three days to one day per quarter.

Finally, effective goals should be participative. Both supervisor and individual should be involved in the development of goals to ensure understanding and commitment. It is very important that both parties reach an understanding that any specified goals should be attainable in the period designated. Goals should be documented in the City Performance Management System (CPMS), available for review, managed on a continuous basis, and acknowledged.

Goals should also be flexible enough to account for changing conditions. When situations occur that require modification of performance goals or objectives, the employee and supervisor should meet and initial off & date the specific modified goals to document the change.



CHAPTER 2 - COMPENSATION

TOPIC: Performance Review

SECTION: 2-10

EFFECTIVE: October 1, 2019

REVISED: October 19, 2020; January 1, 2024

Performance review is the process of assessing an employee's progress toward goals. Strengths and weaknesses of all employees are recorded regularly so that the organization can make informed and accurate decisions regarding an employee's contribution, career development, training needs, promotional opportunities, pay increases, and other topics. Performance review and evaluations involve the objective and subjective consideration of how to measure and evaluate employee performance results.

Recommendations for an effective performance review process include:

- A feedback process that is continuous and timely throughout the review period so that employees know how they are doing and what is expected.
- A dialogue that includes performance feedback measured against clear and specific goals and expectations established at the outset of the performance management cycle.
- A process for acknowledging the outcomes of the performance review process that is documented between the supervisor and the employee.
- A two-way individual conversation between the supervisor and the employee (preferably face-to-face) at least twice a year.

Employee performance evaluations will be conducted over a twelve (12) month period to determine if job performance "meets or exceeds performance expectations." Failure to meet minimum expectations may result in a ninety (90) day PIP (see below) or termination.

For all regular City employees, performance evaluations will be completed annually and documented using the City of Pensacola's performance evaluation system. This system is used for, but not limited to, the following purposes:

Documenting employees' work performance and behavior.

- Providing written feedback regarding employees' strengths and developmental needs.
- Providing recommendations and expectations for improvement, to include minimum performance standards for the position.
- Aiding the City Administrator in improving the effectiveness and efficiency of the City employees, operations, and ability to meet and align with mission requirements.
- Providing the required documentation for any subsequent job performance recognition, and qualifications for promotions.



CHAPTER 2 – COMPENSATION

TOPIC: Performance Improvement Plan

SECTION: 2-11

EFFECTIVE: October 1, 2019

REVISED: January 1, 2024; July 1, 2024

The use of a performance improvement plan (PIP) can range from employees who may be new to a role and require further development of job skills, knowledge, or understanding or who are unclear on performance expectations to employees who are regularly falling short of meeting performance expectations.

The documentation in NEOGOV will be used to guide the process. It is a critical tool as it helps facilitate performance discussions, records areas of concern and ways to correct them, and serves as legal and decision-making documentation. The PIP should include the following components:

- Employee information;
- Relevant dates:
- Description of performance discrepancy/gap;
- Description of minimal level of competency;
- Description and numerical rating(s) of actual performance;
- Description of consequences;
- Plan of action to correct performance, normally over the next ninety (90) days.
 FMLA or Administrative Leave will cause a pause in the PIP. Personal Time Off (PTO) does not.;
- Signatures of the manager and the employee acknowledging and documenting the extension of the annual performance review due to a PIP; and
- Evaluation of plan of action and overall performance improvement plan and specific date for completion;
- Providing a new performance rating is required at the end of the ninety (90) day PIP.

A statement regarding expectations for sustained or consistent performance should be included to ensure that true performance improvement has been attained.

However, failure to improve or to meet expectations regarding "an acceptable level of competence" (i.e. overall rating of 2.5 or higher in the NEOGOV system) in the position could result in disciplinary action. At the discretion of the supervisor, subsequent corrective disciplinary action may also be taken due to failure to meet minimum job performance requirements, e.g. reassignment, demotion, or termination.



CHAPTER 2 – COMPENSATION

TOPIC: Performance Evaluation Process

SECTION: 2-12

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; October 1, 2021; January 1, 2024

A. City Performance Management System

The City Performance Management System (CPMS) is designed to provide procedures and guidelines for supervisors to evaluate the performance of City employees in the accomplishment of their assigned duties and responsibilities. In addition, this program will serve as a tool that supervisors can use to help build up the skill sets of the City's workforce. This program will illustrate the supervisor's expectations of the employee and provide feedback to the employee on a continuous basis.

Through the uniform application of procedures and guidelines, supervisors will use an electronic Performance Management System as an effective management documentation tool to recognize accomplishments, guide performance, and improve productivity and morale.

The Performance Management documentation tool will be used for all official employee performance evaluations of regular employees.

Each performance evaluation is composed of 3 components: <u>City-wide competencies</u>, which apply to every regular City employee, <u>department specific competencies</u>, which are specific to departments, and <u>job specific objectives</u>, which are **performance metrics that** are developed specific to the individual employee.

B Annual Evaluations

Final performance evaluations will be conducted annually, as determined by the departments' evaluation cycle feedback milestones. Specific due dates and instructions will be disseminated by Human Resources. New employees should be introduced to the

performance evaluation criteria within the first two weeks of employment. Supervisors should use this time to explain specific responsibilities and expectations so there are no surprises when they are evaluated at the end of their six (6) month probationary period.

To ensure frequent employee and supervisor communication related to performance and expectations, supervisors will at a minimum be required to meet at the three (3) or six (6) month point and provide performance feedback. This time should be used to discuss performance issues and expectations in an effort to correct problems and answer questions the employee may have. It is also at this time supervisors should discuss those things employees are doing well. These sessions will be documented in the Performance Management System.

The feedback milestones require supervisors to document performance on a continual basis. Making notes about positive and negative performance will give an accurate reflection of performance for the entire year. Documentation should be behavior-based. For example, documenting what the employee said or what the employee did—these objective notes will be beneficial during the rating process.

C. Processing Evaluations

On an annual basis, Human Resources will provide a Human Resources Bulletin with processing timelines for each office and department, along with due dates and specific procedures. The final annual evaluation will be routed through the assigned management chain for approval prior to the immediate supervisor meeting to deliver the evaluation to the employee. When the employee's review date approaches and it is time to conduct the final evaluation, the supervisor will complete the review and generate a final review report to discuss with the employee. The completed final review report will include all competencies with weighting and feedback, job specific goals and objectives with weighting and feedback, and any additional performance notes the supervisor chooses to include. The supervisor will also have the ability to include documents such as certifications/degrees earned or courses completed as a part of the final review report. The supervisor should meet privately with the employee to discuss both positive and negative behavior during the rating period.

The final review report will contain a section for employees to submit a written response to his/her performance evaluation. Written responses must be free of profane, discriminatory, abusive, or inflammatory language.

After the supervisor meets with the employee and the employee has an opportunity to comment, the supervisor and employee will sign the final review report. The evaluation is then placed in the employee's personnel file in Human Resources.

Should the employee refuse to sign the final review report, the supervisor should ask that a witness sign, indicating the employee's refusal to sign.

It should be noted that the employee's signature simply acknowledges that the evaluation has been shared with them and not necessarily the employee's agreement with the overall rating. Performance standards, evaluations, and overall ratings are not grievable or appealable; however, employees disagreeing with an evaluation or overall rating may submit a written rebuttal or comments to the department director. Any comments should include specific details as to what and why they disagree along with any supporting documentation. This input should minimally include:

- the specific score being contested;
- the details of why/how the provided score does not accurately reflect the employee's performance; and
- dates, times, documents, and examples to help objectively support the employee's input regarding the evaluation.

Each evaluation with a disputed evaluation score will be reviewed for accuracy and completeness by the departmental or management approval process team as well as Human Resources staff. Employee written input will be filed with the evaluation in the official personnel file in Human Resources.

D. The Summary Evaluation

The Summary score is based on the rating points in each section and is included as the final section of the performance management evaluation rating process that will be electronically submitted to Human Resources. Human Resources will provide the specific annual due dates for each department to finalize and submit their annual performance evaluations.

E. Human Resources Guidance and Procedures

Human Resources will provide ongoing implementation policies and procedural guidance in the form of numbered/dated HR bulletins that can be used as reference documents, e.g. annual due dates for each department to submit their annual performance evaluations and all other information required to manage, administer and process the City Performance Management.

Additionally, Human Resources will make available to all departments training and assistance necessary to ensure supervisors, managers, and employees understand the

pay for performance process, provide them with instruction on how to develop measurable performance standards, and, provide guidance designed to help each supervisor and manager recognize, motivate, and reward employees for a job well done.



CHAPTER 2 – COMPENSATION

TOPIC: Senior Executive Services Group (SES)

SECTION: 2-13

EFFECTIVE: October 1, 2019

REVISED: 1/6/2020; 4/1/2020; 7/1/2020; 10/19/2020; 1/4/2021; 4/1/2021; 7/1/2021; 10/1/2021; 1/1/2022; 4/2/2022; 7/1/2022; 10/1/2022; 4/3/2023; 7/1/2023; 10/1/2023;

1/1/2024; 7/1/2024; 1/1/2025

A. Overview of Senior Executive Services (SES) Group

The Senior Executive Service (SES) Group consists of key executive level employees of the City. SES employees are "employees-at-will" throughout the term of their employment and, as such, there is no probationary period to complete and the SES employees do not obtain a property interest in their position at any time. SES employees are all in FLSA Exempt level positions, are not entitled to grievance, progressive discipline or appeal rights, and are not considered regular city employees under the classification and compensation systems. This policy applies only to the employees serving in the SES level positions.

B. Definitions - SES Groups

SES Group I covers a wide spectrum of executive level jobs involving a high level of professional expertise or managing managers and professional staff on a daily basis, as well as leading and directing daily operational type work to subordinates. They also may manage their department's/division's budget. Jobs in this category contribute largely through the use of their level of professional expertise.

SES Group II covers executive level employees that typically report to the SES III Group. The incumbents in this category typically contribute through their people leadership. They are in essence known as technical experts who deliver a job that is key to the organization through their professional leadership. Incumbents in this category typically rely on extensive experience and judgment to plan and accomplish goals. Incumbents in this category may perform a variety of tasks, lead and direct the work of others, oversee the entire regulation process for services requiring governmental approval by ensuring that

all necessary applications are filed and handling all government interactions. They are responsible for developing procedures and formalizing them through approval processes to ensure regulatory compliance. A wide degree of creativity and latitude is expected within their department/division and organization.

SES Group III are those employees who actively participate in developing organization policy and report directly to the City Administrator or Deputy City Administrator. They advise the City Administrator on strategy. In essence, they are responsible for defining business strategy and contributing to the organization through their vision. They are responsible for managing multiple programs in the organization. They also have relative autonomy to adjust budgets in their departments/divisions. Incumbents in this category ensure services meet organization standards as well as all applicable government regulations. Market value of these positions is a key factor in inclusion in this category.

SES Group IV are those employees responsible for the formulation and implementation of policies, practices, legal matters, operations, and overall performance of City employees assigned in their respective organizational element and effectively carrying out the strategic plan and mission/vision as directed by the City Administrator. Market value of these positions is a key factor in inclusion in this category. Additional allowances may be approved by the City Administrator as a recruitment and retention incentive.

SES Group V are the top executives who interface directly with the Mayor, City Council, and community representatives and act as the City's top management team in the full range of matters that involve City administration, planning, and future development. They are visionaries and are responsible for directing high-level strategic activities of the organization. They ensure that strategic results of the overall organization are accomplished successfully. The allowances and compensation of the SES V group is based on a competitive market-based compensation package and additional allowances as recommended by the Human Resources Director to the Mayor for final determination.

C. Position Classifications

The following positions are identified and confirmed by the City Administrator as the City of Pensacola's SES Groups and Positions. Addition or deletion of positions from this group is at the sole discretion of the City Administrator or the Mayor.

When a department director/division administrator would like for an employee or a vacant position to be considered as an addition to the SES classification, the director/administrator will submit a formal request via internal memorandum to the Human Resources Director. The Human Resources Director will forward the request to Compensation & Employee Relations. The request will be reviewed against the SES pay

bands and date will be compiled from comparable classifications with similar functions within the City as will as comparable positions at other agencies. Upon completion of the comparison study a recommendation will be made and forwarded to the requesting director/administrator. The SES Applicant Criteria Test with SES Criteria – Pay Bands will be sent to be completed by the requesting director/administrator.

Upon completion for the SES Applicant Criteria Test and review of the recommendation, if the director/administrator is in agreement with the recommendation the process is concluded. If the director/administrator is not in agreement, he/she will have one (1) week to submit a rebuttal to the Classification & Compensation section.

The completed SES Applicant Criteria Test, comparison data recommendation, as well as the director/administrator's rebuttal will be presented to the SES Committee three (3) days prior to the semi-annual SES Committee for review. The SES Committee consists of the Deputy City Administrator, Human Resources Director, Assistant City Attorney and the Assistant Human Resources Director over classification and compensation.

Upon review and discussion of the SES Applicant Criteria Test, the recommendation, the director/administrator rebuttal and any additional information collected, the SES Committee will make a formal recommendation to the City Administrator. Upon approval of the SES Committee recommendation, an approval email will be sent to the director/administrator.

D. Benefits and Leave for SES Employees

SES level employees employed with the City as of the effective date of this policy and hired thereafter shall be eligible for the same general benefits (e.g. health insurance, life, retirement, etc.) as regular city employees, except as specified in the SES policy. SES employees will earn PTO at a rate of twenty (20) hours per month starting the first month of employment. Any person who enters the SES class as an external new hire or by internal promotion is entitled to a onetime allowance of eighty (80) hours PTO. The leave accumulation cap for SES groups I-V will be six hundred (600) PTO hours for employees assigned to a forty (40) hour a week position.

Employees who complete the end of a calendar year with more than six hundred (600) hours of PTO leave accrued shall have all hours in excess of six hundred (600) hours credited to a Sick Family Medical Leave (SFMLA) account, which shall be restricted for use as leave eligible and qualified under the Family Medical Leave Act. Examples include, but are not limited to, doctor appointments, sick days, etc.

Additionally, senior SES members (Group III and IV) are eligible for consideration by the City Administrator for placement in the FRS Senior Management Service Class for

additional retirement benefits. A current listing of those FRS Senior Management positions will be maintained by the Financial Services Department.

E. SES RETENTION LEAVE (SES-RL)

Purpose of SES Retention Leave (SES-RL)

SES positions require extensive experience and knowledge and form the leadership team for the City of Pensacola. Employees who are members of the Senior Executive Service (SES) are considered "at will" employees and, as such, receive SES Retention Leave (SES-RL). They do not receive senior pay, premium pay, overtime pay, ability to file grievances or appeal rights to the City Personnel Board. SES-RL is made available as an employment incentive established to assist in recruitment and retention of the highest quality executives in these key upper management positions.

As an additional recruitment incentive for SES positions that may be hard to fill and to help attract candidates with superior qualifications who may reside substantial distances from Pensacola, relocating personnel may receive up to forty (40) hours of excused absence for the purpose of house hunting and moving. This one-time recruitment benefit is discretionary and will require approval by the Department Director and the Human Resources Director. These hours will be deducted from the onetime allocation of eighty (80) hours granted at the start of the employment.

General Information – Leave Accrual

Any person who enters the SES class as an external new hire or by internal promotion is entitled to a onetime allowance of eighty (80) hours PTO. Additionally, each currently employed SES employee who has been on the rolls for one hundred twenty (120) days, or more, will initially receive forty (40) hours of SES-RL on January 1st of each subsequent year. NOTE: Newly employed SES members who have received the onetime allowance of eighty (80) hours PTO within the one hundred twenty (120) days immediately prior to the annual January 1st accrual date will not be eligible to receive SES-RL until the following calendar year.

Approval for SES-RL leave usage must be given in advance in the same manner as other planned absences.

By the end of each calendar year, any SES-RL leave that exceeds the maximum balance will be lost. Any SES-RL balance (two hundred fifty (250) cap) will be paid out at the time of separation in a similar manner as accrued PTO leave.

Senior Executive Service (SES) – RL CAP

In addition to any other forms of earned PTO leave or excused absence, each employee in the SES service may take SES-RL leave in any fiscal year.

SES employees have the option to carry over, from one year to the next, up to the two hundred fifty (250) hours CAP of SES-RL leave. The SES-RL cut-off date is January 1st annually. This will be a separate category of leave accrual than regular Paid Time Off (PTO) leave carry over.

F. Payout Upon Separation from Employment

Employees who separate from City employment in good standing by retirement, resignation, or layoff, shall be paid the balance of their accrued PTO, but such pay out shall not exceed the maximum of six hundred (600) hours. Employees separating from employment who are not in good standing receive no leave pay out.

G. SES Group Severance Pay

Any SES employee who is terminated with or without cause, by the City Administrator or the Mayor, as appropriate, and thereby agrees to execute a release of claims as required and approved by the Human Resources Director, shall receive severance pay, as follows:

- SES Pay Grade 121 & 122 shall be eligible for six (6) weeks of severance pay after completion of one full year of employment in the SES level position.
- SES Pay Grade 123 shall be eligible for eight (8) weeks of severance pay after completion of one full year of employment in the SES level position.
- SES Pay Grade 127 shall be eligible for twelve (12) weeks of severance pay after completion of one full year of employment in the SES level position.
- SES Pay Grade 133 shall be eligible for twenty (20) weeks of severance pay after completion of one full year of employment in the SES level position.
- SES Pay Grade 136 shall be eligible for twenty (20) weeks of severance pay after completion of one full year of employment in the SES level position

In order to qualify for severance, the SES Group member must execute a SES voluntary general release agreement. At the discretion of the City Administrator, a thirty (30) day working notice period may be required prior to granting of severance pay. Severance pay for any SES level employee who is terminated for misconduct, as defined by Florida Statute 443.036(29), will not be eligible for severance. Employees leaving employment of the City on their own volition are not eligible for severance pay.

The SES Group member is entitled to twenty-one (21) calendar days to consider the voluntary general release agreement. The member may be granted five (5) days of

administrative leave to consider the agreement; any absence beyond the period of administrative leave shall be considered leave without pay unless the employee wishes to use their PTO.

Employees that previously served in a non-SES contract or regular position will not be credited for prior years of service for purposes of severance pay. Incumbent employees who have served in an equivalent position for at least one (1) year are considered to have satisfied the tenure requirement.

Unless otherwise provided for by City Council or by law, severance pay and/or any similar lump sum payment made upon separation of services from the City shall not be considered as base compensation.

H. Notice of Resignation Required for SES Employees

SES Group I through V members who are in good standing and voluntarily leave their position by providing a minimum of thirty (30) days written notice of resignation shall be eligible to receive the employment separation status of "leaving in good standing and eligible for rehire". *Employees leaving employment of the City on their own volition are not eligible for severance pay.*

In the event that an SES Group member is voluntarily leaving the organization, depending on conditions and availability of a suitable replacement, either interim or permanent, the City Administrator may waive the requirement that the SES Group member work the thirty (30) day notice period, in whole or in part.

I. Moving and Relocation Expenses for SES Employees

Subject to the approval of the City Administrator, newly hired SES employees may be reimbursed by the City for relocation expenses, including temporary housing for Employee for house hunting. The City may also elect to pay directly for the expenses of moving employee and his or her household to the City. Such relocation and moving expenses shall not exceed ten thousand dollars (\$10,000). If such expenses exceed ten thousand dollars (\$10,000), the City Administrator, in its sole discretion, may review and authorize such expenses to include parking, moving, storage cost, unpacking, temporary housing, and insurance charges. Such review and approval must be made prior to the move. The SES employee agrees to secure at least three (3) bids from reputable moving companies for such services and shall use the lowest most responsible and responsive bidder.



CHAPTER 2 - COMPENSATION

TOPIC: Premium Pay/Supplemental Compensation

SECTION: 2-14

EFFECTIVE: January 6, 2020

REVISED: April 1, 2020; April 1, 2021; July 1, 2022; January 1, 2023

A. Premium Pay/Supplemental Compensation: shift differential pay, field training pay, certification pay, and special duty pay

The Mayor or designee is hereby authorized to pay the premium pay/supplemental compensation as outlined in this section. These payments shall be made bi-weekly and shall be considered a non-salaried premium/supplement and will not be utilized in the calculation of pensions, deferred compensation or other fringe benefits. Department directors shall be responsible for judicious observance of this section. No pay hereunder shall be granted unless approved by the Mayor or designee after recommendation by the Human Resources Director.

- A. To employees who are assigned to work as field training officers an amount of pay equal to a five (5) percent increase.
- B. To employees who have attained professionally recognized certification in their job-related field an amount equal to a five (5) percent increase. Certifications eligible for this pay will require continuing education credits on an ongoing basis.
- C. To employees who are assigned special duty amounts equal to a five (5) percent increase. Approval for special duty pay higher than five (5) percent can be given based on special consideration factors and approved by the Human Resources Director and the City Administrator.
- D. To employees assigned to work shifts as designated by the Mayor or designed an amount equal to a five (5) percent increase.
- E. The Mayor or designee may authorize additional compensation during declared emergencies. At the Mayor's discretion, this compensation may be retroactive to the beginning of the emergency.

Note: Employees, whose pay adjustment exceeds the maximum of their assigned pay range, will receive the balance of their increase as a "lump-sum" payment.

B. Other Payroll Payments

Unless otherwise provided for by the City Council or by law, the following pay shall be considered a non-salaried premium/supplement, and shall not be utilized in the calculation of pensions, deferred-compensation(s) and other benefits: educational incentive pay, pistol qualifications pay, clothing allowance, education benefit, special duty pay, certification pay, field training pay, shift differential pay, non-substantiated business expenses, non-cash benefit such as employer-provided vehicles or any other City provided benefit. All other payments processed through City payroll shall be utilized in the calculation of pensions, deferred compensation(s) and other benefits.

Any employee whose compensation is or has been specifically approved by Council motion, resolution or ordinance may be paid such compensation.



CHAPTER 2 - COMPENSATION

TOPIC: Other Compensation-Related Policies

SECTION: 2-15

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; October 19, 2020

A. Compliance

Human Resources will provide administrative guidance for compliance with the Fair Labor Standards Act of 1938 as amended and Title VII of the Civil Rights Act, as amended. Notwithstanding any other provisions herein, all salary adjustments/pay increases, leave payouts, and other benefits provided for in this Manual are subject to available funding in the pertinent fiscal year at the sole discretion of the City Administrator and Mayor.

B. Interpretations

Questions concerning the interpretation of these policies and procedures should be directed to the Human Resources Director. Any disagreement between a department director and Human Resources Director as to the interpretation of this policy will be referred to the City Administrator.

C. Petitions

It is the desire of The City to address employee complaints concerning the administration of the Compensation Plan first on an informal basis. Both management and employees are expected to make every effort to resolve disagreements.

D. Minimum Wage Policy

The City adheres strictly to both the U.S. Department of Labor and the Florida Department of Labor. The minimum hourly wage paid to all staff, including part time, temporary, and

limited service employees, is regulated by the current U.S. Department of Labor federal minimum wage or Florida Department of Labor minimum wage whichever is higher.

E. Red Circle Rate

Employees who are above the maximum of their salary grade are ineligible to receive any additional increase to the base salary while their pay is "red circled."

However, if a COLA or CPI adjustment is approved and the new top of the scale for the incumbent's respective job class is raised to a level above the red circled rate, the employee will normally be moved to the top of the new rate. The red circle designation will be removed. This policy is effective from date of approval of this policy manual. This policy is subject to approval of budget and availability of funds.

F. Green Circle Rate

Green Circle Rate is the rate of pay that is less than the minimum established rate for that pay grade. This occurs most often as a result of a compensation or classification review that changes the pay ranges of a particular job classification or entire pay schedule. The new rate minimum may now be higher than the salary of some current employees. An employee paid under this circumstance will be eligible for adjustments that will bring their pay into alignment. The Human Resources Director and the City Administrator may make the adjustment as deemed necessary. This policy is subject to approval of budget and availability of funds.

G. Compensation Inaccuracies and Corrections

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report all errors.

H. Review Your Pay Stub

We make every effort to ensure our employees are paid correctly. Occasionally, however, mistakes can happen. When mistakes do happen and are called to our attention, we will promptly make any corrections necessary. Please review your pay stub when you receive

it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below and proper adjustments will be made.

I. Non-exempt Employees

If you are classified as a non-exempt employee under the Fair Labor Standards Act (FLSA), you must maintain a record of the total hours you work each day. These hours must be accurately recorded on a time card that will be provided to you by your supervisor. Each employee must sign his or her time card to verify that the reported hours worked are complete and accurate. Your time card must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. At the end of each week, you should submit your completed time card to your supervisor for verification and approval. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Unless you are authorized by your supervisor, you should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time record. Employees are prohibited from performing any unauthorized "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time record. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to, and including, discharge.

It is a violation of the City's policy for any employee to falsify a time record, or to alter another employee's time card. It is also a serious violation of City policy for any employee or manager to instruct another employee too incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to Human Resources.

J. Exempt Employees

If you are classified as an exempt salaried employee under the FLSA, you will receive a salary that is intended to compensate you for all hours you may work for the City. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as

during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under the Fair Labor Standards Act (FLSA), overtime for time worked over forty (40) hours does not apply to exempt level salaried employees. However, during a declared state of emergency by the Mayor, pursuant to Pensacola, Fl. Code of Ordinance Sect. 2-4-8, any exempt employee who works during the actual period of the emergency may be authorized to receive straight time pay per hour and time and a half pay while working in an emergency capacity. Following the declared state of emergency, but during the period of extended emergency operations, exempt employees may be authorized time and a half pay for all hours worked over forty hours in a pay week. The allowance of overtime pay for exempt level employees ends when the Mayor concludes that the period of the emergency has passed.

Under federal and state law, your salary is subject to certain deductions. For example, absent contrary state law requirements, your salary can be reduced for the following reasons:

- Full day absences for personal reasons
- Full day absences for sickness or disability
- Full day disciplinary suspensions for infractions of our written policies and procedures
- Family and Medical Leave absences (either full or partial day absences)
- To offset amounts received as payment for jury or witness fees or military pay
- The first or last week of employment in the event you work less than a full week

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or, contributions to a pension plan. In any work week in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability
- Your absence on the day before or after a paid holiday or because the facility was closed on a scheduled work day
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work
- Any other deductions prohibited by state or federal law

K. To Report Concerns or Obtain More Information

If you have questions about deductions from your pay, please immediately contact Human Resources or Financial Services/Payroll. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to your supervisor and your department payroll representative. If you are unsure of who to contact if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the Human Resources Director at 850-435-1727.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violate this policy. In addition, the City will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the City's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to, and including, discharge.



CHAPTER 2 – COMPENSATION

TOPIC: Professional and Civic Activity

SECTION: 2-16

EFFECTIVE: January 1,2022

REVISED: N/A

Civic Non-Profit Participation Encouraged

The City acknowledges the value of developing positive relations with our citizens and encourages our leadership to participate and be proactively involved in local civic clubs or non-profit organizations aimed at making our City a better place to live. Accordingly, the City may pay for the reasonable membership fees and/or dues to enable full time employees to become an active member in local civic clubs or non-profit organizations. Funding may be available for one (1) approved civic or local non-profit organization per full time employee per fiscal year. Department directors and the City Administrator have the authority to approve funding for reimbursement of dues for an appropriate civic organization. Continued funding for this program remains at the Mayor's sole discretion.

Professional Organizations

Full time employees that affiliate with professional organizations that are directly related to their professional growth or certifications may be funded annually as a "Professional Development" expense. Attaining and maintaining appropriate professional certifications is a way to ensure job knowledge and skills are at the highest levels. Citizen and customer service contacts will be greatly enhanced as we demonstrate a knowledge and skill level that meets and/or exceeds our community's expectations.



CHAPTER 2 - COMPENSATION

TOPIC: Disaster Pay

SECTION: 2-17

EFFECTIVE: February 4, 2022

REVISED: January 29, 2025

1. Pay Policies (City declared emergency or closure)

The policy provides information relative to work schedule assignment and pay practices for regular full-time and part-time employees in the event of a City declared emergency or closure.

- Employees who cannot leave work at the end of their shift may be permitted to continue working at their regular duties or may be assigned other duties relative to such an emergency or closure, at the discretion of the department head.
- Employees who are permitted to leave work early due to such an emergency or closure affecting either the City, the employee's area of residence, or personal property at their residence, will receive regular pay until the end of their regular work schedule. This time will be considered as Disaster Pay.
- Employees who are unable to report to work due to a City declared emergency or closure may receive regular pay for a period of time authorized by the Mayor or designee. This time will be considered as Disaster Pay.
- Employees living in such an emergency area, or if the City is located in such an area, who arrive late for work may be granted Administrative Leave to cover the period of tardiness. Employees must make every effort to inform their supervisor of an impending delay. Supervisors should consider the nature of the disaster or closure and the employee's unique circumstances.
- Employees on pre-approved vacation, floating holiday, or approved leave will remain in that status, unless a justifiable reason is presented for changing it to disaster pay and the change is approved by the appropriate human resources office.

Essential/designated employees expected to report for work will be governed by the following guidelines.

2. Non-Exempt Employees

Non-Exempt employees, designated as essential/designated per this policy, will be eligible for overtime pay for work performed during the emergency or closure period only when such employees are required to report for duty during the time the remaining work force is not required to report. If this policy contradicts any of the City's collective bargaining agreements, the collective bargaining agreement will prevail.

- If an emergency or closure is declared and an employee works while other employees are not working, 'Time and a half" pay will be granted for all hours worked performing emergency related duties, including hours worked in excess of 40 in a work week, during the declared emergency or closure period as determined by the Mayor. Non-essential/designated employees will be released from work as described above (see above, Employees who are permitted to leave work early). Supervisor will record hours worked as Disaster Time and a half Pay and time sheets detailing the emergency related duties preformed will be submitted to Finance with copy of departmental approved timesheet.
- If an emergency or closure is declared during an employee's normal work time, essential/designated employees are expected to remain at work and perform emergency related duties.
- Duties performed by essential/designated employees are to be continued during the declared emergency as determined by the Mayor.

3. Exempt Employees

Exempt employees, designated as essential/designated per this policy, in most cases do not receive overtime pay for work performed during the emergency period. However, departments/divisions may compensate them by providing paid time off only when such employees are required to report for duty during the time the remaining work force is not required to report. That determination is at the discretion of the Department Director with the approval of the Mayor or his designee. If such time is granted it will be added to the PTO balance of the employee. Senior Executive Service employees are not eligible for this benefit. Exempt or SES employees may receive compensation in the same manner as non-exempt employees, with the approval of the Mayor or his designee. If this

policy contradicts any of the City's collective bargaining agreements, the collective bargaining agreement will prevail. Any such compensation would be made in accordance with Florida Statute 215.425.

4. General Provisions

- Employees other than essential/designated personnel who report for work when the City has been officially designated as closed will receive regular pay. However, if their work is not considered emergency in nature, employees are to leave the work location and not report for work until notified by their supervisor.
- At the expiration of the City declared emergency, employees who are unable to return to work for reasons acceptable to the City may use accrued vacation or floating holiday pay to cover such absences.
- In preparation for and upon return to work following a City declared emergency employees may be asked to perform tasks that are outside of their regular duties.
- Employees recently hired, who are to start on a date when the City is closed during an event covered by this policy, will be paid consistent with their offer of employment and as with other staff.
- Employees who are on approved leave during a time when the City is closed due to an emergency will remain in leave status. There will be no change in their leave status unless they can provide documentation to their supervisor about their inability to use the leave solely due to the emergency.
- Eventualities not covered by these guidelines will be decided on a case-bycase basis by the Department Director.



CHAPTER 2 - COMPENSATION

TOPIC: Compensation During Activation

SECTION: 2-18

EFFECTIVE: January 1, 2025

REVISED: N/A

The City of Pensacola follows a consistent pay policy for all deployments, whether related to Federal operations, such as Urban Search and Rescue Response or Disaster Medical Assistance Team, or responses based on statewide requests and the State of Florida Mutual Aid Requests.

- a. In line with 44 CFR § 208.39 Reimbursement for personnel costs incurred during Activation, the City acknowledges a 24-hour tour of duty for deployments.
- b. City personnel will be compensated for a full 24 hours for every day of deployment, beginning from their arrival at the designated Point of Assembly until their release from duty. This endpoint may be the return airport, the original Point of Assembly, or another designated location. This compensation method is known as the "portal to portal" pay system.



CHAPTER 3: BENEFITS - LEAVE ADMINISTRATION

TOPIC: Personal Time Off (PTO)

SECTION: 3-1

EFFECTIVE: October 1, 2019

REVISED: 1/6/2020; 4/1/2020; 10/1/2021; 1/1/2022; 4/1/2023; 11/17/2023; 4/1/2024

The City of Pensacola seeks to provide for its employees the protection and security of continuing salary or wage payments during periods when illness, vacation, emergency, or certain civic responsibilities require time away from the job. Such periods, termed "leaves of absence," are to be considered a privilege--not a right. They are to be administered with the understanding that the City seeks to provide time-off with pay in situations where such is reasonable, but with the proper operation of the City functions always cared for. Leave will be administered fairly within the financial limits as set forth by the council.

Personal time-off (PTO) is established for the purpose of providing employees leave for a variety of reasons such as vacation, personal business, illness, medical or dental appointments, and family.

A. Employee Responsibility

Except in unforeseen circumstances such as illness, employees <u>are required</u> to obtain prior approval of personal time-off leave. Employees failing to obtain the proper approval before taking leave may be subject to disciplinary action up to and including termination. Employees are responsible for ensuring they have enough leave accumulated to address their personal needs away from the job.

In case of extended absence because of illness, an employee may be required to file a doctor's certificate with the City Clinic, and all absences due to illness or injury of more than three (3) full, consecutive workdays shall require the employee to provide a doctor's certificate to the City Clinic stating:

- 1. The nature of illness or injury;
- 2. That the employee was incapacitated and unable to work for the duration of the absence;

- 3. The employee is physically able to return to work and perform his duties (note: a fit-for-duty evaluation may be required by the City Clinic); and
- 4. That the employee has no contagious disease that would jeopardize the health of other employees.

Habitually or chronically absent employees may be required to provide medical evidence to the City Clinic concerning an illness or injury beginning with the first day of absence. If an employee is absent and an excuse is deemed necessary, a department director may request the City Clinic staff to verify the reason for absence.

Employees that fail to maintain a PTO balance to meet their needs away from the job do not have the right or option to choose leave without pay. Leave without pay may only be permitted by the department director responsible for the area where the employee is assigned with notification to the Human Resources Director.

Employees found to be chronically absent to the point that normal business operations of the assigned department are disturbed will be subject to disciplinary action up to and including termination. Chronically absent employees are defined as employees that have used leave without prior approval for a period of three (3) days or longer or in two (2) consecutive pay periods or who have established a pattern of unscheduled leave usage.

Employees covered by the provisions of a collective bargaining agreement shall have their leave accrual, usage, and payout determined by the provisions of the collective bargaining agreement and application of law, as approved and ratified by the parties to the agreement.

B. Record Keeping

No employee will be granted personal time-off unless the time requested has already accrued prior to the leave period. Personal time-off leave requests must be for a minimum of at least one (1) hour, unless otherwise stated in a collective bargaining agreement.

C. Accrual of Time

Generally, each employee will be credited with eighteen (18) hours of personal time-off (PTO) per month. PTO accrual requires that the employee have actual hours worked for more than fifty percent (50%) of the calendar days in any month to be credited with eighteen (18) hours of PTO for the respective month.

Exceptions: Employees whose positions regularly require them to work holidays are compensated by overtime pay or are credited with an additional four (4) hours of personal time-off (PTO) per month in lieu of holidays.

Fire suppression employees who are on duty in rotating shifts shall be credited with thirtyeight (38) hours of personal time-off (PTO) per month.

Employees permanently assigned to public safety telecommunicator and airport dispatcher functions as designated by the Mayor or designee. Employees working consistently scheduled ten (10) hour shifts shall be credited with twenty-five and four tenths (25.4) hours of personal time-off (PTO) per month. Those employees working consistently scheduled twelve (12) hour shifts shall be credited with thirty and five tenths (30.5) hours of personal time-off (PTO) per month. These calculations are based on past practice.

D. Leave Usage

Employees who are not covered by the provisions of a collective bargaining agreement shall have their PTO usage and compensation determined as follows:

- 1. The maximum amount of PTO leave carried from one calendar year to the next shall be five hundred (500) hours.
- 2. Employees who complete the end of a calendar year with more than five hundred (500) hours of PTO leave accrued shall have all hours in excess of five hundred (500) hours credited to a Sick Family Medical Leave (SFMLA) account, which shall be restricted for use as leave eligible and qualified under the Family Medical Leave Act. Examples include, but are not limited to, doctor appointments, sick days, etc.

E. Payout Upon Separation From Employment

Employees who separate from City employment in good standing by retirement, resignation, or layoff, shall be paid the balance of their accrued PTO, but such pay out shall not exceed the maximum of five hundred (500) hours.

- Employees separating from employment who are not in good standing receive no leave pay out.
- 2. Terminations and Separations that have been determined in *Bad Standing* by the Department Director, and approved by the Human Resources Director, will be documented on the Personnel Action (PA). Specifically, actions considered to warrant Bad Standing includes criminal or unlawful behavior or behavior that could threaten the health and/or safety of employee or the public. Employees discharged in Bad Standing are not eligible for rehire with the City and will not be

eligible to receive termination.	any	payment	for	unused	PTO	at	the	time	of	separation	or



TOPIC: Holidays

SECTION: 3-2

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; January 1, 2023; November 17, 2023; April 1, 2025

The City has established a Holiday Personal and Anniversary Leave Policy that attempts to best address and balance the needs and wishes of employees with the demands of the City. Though business needs must come first and might change throughout the year, the City provides an annual listing of holidays and dates for which the City will shut down, close early, or offer special incentives for those who are required to work in an effort to help set employee expectations.

When a holiday falls on a day within the normal work week, operations will be suspended, and each qualified employee will have the day off with pay. To be eligible for holiday pay, the employee must work (or be in a paid leave status) their last full scheduled day prior to the holiday and their first full scheduled day immediately following the holiday.

When the holiday falls on a Saturday, the City's official observance will be on Friday, with the above provisions in effect. When the holiday falls on Sunday, Monday will be the day of observance.

The City's observed holidays:

Dr. Martin Luther King, Jr. Birthday

President's Day Good Friday

New Year's Day

Memorial Day

Juneteenth National Independence Day

Independence Day

Labor Day Veteran's Day Thanksgiving Day

Day after Thanksgiving Day

Christmas Day

Day after Christmas Day

Section 3-2 Holidays 137

A. Overtime During Holidays

Employees who are required to work during holiday observance, and not subject to collective bargaining, will be compensated in accordance with the overtime pay policy. Employees who are on rotating or permanent shifts, who may be scheduled for duty on an official holiday as designated and who accrue additional personal time-off (PTO) leave as provided, shall not be granted any additional compensation in the form of overtime pay or compensatory time-off, unless otherwise approved by the Mayor or his/her designee.

B. Holidays During Vacation Periods

Employees on approved paid leave, and not subject to collective bargaining, during periods when recognized holidays occur will not have the holiday charged against their PTO leave.

Holidays on Compressed Work Schedules (CWS)

Employees working a Compressed Work Schedule (CWS) during a week that includes a holiday, may use the following guideline for re-scheduling procedures to provide time off for the holiday and compensate them for the forty (40) hour workweek:

• If the holiday occurs on a normal day off, the work schedule may be modified that week so that another day that same workweek is scheduled as an off day.

In summary, the normal seven (7) day pay cycle with employees working a CWS four/ten (4/10) hour day schedule, the forty (40) hour workweek can be adjusted to account for the holiday.

C. Personal Holidays

In addition to the observed holidays, the City of Pensacola allows each employee to observe two (2) working days per calendar year as personal holidays, unless otherwise specified in a collective bargaining agreement. New employees will have their personal holidays prorated as follows: employees who begin work during January, February, or March receive two (2) personal holidays; those hired April through September receive one (1) personal holiday; and those hired after October do not receive personal holidays for the calendar year. In January of the following year, they will receive two (2) personal holidays. Personal holidays may be scheduled on days of the employee's choice, subject to the approval of the employee's respective supervisors and department director. The department director retains the right to adjust the schedule based on work requirements.

The employee's department is responsible for reporting the time as personal holiday leave for purposes of time entry. The personal holiday must be taken as a whole day.

Personal holidays must be taken during the calendar year and cannot be carried over from one calendar year to the next nor be paid for if not taken.

D. Anniversary Day

Employees receive one (1) additional day of paid leave at the completion of each five (5) year interval of service (i.e. 5, 10, 15, 20, etc.). The anniversary day leave must be taken within one (1) year of reaching the milestone anniversary or the day will be forfeited.



TOPIC: Donated Leave

SECTION: 3-3

EFFECTIVE: October 1, 2019

REVISED: October 1, 2024

A leave sharing program is available to full-time employees where employees may donate leave to other qualifying employees who qualify to receive such leave. This leave-sharing program shall be managed by Human Resources in accordance with established procedures and within the financial limits set forth. Unless otherwise provided for by law or rule, shared personal time-off (PTO) leave of more than thirty (30) consecutive days shall be considered a non-salaried supplement and will not be utilized in the calculation of pensions, deferred compensation(s), or any other benefit.

A. Scope & Purpose

This program allows employees to donate unused Personal Time-Off (PTO), Auxiliary PTO, and SFMLA leave to co-workers who have a serious health condition or have family members with a serious health condition and who have exhausted their own leave. This program, which operates on a case-by-case donation basis, encourages and allows employees with excess leave to donate leave to employees coping with personal tragedy or hardship.

Employees should not solicit co-workers for the purpose of donating leave. Requests for donated leave will be disseminated by Human Resources.

B. Eligibility

The employee requesting donations of leave must have:

- 1. Worked for a minimum of six (6) months;
- 2. Exhausted all earned leave; and
- 3. Have no documentation of leave abuse.

C. Leave Usage

Request for leave can be made for the employee's own serious health condition or the serious health condition of a family member, all as defined by the Family and Medical Leave Act (FMLA). See §3-5, Family and Medical Leave.

D. Donated Leave Guidelines

To be eligible for donated leave, an employee must submit to the City Clinic a completed medical certification form from a licensed medical provider. Forms are available from the Clinic and are required regardless of whether for the employee's own health condition or the serious health condition of a family member as defined above.

- 1. Donated leave maximum is up to six (6) months.
- Donated leave cannot be used retroactively; it must be submitted and approved prior to use. Donated leave may not be applied to any pay periods PRIOR to the pay period the donated leave was received and processed by Human Resources and the Finance Department.
- 3. Leave hours are awarded based on the "cash value" of the donated leave.
- 4. Donated leave is not considered time worked; therefore, employees do not accrue leave in their PTO account while on donated leave.
- 5. Leave of more than thirty (30) days will not be used in the calculation of pensions, deferred compensation(s), or other benefits.
- 6. Donated leave will run concurrently with FMLA leave.
- 7. Employees who are on donated leave are prohibited from engaging in any form of secondary employment, paid or unpaid, during the period in which they are receiving donated leave. This restriction is in place to ensure that the employee's focus is on recovery and return to work. Violation of this provision may result in the termination of donated leave benefits and possible disciplinary action.
- 8. Donated leave cannot be used if an employee is receiving any other type of compensation, such as workers' compensation, disability payments, etc.
- 9. Donated leave ends when an employee has been released to return to work by his/her medical provider and approved by the City Clinic. Employees who have been approved for donated leave and are released to return to work must obtain approval from the City Clinic if they wish to continue using donated leave. The City Clinic will assess the employee's condition and provide instructions on whether continued leave is medically necessary. Employees must adhere to these instructions to remain eligible for donated leave..
- 10. The City continues to pay its portion toward the group insurance plans and social security replacement deferred compensation plans when an employee is out of work on approved donated leave.

11. An employee participating in a drug or alcohol rehabilitation program shall not be eligible to receive donated leave.

E. Requesting Donated Leave

The designated payroll representative for each department is responsible for monitoring their own employees' PTO balances. This is for all reporting purposes whether it is FMLA related or not. If an employee's PTO balance is low, the department should notify Human Resources that the employee is in need of donated leave. Once Human Resources is notified, it will be determined if the employee qualifies for donated leave. Human Resources will submit a request by email for all City Employees with the name and department of the employee needing donated leave.

F. Donating Leave

Employees may donate up to half the leave available in their PTO, Auxiliary PTO, and SFMLA accounts. To donate leave, an employee must complete and submit a *Donated Leave Form* in Neogov for verification of leave balance and processing by Human Resources.

G. Tax Treatment

Employees who donate leave are not subject to any taxes because of their donation. However, employees who receive donated leave are subject to regular income tax for this time as it will be reported as income.



TOPIC: Family and Medical Leave

SECTION: 3-4

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; October 1, 2024

A. General

The Family and Medical Leave Act (FMLA) allows eligible employees to take up to twelve (12) work weeks of unpaid leave due to certain qualifying circumstances. Employees must provide verbal or written notice of their need for FMLA leave. The employee is required to provide enough information for the City Nurse to determine if the leave may be covered by the FMLA. However, if an employee fails to provide advance notice or is incapable of doing so, or if the City subsequently learns that an employee has suffered a serious health condition or has been absent due to a FMLA qualifying event, then the City may, at its discretion, designate the absence(s) as FMLA and provide notice to the employee of this FMLA designation.

FMLA also allows an eligible employee to take up to twelve (12) weeks of leave per year for family emergencies resulting from the call to active National Guard or Reserve duty of the employee's spouse, parent, or child. This eligibility is not an additional twelve (12) weeks of leave, but another reason for which an employee may take up to twelve (12) weeks of FMLA leave per year. This qualified exigency leave applies only to families of active service members of the U.S. Armed Forces including the National Guard, Reserves, and to certain retired members of the military. Qualified exigency leave also applies only to a Federal call to duty or a State call under order of the President of the United States.

Eligible employees may take up to a combined twenty-six (26) total work weeks of leave in any single, twelve (12) month period for qualifying reasons, including to care for a covered service member with a serious illness or injury suffered in the line of duty during active duty, as well as qualifying exigency leave. The employee must be a covered service member's spouse, parent, child, or next of kin, who can be in the regular armed forces, Reserves, Guard, or in those categories and on a temporary disability retired list (TDRL). The service member must have a serious illness or injury as determined by the

Department of Defense, that may render him/her medically unfit to perform the duties of his/her office, grade, rank, or rating. A covered service member includes a veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who discharged within the previous five years of the caregiver taking leave.

Requests for FMLA leave should be submitted to the City Clinic for approval. Requests for leave will be reviewed on a case-by-case basis.

It is the obligation of the City of Pensacola to designate leave as FMLA qualifying to anyone who either expressly gives notice or information has been obtained of a qualifying condition.

B. Eligibility

To be eligible for FMLA leave, an employee must have been employed by the City for at least twelve (12) months and must have worked a minimum of 1,250 hours during the twelve (12) months before leave is requested.

An eligible employee is entitled to a total of twelve (12) work weeks of FMLA leave during any twelve (12) month period for one or more of the following reasons:

- Birth of a child of the employee in order to care for the child.
- Placement of a child with the employee for adoption or foster care.
- Care of the employee's spouse, child, or parent if the spouse, child, or parent has a serious health condition.
- A serious health condition that makes the employee unable to perform the functions of their position.
- For a qualifying exigency arising from the active military duty or call to active duty of the employee's spouse, parent, or child.

FMLA leave may be taken for birth or placement of a child only within twelve (12) months of that birth or placement.

C. Definitions

Child: a biological, adopted or foster child, a stepchild, a legal ward, or a child for whom the employee is "in loco parentis," who is under eighteen (18) years of age, or if eighteen (18) years of age or older is incapable of self-care because of mental or physical disability.

Parent: the biological parent of an employee, or an individual who stood "in loco parentis" to an employee when the employee was a son or daughter. This term does not include parents "in-law."

Serious health condition: an illness, injury, impairment, or physical or mental condition that involves: 1) inpatient care in a hospital, hospice, or residential medical care facility, or 2) continuing treatment by a health care provider.

Spouse: husband or wife of legal marriage.

The employee must provide certification of a serious health condition for themselves or qualifying family member *The employee must contact the clinic to determine FMLA eligibility.*Once eligibility is determined the employee will be instructed by the clinic on how to complete the process in Neogov and obtain the Medical Certification Form (WH-380E or WH-380F) to be completed by the Health Care Provider.

The Medical Certification Form (WH-380E or WH-380F) must include:

- 1. The date on which the serious health condition began,
- 2. The probable duration of the condition,
- 3. Appropriate medical facts regarding the condition,
- 4. A statement that the employee is needed to care for a spouse, parent or child, and an estimate of the time required, or that the employee is unable to perform their job functions, and in the case of intermittent leave, the dates and durations of treatments to be given.

An employee may be required to submit to a medical evaluation for a second opinion at the City's expense. In the event of conflicting opinions, the City may pay for a third and final provider to offer a binding decision.

The employee may be required to provide subsequent "recertification" on a reasonable basis.

D. Leave Usage

FMLA leave is leave without pay for up to a maximum of twelve (12) work weeks. An employee must use personal time-off leave (PTO) and personal holidays concurrently with FMLA leave. Donated leave will also count towards FMLA leave. All time-off work due to a job-related injury/illness which is considered a temporary-total or temporary-partial disability will also be counted as job injury/FMLA leave.

- 1. An employee should provide thirty (30) days advance notice before the date on which the FMLA leave would begin or if the treatment is in less than thirty (30) days, as much notice as possible.
- 2. For chronic conditions or flare-ups of existing conditions that are FMLA qualifying, eligible employees may take leave intermittently or on a reduced basis under FMLA. If FMLA leave is taken intermittently, an employee may be required to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position. If FMLA leave is foreseeable based on planned medical treatment, the employee should make a reasonable effort to schedule treatment so as not to disrupt the operations of the workplace. An employee who is on FMLA leave may not work a second job outside the City while on such leave.

The City may transfer an employee who is taking intermittent leave to an alternative or part-time position in accordance with the FMLA.

For a qualifying emergency arising from active military duty or call to active duty of the employee's spouse, parent, or child, an employee must provide a copy of service member's active military orders and other certifications. An employee should contact Human Resources regarding certification requirements.

E. Record Keeping

Requests for FMLA leave begins with the employee contacting the City Clinic to determine eligibility. Once eligibility is established the employee will be directed to complete the process through Neogov.

For record keeping purposes, FMLA leave must be requested and taken in one (1) hour increments.

For calculation purposes, FMLA leave begins on the first date FMLA leave is taken and expires twelve (12) months from that date.

F. Benefits While on Family Medical Leave

An employee who completes a period of FMLA leave will be returned to the same or an equivalent position.

FMLA leave will not result in the loss of any previously acquired benefit. FMLA leave is to be taken concurrently with all other types of allowable leave.

The employee may continue participation in the City's group health benefit program during the employee's FMLA leave status; however, the employee is responsible for paying the employee's portion of the premium.

If the employee is unable to make payment while on FMLA leave, coverage shall cease within thirty (30) days of delinquent payment, unless the employee has made arrangements with Human Resources for an alternative payment schedule. Upon reinstatement from FMLA leave, the employee is eligible to reenroll in the City's group health benefit program as if newly employed.

If an employee does not return to work following the expiration of FMLA leave, the City will take action to recover from the employee any unpaid employee premiums, as well as the City's contributions to premiums.

G. Returning to Work

When leave was due to an employee's own serious health condition or for the birth of a child, a statement from the attending physician must be presented to and approved by the City Clinic prior to returning to duty. A fit-for-duty evaluation may be required by the physician contracted by the City.

Upon returning to work from FMLA leave, an employee is entitled to return to work in the same or an equivalent position held when leave commenced.

H. Requirements

While on FMLA employees are required to provide the City Clinic with updates on your status and intent to return to work.

Employees must call the Clinic at (850) 435-1726 on these scheduled dates:

- **FMLA projected to be less than thirty (30) days:** Provide updates to the City Clinic weekly and with any significant changes. For example, if FMLA was initiated on a Tuesday, your weekly check in day will be every Tuesday.
- **FMLA projected to be more than thirty (30) days:** Provide updates to the City Clinic monthly and with any significant changes. For example, if your FMLA was initiated was the 3rd of the month, then your check in date will be the 3rd of every month or the following business day if this date falls on a weekend/holiday.
- Parental FMLA: Notify the City Clinic of actual birth/adoption/foster date, and how many weeks of FMLA you are requesting.

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness <u>may</u> take up to **26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an $eligible\ employee$ if \underline{all} of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, to request FMLA leave you <u>must</u>:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You do <u>not</u> have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You <u>must</u> also inform your employer if **FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer** <u>may</u> request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your $employer \underline{must}$:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer** <u>cannot</u> interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer** <u>must</u> **confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process**.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR





TOPIC: Maternity Leave / Nursing Mothers Breaks

SECTION: 3-5

EFFECTIVE: October 1, 2019

REVISED: N/A

In compliance with the Pregnancy Discrimination Act of 1978 (PDA) and other related statutes, the City regards any leave required by pregnancy or post-pregnancy issues as short-term medical disabilities and treats all such conditions in a uniform manner. The employee's medical condition dictates when reasonable job accommodations or leave are necessary or desirable, as well as when the employee is able to return to work. Employees with sufficient PTO leave will be compensated for their time off and employees with insufficient PTO leave will be granted unpaid leave pursuant to the requirements of the FMLA. Employees who have returned to work following maternity leave will be granted suitable break periods and appropriate locations for the purpose of providing infant sustenance.

The City recognizes the value and importance of breast-feeding and supports our employees' desire to breast-feed their infants. If you are breast-feeding your child, you may use your meal and rest (break) periods to express breast milk. If you need more time, please communicate this with your supervisor and/or the City Clinic for workable solutions that are to be evaluated on a case-by-case basis. Supervisors are to ensure that there is a suitable area, NOT restricting expressing activity to the bathroom, for nursing mothers to express milk as necessary. If you have questions, please contact Human Resources for further guidance.



TOPIC: Emergency Leave

SECTION: 3-6

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

Emergency leave of absence without pay may be granted to employees in dire emergency circumstances when PTO leave is not requested or has been exhausted. Emergency leave may not be used for job injury.

The employee must request emergency leave through the department director on a Request for an Emergency Leave Form (PF-302). The department director shall recommend to the Mayor or designee whether the leave should be granted. The Mayor or designee shall be the final authority and will decide each case upon the effect to the City of the absence of the employee.

Employees granted emergency leave will be placed on leave without pay with all benefits suspended until they return to work.

The employee may not be on emergency leave more than six (6) months cumulative, during their employment with the City of Pensacola.



TOPIC: Funeral Leave

SECTION: 3-7

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2023; January 1, 2024

In the event of a death in the employee's immediate family, which is defined as spouse, parents, step-parents, children, step-children, brothers, sisters, step-brothers, step-sisters, mother-in-law, father-in-law, grandparents, great-grandparents, grandchildren, brother-in-law, sister-in-law, aunt or uncle of the employee and of their spouse, the City will permit up to a maximum of three (3) consecutive leave days with pay. Funeral leave must be taken within two (2) weeks of the date of the death unless approved by the Department Director.

The City recognizes that this policy does not cover every situation and that the three (3) days provided may not be sufficient. For this reason, employees may, with the approval of their department director/division administrator, use PTO leave to supplement the funeral leave policy.

A director/supervisor may require the employee provide documentation for a funeral leave request.

Funeral Services for Law Enforcement Officers

House Bill 535 "Funeral Service Benefits for Public Safety Officers" authorizes travel expenses for members of law enforcement agencies for a specified purpose. Florida Statue 112.061.(3) allows the Police Chief to authorize travel expenses for a law enforcement officer of the Pensacola Police department to attend a funeral service within the state of a law enforcement officer who was killed in the line of duty.

Florida Statute 112.1921 allows the Police Chief to grand administrative leave, not to exceed eight (8) hours, to an employee of the Pensacola Police Department to attend a funeral service with the state of a law enforcement officer who was killed in the line of duty. The Police Chief may deny the use of administrative leave under this section in order to maintain minimum or adequate staffing requirements.



TOPIC: Military Leave

SECTION: 3-8

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; January 1, 2023; April 4, 2024; April 1, 2025

Military leave is administered in accordance with State and Federal law and is considered any leave necessary to fulfill military obligations with a branch of the Armed Forces of the United States and the Federal Emergency Management Agency (FEMA).

A. Extended Military Leave

Persons granted extended military leave forfeit all employee benefits while on active duty, but will be afforded reinstatement or reemployment privileges, as required under and in accordance with *Florida Statutes 295.09* and the *Uniformed Services Employment and Reemployment Rights Act of 1994* (USERRA).

Extended military leave will be granted under these conditions:

- 1. The employee has received notification from proper authority to report for active duty with the Armed Forces.
- 2. The official notice of induction, or recall, into active duty, or a verified copy of same, is presented to Human Resources within five (5) days of receipt by the employee or as soon as reasonably possible. A record of this notice is to be recorded in the employee's file.
- 3. Upon honorable completion of military obligations, former employees must present their request in writing to the Human Resources Director within one (1) year of the date of separation from military service to be eligible for reemployment benefits.
- 4. Upon resumption of active employment with the City of Pensacola, the employee will be given credit for acceptable service performed prior to entering the military for seniority purposes, and for pension purposes when the pension law is complied with. Time spent on extended military duty shall count without loss of personal time-off leave, pay, time, or efficiency rating, except in the case of pensions whereby authorized. Said employee shall be given benefit of any range increases granted for the position vacated during military absence.

- 5. Employees on extended military leave are entitled two hundred forty (240) hours at full pay in any one annual calendar period. In addition, during each military activation, the City will:
 - a. Supplement the employee's military salary to the extent that will equal the amount earned at the time they were called to active duty. The supplement would continue for a period up to six (6) months.
 - b. Continue all other employee benefits such as time accrual for purposes of PTO leave, annual increments, and pensions; insurance and deferred compensation provided the employee maintains his or her contributions as previously arranged. Benefits would continue for a period up to six (6) months.

B. Military Leave for Training Purposes

Section (1) of Florida Statute 115.07 requires the City to grant leaves of absence to City employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard without loss of vacation leave, pay, time, or efficiency rating. This leave is required on all days during which the City employee is engaged in training ordered under the provisions of the United States military or naval training regulations regardless of whether they are assigned to active or inactive duty.

Florida Statute 115.07 gives a maximum period of two hundred forty (240) hours in any one (1) annual calendar year period for this type of leave of absence. Administrative leaves of absence for periods in excess of two hundred forty (240) hours, employees may choose leave without pay for available PTO.

Employees requesting leave under these provisions must submit a verified copy of their notification for duty with completed *Personnel Leave (PF 301)* or *(PF 300)*, to their department director at least two (2) weeks in advance.

C. The CREW Act

The Civilian Reservist Emergency Workforce (CREW) Act of 2021 was signed into law by the President on September 29, 2022. The CREW Act amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act as well as the Uniformed Services Employment and Reemployment Rights Act (USERRA) to protect civilian employment of FEMA Reservists when they are deployed to disasters and emergencies, or training for such, on behalf of FEMA.

The CREW Act expands USERRA to include FEMA Reservists. USERRA was enacted to ensure that members of the uniformed services are entitled to return to their civilian

employment upon completion of their service. FEMA reservists should be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by their civilian employer. The law also protects individuals from discrimination in hiring, promotion, and retention based on present and future membership in the uniformed services. The definition of "uniformed services" includes, the Armed Forces, the Army National Guard and Air National Guard, the commissioned officer corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA), members of the National Disaster Medical Service (NDMS), members of the National Urban Search and Rescue (USAR) System, and now, as a result of the CREW Act, FEMA Reservists.

To be eligible for reemployment following a deployment, Reservists must meet the five conditions defined below.

The Reservist must:

- 1. Hold a civilian job;
- 2. Have given written or verbal notice to the civilian employer prior to leaving the job for Reservist training or deployment except when precluded by FEMA necessity;
- 3. Not have exceeded the 5-year cumulative limit on periods of service (note: this is per employer);
- 4. Have been released from service under conditions other than dishonorable for military reservists and Guard; and
- 5. Report back to the civilian job in a timely manner or submit a timely application for reemployment (requirements for timely reemployment are addressed below).



TOPIC: Court and Jury Duty

SECTION: 3-9

EFFECTIVE: October 1, 2019

REVISED: N/A

The City encourages good citizenship and individual responsibility to government and justice. Employees who have been duly requested to serve on juries or who have been duly summoned for job-related issues will be granted such permission by their supervisors. Supplementary pay received by jurors or witnesses for such duties will become the property of the employee rendering such service, and they shall be granted court time leave with pay from their normal duties as an employee providing they:

- 1. Report their summons to duty to their supervisor upon receipt and makes proper advance arrangement for time-off.
- 2. Report to their supervisor the number of days served and the number of hours per day during which their presence was required by the court.
- 3. Report back to their supervisor for active work on any such days when the employee has been excused by the court in time to work 50% or more of the workday.

Court time leave with pay may be provided up to a maximum of two (2) weeks. Court duty expected to extend beyond this amount of time shall result in the employee being compensated in accordance with the methods as allowed by the court system and the City.



TOPIC: Domestic Violence Leave

SECTION: 3-10

EFFECTIVE: October 1, 2019

REVISED: N/A

Employees who have been employed by the City for more than three (3) months may be granted up to three (3) days of unpaid leave in any twelve (12) month period if the employee or a family or household member of an employee is the victim of domestic violence. Before receiving this leave, all PTO, personal holidays, or other paid leave for which the employee is entitled, must be exhausted. This leave may be used to:

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

"Family or household member" means spouse, former spouse, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. Except in cases of imminent danger to the health or safety of the employee or his/her family or household member, the employee must provide Human Resources with seven (7) days advance notice of the need for this leave along with sufficient documentation of the act of domestic

violence. This documentation may include copies of restraining orders, police reports, orders to appear in court, etc. In cases of imminent danger, such documentation may be submitted after the leave is taken, but shall be submitted within three (3) working days from the employee's return to the workplace unless an extension is granted by the Human Resources Director. Failure to submit requested documentation will result in the denial of the leave and may result in discipline for unauthorized absence.

The City recognizes that confidentiality in matters relating to this type of leave is of utmost importance and every measure possible will be taken to ensure confidentiality.



TOPIC: Absence Due to Legal Charges

SECTION: 3-11

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; October 1, 2024

When an employee has been charged with a crime, the department director may grant the employee personal time-off leave or may charge the employee absence without approved leave depending on circumstances.

When an employee has been convicted of a crime by a court of law, the department director may grant leave without pay for absences of thirty (30) days or less. Time-off of more than thirty (30) days will prompt action for the employee's dismissal.

When an employee has been accused and charged of an illegal act concerning their City employment, the employee may be placed on leave without pay pending legal adjudication.

Leaves of absence due to employee involvement with legal proceedings will be determined depending upon the demands of the department, the anticipated duration of the employee's absence and the nature of the circumstances.

An employee on extended leave without pay may continue participation in the City's group health benefit program. However, the employee is responsible for paying the employee's portion of the premium as well as the City's contributions to the premiums.



TOPIC: Accuracy of Records

SECTION: 3-12

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

Each paycheck earnings statement reflects the balance of employee leave. Employees are responsible for ensuring the accuracy of the balances as shown on their paycheck statement. Any error in balances must be reported to Financial Services through the department payroll representative within thirty (30) calendar days after receiving the report; otherwise, reported balances are assumed to be correct and shall stand.



TOPIC: Voting

SECTION: 3-13

EFFECTIVE: October 1, 2019

REVISED: N/A

The City encourages employees to exercise their right to vote. Exercise of one's right to vote by means of early voting or completion of mail-in ballot is encouraged. If the employee work schedule and the location of the employee polling place will make it difficult for an employee to get to the polls before they close, the employee is entitled to take up to a maximum of two (2) hours off work if PTO is available. Employees are expected to work with their supervisors to ensure that their absence does not negatively impact City operations.

Section 3-13 Voting



TOPIC: Training / Travel

SECTION: 3-14

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020

All requests for training/travel should be submitted on the *Request/Report of Training and Travel Funds Form* (PF-210PC) (Training and Travel Form).

Requests for training and travel must be **pre-approved** by the department director or designee on the *Training and Travel Form*. Training and travel requests for department directors must be **pre-approved** by the City Administrator or designee on the *Training and Travel Form*. In addition, employees, who are not regular, full-time employees of the City, must obtain Training and Travel pre-approval from the Human Resources Director or designee. Reimbursement by the City may be denied absent advanced approval.

Employees will be reimbursed for reasonable expenses incurred in connection with approved travel on behalf of the City. Employees seeking reimbursement should incur the lowest reasonable travel expenses. The *Training and Travel Form* must include all expenses and list all RPs billed or paid separately and have all required signatures. If funds are being requested in advance, the *Training and Travel Form* should be submitted to the Financial Services Department for check processing at least fifteen (15) days prior to travel.

Reconciliation of the *Training and Travel Form* is due within ten (10) working days after return. The reconciled *Training and Travel Form* must be signed by the employee and submitted to the department director for approval and signature. The reconciled *Training and Travel Form* for department director must be approved and signed by the City Administrator or designee. The City's Finance Director will review and determine if the reconciliation should be approved for reimbursement. The final determination of the amount paid for training and travel shall be made by the Finance Director or designee.

Expenses are calculated as follows:

- a) **Hotel/Motel**: Single, at cost. For travel within the State of Florida, the check should be issued to the Hotel/Motel excluding the **Florida State Sales Tax***. Receipt required. (double at single rate will be accepted)
- b) M&IE: General Services Administration (GSA) per diem rates for the travel destination city shall be used. GSA per diem rates are for meals and incidental expenses (M&IE) for total travel and training time that exceeds twelve (12) hours. No M&IE per diem is allowable for total travel and training time that is twelve (12) hours or less. M&IE per diem rates for travel destination cities are available on the GSA website at www.gsa.gov/perdiem. The breakdown of M&IE per diem rates for the first and last day of travel shall be utilized. Incidental expenses incorporated in the M&IE per diem include, but are not limited to, all tips given to parking attendants, porters, baggage carriers and hotel staff. (*Reimbursement for travel out-of-town only).
- c) **Transportation**: City vehicles may be utilized if travel is confined to the State of Florida. Reimbursement will be made at cost for gas. Receipts required.

Private vehicles may be authorized. Reimbursement will be at the mileage rate set by City, <u>not to exceed cost of airfare</u> (including ground transportation when necessary).

Airfare is authorized for tourist coach fare only.

Baggage: When an airline charges a fee for baggage, reimbursement will be made at cost for one bag only; if the first bag is free, no reimbursement will be made. If your personal bag exceeds the restrictions and you are charged extra, the City will not reimburse.

Fly vs Drive: Please be advised that if it is cheaper to fly, the mileage reimbursement amount may be limited to the airfare and ground transportation calculation. Note: when comparing flying to driving, the flight cost should be based on departure in and out of the Pensacola International Airport given your flight parameters with at least two (2) weeks' advanced ticketing.

Cabs, local buses, taxis and tolls. Reimbursement will be at cost. Receipt required.

An accounting of monies is required within ten (10) working days after return. Itemized receipts must accompany report of funds spent. In the event that the ten (10) working day settlement cannot be met, an extension must be authorized by the Finance Director or the employee will be precluded from receiving advances and/or reimbursements for subsequent travel until settlement of the previous trip. The final determination of the amount paid for training and travel shall be made by the Finance Director or designee.

* The City of Pensacola will not pay Florida State sales tax on lodging within the state. In order not to be billed for state sales tax, a check should be made out to the Hotel/Motel along with our tax-exempt certificate. If the employee pays in advance with a personal check or credit card and pays the sales tax, the City will not reimburse tax paid by the individual. If a check has been requested for hotel costs, this amount should not be added to the total requested amount.

Driver License Reimbursement for Training: With approval of the department director, employees may receive reimbursement for the cost of obtaining a Commercial Driver License (CDL), when it is a requirement of their job. This approval must be secured before the employee applies for the license. The employee must present a valid receipt showing they have completed the training and passed the test prior to being reimbursed.



TOPIC: Administrative Leave

SECTION: 3-15

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

If a situation exists where an employee's presence on the job is judged to be detrimental to the work operation or where safety and security is of concern, the department director may place the employee on administrative leave with pay for one day at their discretion. Placement on administrative leave by the director for more than one day will require Human Resources approval. An employee may also be placed on administrative leave with pay in conjunction with disciplinary procedures. Any other circumstance requiring the use of administrative leave must be authorized by the Mayor or designee. An employee may be placed on administrative leave for an initial period of up to fourteen (14) calendar days. Once the initial fourteen (14) day period expires, management reserves the right to extend administrative leave in increments of no more than fourteen (14) days at a time. Management reserves the right to decide if Administrative Leave is to be paid or non-paid. For pay documentation, an electronic *Personnel Action Form* must be sent to Human Resources. If management chooses to utilize non-paid Administrative Leave, the employee may use personal time-off leave if leave is available or leave without pay must be used.



TOPIC: Leave of Absence With & Without Pay

SECTION: 3-16

EFFECTIVE: April 1, 2020

REVISED: October 1, 2024

Leave of Absence with Pay may be used in connection with ongoing investigations or disciplinary actions for the purpose of conducting an investigation into allegations of impropriety on the part of the employee and at other times when it is considered to be in the best interest of management for the employee to temporarily placed in a non-duty status for up to one (1) work day. Any other circumstance requiring the use of administrative leave for periods of extended duration require the approval of the Human Resources Director. Leave of Absence with Pay of fourteen (14) workdays or more for emergencies and other exigencies deemed appropriate must be submitted to the Human Resources Director for review and recommendation to the City Administrator for approval.

Leave of Absence without Pay (LWOP) is an approved temporary nonpaid status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency internal policy. An employee on extended LWOP may continue participation in the City's group health benefit program. However, the employee is responsible for paying the employee's portion of the premium as well as the City's contributions to the premiums.

Management reserves the right to decide if Leave of Absence or Administrative Leave is to be non-paid. For pay documentation, an electronic *Personnel Action Form* must be sent to Human Resources. If management chooses to utilize non-paid Administrative Leave, the employee may use PTO leave if leave is available or leave without pay must be used.



TOPIC: State of Emergency Leave

SECTION: 3-17

EFFECTIVE: April 1, 2020

REVISED: July 1, 2020

The Mayor, or his/her designee, may authorize the use of State of the Emergency Leave (SEL) in response to A) hazardous weather conditions such as a tropical storm or hurricane warning or B) danger presented from a contagious disease under the conditions described in this policy even after the expiration of the State of Emergency based on these conditions if the safety of City employees warrants the use of SEL. The use of SEL is a discretionary tool that may be granted or discontinued at any time and it is not a vested benefit that the employee is entitled to receive.

This type of leave is paid leave that supersedes the use of Personal Time Off (PTO) as would otherwise be allowed by the current City Human Resources Policy Manual (HRPM). If State of Emergency Leave is authorized, it provides benefits over and above benefits set forth in any bargaining agreement. During the time an employee is authorized to use SEL, after thirty (30) days, no additional benefits that might otherwise accrue will be available under the current City HRPM or any collective bargaining agreement. For example, after thirty (30) days, additional PTO hours are not earned while being paid by virtue of SEL. This type of paid leave is designed to provide no special advantage or cause any detriment to the employee in terms of pay during the State of Emergency; rather, the employee is to maintain the position he or she would otherwise enjoy if the State of Emergency did not exist.

A. Hazardous Weather Conditions

Should hazardous weather conditions warrant the use of SEL, employees who are not otherwise required to be on duty may shelter in place or evacuate as directed by emergency personnel without loss of PTO or pay until the State of Emergency ends or for fourteen (14) days, whichever occurs first. Employees who are exempt from receiving overtime may be expected by their directors to work remotely during the time of the State of Emergency. If SEL is authorized, each exempt employee should confirm what the

expectations (reporting locations, tele-work, etc.) are from his or her director during the time the SEL is being utilized.

B. Contagious Disease

Should a State of Emergency be declared because of risks posed by a contagious disease, it is found to be in the public interest to encourage employees to avoid circumstances that would contribute to the spread of disease by offering SEL. This benefit is available only upon approval by the Mayor or Mayor's designee. Employees may expect SEL to be approved under various circumstances:

- an asymptomatic employee (i.e., healthy, not displaying symptoms of the given disease) is subject to movement restrictions (quarantine or isolation) under the direction of public health authorities due to a significant risk of exposure to a quarantinable communicable disease (such as caring for another), including but not limited to COVID-19, is likely to receive SEL upon request;
- 2. an employee is infected or who likely has been infected, with a quarantinable communicable disease, such as COVID-19, can expect to receive SEL upon notification to the City Nurse or his/her designee of the condition;
- an employee with an underlying condition or other risk factor which, in the discretion of the City Nurse or based on a notification from the physician of the employee, may request SEL to avoid exposure to a contagious disease such as COVID-19;

An employee with or without an underlying condition or other risk factor may request a flexible work program to continue performing essential functions in a location that allows the employee to avoid, to the extent practicable, exposure to the contagious disease that resulted in a State of Emergency being declared.

In cases where more than fourteen (14) days SEL is required, requests must be processed through the Human Resources Director and approved by the City Administrator.

SEL is granted at the discretion of the City Administrator and may be denied when an asymptomatic employee has the ability to telework. Exempt employees may be expected by their directors to work remotely during the State of Emergency unless the employee is symptomatic or caring for someone who is symptomatic. If SEL is granted, expectations regarding working remotely should be clarified by the employee and his or her supervisor before SEL is taken.

PTO must still be used when a non-qualifying illness or injury prevents an employee from performing work. If the employee exhausts their available PTO, other paid leave or paid time off may also be available to an employee, as described in the City HRPM.



CHAPTER 3 – LEAVE ADMINISTRATION

TOPIC: Paid Parental Leave

SECTION: 3-18

EFFECTIVE: December 14, 2020

REVISED: October 1, 2022; July 1, 2023

A. Purpose/Objective

The City will provide employees up to four (4) weeks of paid parental leave after an employee uses one (1) week (forty (40) hours) of PTO following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. If the employee does not have a full week of PTO, they have two (2) choices: 1) Wait until they accrue PTO and use a full week of PTO, then use the four (4) weeks of paid parental leave or 2) Use the available PTO in their balance and be subject to normal FMLA practice with no paid parental leave. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after date of the qualifying event.

B. Eligibility

Eligible employees must meet the following criteria:

- Have been employed with the City for at least twelve (12) months (the twelve (12) months do not need to be consecutive).
- Have worked at least 1,250 hours during the twelve (12) consecutive months immediately preceding the date the leave would begin.
- Be a full- or part-time, regular or SES employee (probationary, temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following qualifying criteria:

- Have given birth to a child.
- Be a spouse or committed partner of a woman who has given birth to a child.

 Have adopted a child or been placed with a foster child (in either case, the child must be age seventeen (17) or younger). The adoption of a new spouse's child is excluded from this policy.

C. Amount, Time Frame and Duration of Paid Parental Leave

Eligible employees are entitled to receive a maximum of four (4) weeks of paid parental leave after taking one week of PTO leave per birth, adoption, or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the four (4) week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than four (4) weeks of paid parental leave in a rolling twelve (12) month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that twelve (12) month timeframe. Employees are entitled to request additional use of their accumulated PTO leave in lieu of leave without pay during any period in which paid parental leave is not available.

Each week of paid parental leave is compensated at one hundred percent (100%) of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.

Approved paid parental leave may be taken at any time during the twelve (12) week period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this twelve (12) week time frame. To begin in a time other than immediately following the birth, adoption or placement would require approval of the Department Director and the Human Resources Director.

Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the twelve (12) week time frame indicated above. Any unused paid parental leave will be forfeited at the end of this timeframe.

Upon termination of the individual's employment at the City, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

D. Coordination with Other Policies

Paid parental leave taken under this policy will run concurrently with leave under the Family Medical Leave Act (FMLA); thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the twelve (12) weeks of available FMLA leave during a twelve (12) month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether Section 3-18 Paid Parental Leave

paid or unpaid—granted to the employee under the FMLA exceed twelve (12) weeks during the twelve (12) month FMLA period. Please refer to the Family and Medical Leave Policy in the Human Resources Policy Manual for further guidance on FMLA.

After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) may be compensated through employees' accrued PTO and personal time. Upon exhaustion of accrued PTO any remaining leave will be unpaid leave.

The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other City PTO leave.

If a City holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.

If the employee is on paid parental leave when the City offers administrative leave (known as an "admin day"), that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.

E. Requests for Paid Parental Leave

The employee will provide his or her supervisor and the Human Resources department with notice of the request for leave at least thirty (30) days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary Human Resources forms and provide all documentation as required by the Human Resources department to substantiate the request.

As is the case with all City policies, the City of Pensacola has the exclusive right to interpret this policy.



CHAPTER 4 – HEALTH AND SAFETY

TOPIC: Workers' Compensation

SECTION: 4-1

EFFECTIVE: October 1, 2019

REVISED: January 1, 2022; January 1, 2024; April 1, 2024

Employees are eligible for workers' compensation benefits for job-related injuries in accordance with the provisions of the Florida Workers' Compensation Law, Chapter 440. If you are injured on the job, you must immediately report the incident to your manager or his/her designee. If an injury occurs, you are to report to the City Clinic within twenty-four (24) hours or, if on a weekend, the next workday when the Clinic is open. In cases of severe injury or extreme emergencies, the injured employee should be taken to the nearest hospital emergency room by ambulance and the supervisor should notify the City Clinic.

In compliance with the Federal Americans with Disabilities Act, the Family Medical Leave Act, and other applicable federal and state laws, each employee injured in a job-related accident will be assured of their job when released to return to duty. If the employee is unable to return to their normal job, every reasonable effort will be made to ensure that the employee will be placed in another position within the City structure commensurate with their physical limitations.

Temporary Total or Temporary Partial Disability

All time off work due to a job-related injury/illness must be approved by the authorized treating physician/City Nurse. If lost time is incurred, continuation of salary under Florida Statute requires that a compensable injury or illness be paid for at the rate of sixty-six and two third percent (66 2/3%) of the employee's average earnings to a maximum as established by the State. However, the City will compensate in the following manner for each temporary total or temporary partial disability caused by an initial on-the-job-injury. In determining the period of time listed below, all absences shall be cumulative calendar days.

- 1. The injured employee may be paid one hundred percent (100%) of their salary for up to ninety (90) days, without using accumulated leave.
- 2. The ninety (90) day period of leave under workers' compensation is counted as FMLA leave as a serious health condition.
- 3. After the initial ninety (90) days, an employee may choose to use accumulated personal time off (PTO) leave. Donated leave is not available to an employee receiving workers' compensation benefits.
- 4. Beginning day ninety-one (91), an employee who remains off work due to a job-related injury/illness and who elects to take accumulated PTO, may receive regular pay for the leave in addition to workers' compensation benefits.
- 5. At the end of ninety (90) days of lost time for an on-the-job injury/illness and when no other leave is available, the employee must return to full duty or be placed in another available position with the City that is commensurate with his/her physical restrictions. This determination is made by the Medical Director of the Clinic, in conjunction with the Human Resources Director.
- 6. No employee shall remain off work and be on regular payroll for more than ninety (90) days plus accumulated personal leave, because of an on-the-job injury/illness.
- 7. After ninety (90) days of job-injury/illness leave, expiration of Family Medical Leave (which runs concurrent), and the expiration of accumulated personal time off leave, if the employee is unable to return to work performing the essential functions of the job or if no accommodation can be made for physical restrictions, his/her employment may be terminated.

Funeral Services and Death Benefits for Law Enforcement Officers

In the event of a law enforcement officer's death in the line of duty, Florida Statute 112.19.(2).(f).1 states that sum of \$10,000 must be paid toward the funeral and burial expenses of such officer. Such benefits are in addition to any other benefits to which employee beneficiaries and dependents are entitled under the Worker's Compensation Law or any other state federal statute.



CHAPTER 4 – HEALTH AND SAFETY

TOPIC: Medical Examinations

SECTION: 4-2

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; April 1, 2024; April 1, 2025

It is the policy of the City to provide a medical examination program, which will:

- Select candidates who are physically fit to perform the physical demands of the essential job functions of the positions to which appointment is made effectively and safely.
- Provide up-to-date medical information on City employees necessary to effective personnel utilization when it relates to demands of the essential job functions and a "need to know" basis.
- Adequately protect the health and safety of all City employees.

A. Examinations Required

A medical examination will be required and the medical standards, as adopted by the City of Pensacola, shall apply to the following groups:

1. Applicants

All new hires and former employees seeking employment will be treated as new applicants for medical purposes.

New employees for City employment or promotional employees, including full-time, part-time, grant and other employees for whom the City is liable, are required to undergo a medical examination to determine physical and mental fitness to perform the essential functions for the position to which appointment is made. The decision of the physician contracted by the City with respect to physical qualifications for a given position is the final administrative medical authority. Applicants and employees determined to be physically or mentally unfit

for service shall be considered for their ability to perform the essential functions of the position with or without "reasonable accommodation."

2. Employees

All employees of the City, during their period of employment, may be required by their department director or upon written request of two coworkers to undergo periodic medical examinations to determine their physical and/or mental fitness to perform the essential job functions of the position in which they are employed. Such medical examinations shall be at no expense to the employee. Determination of physical or mental abilities will be by the physician contracted by the City. Any medical information obtained by the physician contracted by the City regarding the employee will be kept confidential.

When an employee of the City is reported by the physician contracted by the City to be physically or mentally unable to perform the essential functions of the position, which the employee is employed, an accommodation analysis may be conducted. If accommodation in the present position is not found to be "reasonable" or possible, other placement shall be considered.

The length or duration of these options shall be predetermined and in writing. They may be extended only under extenuating circumstances and with approval of the Mayor or designee. The employee may, within five days from the date of notification of such determination by the physician contracted by the City indicate in writing to the Human Resources Director their intention to submit the question of their physical or mental abilities to a physician of their own choice. The opinion of the second physician or the employee's physician is the responsibility of the employee and must be paid for by the employee.

In the event there is a difference of opinion between the physician contracted by the City and the physician chosen by the employee, then the physician contracted by the City and the physician chosen by the employee shall mutually designate a physician. The decision of the mutually designated physician shall be final and binding as to the physical or mental abilities of the employee to perform the essential job functions of the position in which they are employed, with or without reasonable accommodation. The City shall pay for the fees of the physician mutually designated.

An employee finally determined to be physically or mentally unable to continue in the position in which they are employed, with or without accommodation, based on physical or mental disabilities according to the physician contracted by the City shall be

considered for transitional duty or placement elsewhere in the City, or placed on leave until a determination is reached.

Employees may not return to duty following a prolonged absence of more than three (3) days due to illness or injury, until they have been determined to be physically or mentally capable of performing the essential functions of their position with or without reasonable accommodation by the City Clinic. For additional circumstances, such as fever of 101.2 F or greater, and/or treatment at an emergency room, employees are to report to the City Clinic prior to returning to work.

B. Other Provisions

- 1. A medical history evaluation and physical examination, to include such tests as are deemed appropriate by the physician contracted by the City, will be conducted to insure the employee's ability to perform the essential functions of the position. The medical standards are the guidelines, which will be used to determine the medical fitness of all applicants for employment, and promotion of City employees.
- 2. An individual found unable physically or mentally to perform the essential functions of the position shall be considered for reasonable accommodation if they are "otherwise qualified" for the position.
- 3. Those employees with disabilities, which are temporary or correctable, will be advised to return to the City Clinic for evaluation. When such temporary or correctable disabilities have been corrected, the employee will be rescheduled for a physical examination with the physician contracted by the City Clinic. Failure to conscientiously pursue a prescribed corrective program or acceptance of accommodations within the allocated time limits shall be cause for withdrawal of employee's certification to return to work and may result in disciplinary action up to and including termination.

C. Medical Groups / Medical Standards

All positions are assigned specific medical standards and requirements based upon the physical demands of the job. Positions having similar physical demands of the essential job functions have been placed in numbered Medical Groups, which are generally defined as follows:

 Medical Group I – Positions which require a high degree of physical fitness and mental health. These positions may require extreme physical exertion under emergency conditions, including such activities as running, jumping, swimming,

- climbing, lifting, pulling and carrying heavy weights. Special uncorrected vision and hearing requirements may be required. Included are positions, for example, such as Firefighter, Police Officer, etc.
- Medical Group II Positions which require considerable physical labor and exertion, including such activities as bending, stooping, twisting, and lifting. Most positions require good manual and/or finger dexterity, and good corrected vision. Included are positions, for example, such as maintenance workers, sanitation workers, equipment operators, mechanics, recreation supervisors, inspectors, etc.
- **Medical Group III** Positions which require little physical exertion. Includes administrative and clerical positions.

Medical Standards for each Medical Group have been adopted by the City of Pensacola for its Medical Examination Program. Detailed descriptions of these requirements are available on the Human Resources website. All applicants and employees who are "otherwise qualified" and can perform the essential functions of the job with or without "reasonable accommodation" shall be considered. If an accommodation is required, the employee/applicant will provide cooperation with the accommodation analysis process.

*City of Pensacola Medical Examination Program Standards are attached as an appendix.



CHAPTER 4 – HEALTH AND SAFETY

TOPIC: Bloodborne Pathogens Exposure Control Plan

SECTION: 4-3

EFFECTIVE: October 1, 2019

REVISED: 4/1/2020; 4/1/2021; 10/1/2022; 1/1/2024; 10/1/2024

A. Purpose

The City of Pensacola ensures that all employees with occupational exposure to human bloodborne pathogens are protected from contracting bloodborne disease through implementation of a bloodborne pathogens exposure control plan. Certain types of job assignments are at risk for exposure to bloodborne pathogens or other potentially infectious materials. Among these jobs are all sworn police personnel, all certified fire personnel, all other personnel who have occupational exposure to blood or other potentially infectious materials (e.g., nursing staff, airport maintenance technicians and electricians, building maintenance workers, recreation staff, sanitation equipment operators, field services leaders, field services technicians, field services workers, code enforcement, and HVAC technicians).

The written Exposure Control Plan (ECP), available through the City Clinic, has been established to minimize health risks to employees. The goal of the ECP is to prevent the spread of infection as a result of occupational exposure to AIDS, hepatitis, and other communicable diseases. The ECP is to be used as a tool for educating public safety personnel (fire and police), who have a higher potential for occupational exposure to blood or other infectious materials, and for other employees who are required to render first aid or might come in contact with contaminated/infectious materials in the normal course of their job duties.

The City Clinic will oversee this program and coordinate with a healthcare provider to investigate cases of exposure and to provide treatment. The plan will be reviewed annually by the City Nurse and Medical Director and updated as necessary, to reflect significant changes in tasks or procedures as outlined or mandated by City contracted oversight agencies.

Each City of Pensacola employee is responsible for following the policies and procedures outlined in the ECP. Department directors overseeing first responders are responsible for developing operating procedures pertinent to their area of work.

Individualized procedures must be in accordance with the ECP as required by Florida standards.

B. Definitions

Acquired Immune Deficiency Syndrome (AIDS): occurs once an HIV positive person contracts an opportunistic infection(s). There is currently no vaccine or cure for AIDS, but there are effective medications used to control the disease.

Bloodborne Pathogens: pathogenic (disease-causing) microorganisms that are present in human blood, body fluids, and other potentially infectious materials that can cause disease in humans. These pathogens include, but are not limited to: Hepatitis A, Hepatitis B, Hepatitis C, and Human Immunodeficiency Virus (HIV).

Body Fluids: liquids within the human body.

CFA - Commission for Florida Law Enforcement Accreditation: These references within this plan apply only to the Pensacola Police Department and its requirements for accreditation.

Communicable Disease: an infectious disease transmissible (from person to person) by direct contact with an affected individual, the individual's discharges or by indirect means.

Contaminated: the presence or reasonably anticipated presence of blood or other potentially infectious material on an item or surface.

Contaminated Sharps: any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass.

Decontamination: the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered same for handling, use or disposal.

Exposure Incident: a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious material that results from the

performance of an employee's duties.

Hepatitis: general term for several different types of viruses that affect the liver. The two most common types of hepatitis are Hepatitis A and Hepatitis B.

Hepatitis A: transmitted from person to person or through contaminated food or water. Hepatitis A is most often transmitted by poor personal hygiene such as not washing hands after using the bathroom.

Hepatitis B: transmitted through activities that cause contact with infectious blood or body fluids. These include unprotected sex with an infected person, sharing of needles for injections, working in the healthcare field, receiving a transfusion of unscreened, infected blood, and medical, dental, or cosmetic procedures with unsterilized contaminated equipment.

Hepatitis C: transmitted by direct contact with the blood or body fluids of an infected person. The most common causes of new infection are high-risk drug use and high-risk sexual activity. The average incubation period is 45-75 days. Most people infected with Hepatitis C have no symptoms.

Human Immunodeficiency Virus (HIV): the virus that causes AIDs. HIV weakens the body's immune system, reducing its ability to fight disease. HIV does not mean AIDS.

Infectious Disease: an illness or disease resulting from invasion of a host (human) by a disease producing organism such as bacteria, viruses, fungi, or parasites.

Modes of Transmission: infectious diseases are transmitted from person to person through direct and indirect transmission. Direct transmission occurs through person to person contact via skin to skin or direct contact with infected blood or body fluids. Indirect transmission occurs by airborne transmission or via droplets that are expelled into the air by talking, a productive cough or sneeze.

Occupational Exposure: means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. Any exposure to a communicable disease carries a certain amount of risk.

Other Potentially Infectious Materials (OPIM):- is defined as the following: saliva (with visible blood) present; semen; vaginal secretions; cerebrospinal, synovial, pleural, pericardial, peritoneal, and amniotic fluids; any body fluids that is visibly contaminated with blood; and all body fluids in situations where it is difficult or impossible to differentiate between

body fluids, unfixed human tissues, or organs; HIV- containing cell or tissue cultures, organ cultures and HIV or HBV-containing culture or media or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Parenteral: is defined as piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

Personal Protective Equipment (PPE): clothing and equipment that is worn or used to provide protection against hazardous substances or environments. PPE is provided to employees by their department. For Police personnel, PPE is provided by the Training & Accreditation Section, Crime Scene, and Patrol Lineup for afterhours access. PPE consists of latex gloves, band aids, face masks/shields/eye protection, and antiseptic hand sanitizer.

Sworn members shall be issued latex gloves, face shield, and hand sanitizer by the training section to be carried at all times in each member's assigned police vehicles. {CFA 29.01 M B, 14.01 M E.} Protective clothing, including suits and aprons will be maintained by Crime Scene for distribution to personnel as needed. Personal Protective Equipment shall be included in sworn members' vehicle and equipment inspection.

Any Police personnel who personally purchases more than the required items such as a first aid kit, must have it inspected and approved by the Training & Accreditation Section, before it is placed in their vehicle.

Source individual: any individual, living or dead, whose blood or OPIM may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospitals and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

Universal Precautions: treating all blood and body fluids as if they are known to be infected with bloodborne pathogens. Avoid any unnecessary contact or inappropriate actions that could cause infection. Always protect yourself first, before providing help to the victim.

- Wash your hands and exposed skin with soap and water immediately after exposure to infectious materials and/or after removing gloves or other personal protective equipment.
- When handwashing is not feasible, use an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
- Minimize splashing, spraying or spattering of droplets of blood or other potentially infectious materials.

- Flush splashes to nose, mouth and eyes with water immediately or as soon as feasible following contact of these body areas with blood or other potentially infectious materials. Irrigate eyes with clean water, saline or sterile wash.
- Place contaminated sharps in assigned, labeled, puncture-resistant, leak proof containers.
- Do not shear or break contaminated needles or other sharps unless required to do so for evidence submission (Police only).
- Do not bend, recap, or remove needles unless specifically instructed. Such bending, recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.
- Do not keep food or drink in work areas with exposure potential.
- Do not eat, drink, smoke, apply cosmetics or lip balm, or handle contact lenses in work areas with exposure potential.
- Do not pipette or suction potentially infectious materials with your mouth.
- Wear PPE as provided. PPE will be provided to those employees determined to be high risk for exposure. Make sure PPE is in good condition prior to use. Damaged PPE should not be used.
- After exposure, remove protective clothing to avoid contaminating yourself.
- Place contaminated PPE in the assigned area or container for decontamination, washing, storage or disposal.
- Wear gloves to prevent hand contact with infectious materials.
- Gloves shall be worn when it can be reasonably anticipated that the employee may have contact with blood or other potentially infectious materials, mucous membranes, and non-intact skin, and when touching contaminated items or surfaces. Keep any area of broken skin or open wounds covered and protected.
- Replace disposable gloves after each use; immediately, if they are torn or punctured or when their ability to function as a barrier is compromised.
- Disposable gloves are not to be washed or decontaminated.
- Utility gloves can be decontaminated and reused if they are not cracked, torn, or otherwise unable to provide protection.
- Masks, face shields, goggles, or glasses with solid side shields shall be worn whenever splashes, sprays, spatters or droplets of blood or other potentially infectious materials may be generated, and eye, nose, mouth or face contamination can be reasonably anticipated.
- Gowns, aprons, or similar clothing and shoe covers or boots protect the body and should be worn if occupational exposure is anticipated.

The employee shall use appropriate PPE unless the employer shows that the employee temporarily and briefly declined to use it when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have

prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

C. Other Precautionary Procedures

- Clean and decontaminate all equipment and surfaces after contact with blood or potentially infectious materials.
- Clean with soap and water, followed by application of a disinfecting solution. Spills
 of blood or other potentially infectious materials should be saturated with a
 disinfectant solution prior to the cleaning procedure above.
- Solutions such as bleach and water at a 1:10 dilution ratio (1-part bleach to 10-parts water) are an acceptable disinfectant or use other potent occupational exposure decontaminant. If using bleach and water, a fresh disinfectant must be prepared each day or use of other potent disinfectant may be used.
- Clean and decontaminate bins, pails, and other reusable receptacles on a regular schedule and immediately after contact with potentially infectious materials. Clean as indicated above.
- Use a brush and dustpan, tongs or forceps NOT YOUR HANDS to pick up possibly contaminated broken glass or other sharp objects.
- Remember disinfectants can be toxic or caustic if used improperly. Wear proper PPE or refer to appropriate Material Safety Data Sheets (MSDS) for each disinfectant solution to determine what personal protective equipment may be needed prior to use.

D. Biohazard Containers and Warnings

- Take special care when collecting, handling, storing, or transporting blood or other potentially infectious materials.
- For Police personnel, sharp disposal containers are in the packaging room and are maintained by the Evidence division.
- Use only leak-proof (and if necessary, puncture proof) containers. If the outside of the container is contaminated, place it in a second leak-proof container.
- If a container becomes contaminated, decontaminate it or least label it "Contaminated" so no one will use it accidentally. Notify your supervisor.
- Containers of potentially infectious materials should be red in color and/or labeled clearly in orange or orange red with the biohazard symbol:
- o Appropriately labeled containers of potentially infectious materials may be taken

- to the City clinic for disposal if no other appropriate disposal method is in place.
- Contaminated clothing should be placed in leak-proof bags and transported for cleaning in labeled or color-coded bags.
- The supervisor will arrange for pick-up of contaminated clothing by cleaning service.

E. Immunizations

- O Hepatitis vaccinations are available in the City Clinic, at no cost to employees. All employees who have a potential for occupational exposure must contact the clinic to schedule appointment within ten days of their hire date. Employees are responsible for completing the vaccination series.
- Individuals who decline the Hepatitis vaccination must complete a waiver.
 Employees in approved classifications may decide at any time to receive the vaccination free of charge.
- If a routine booster dose(s) of Hepatitis is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available to the affected employees at no cost.
- Employees are encouraged to maintain updated vaccinations for other communicable diseases such as: measles, mumps, influenza, etc. through their primary care physicians.

F. Exposure Determination/Follow-Up

- Employees who have been exposed to bloodborne and/or airborne pathogens or other potentially infectious material should immediately report the suspected occupational exposure to their supervisor. The employee should proceed to Ascension Sacred Heart Urgent Care & Occupational Health (6665 Pensacola Blvd.) during business hours. Urgent Care Hours are Mon.-Fri. 8am 6pm/Sat. Sun. 9am 3pm.
- If exposure occurs after hours call the Urgent Care/Occupational Health call center (850) 416-2000, as soon as possible to notify the person on duty:
 - You are a City of Pensacola employee
 - You have had an exposure
 - You need to speak with the doctor on call
- If Occupational Medicine is closed, and you are unable to contact a Licensed Healthcare Professional or if it is an emergency report to the nearest emergency room.

- In accordance with FSS 381.004, PPD and PFD shall refer to their SOP when there is a belief an exposure has occurred during the course of their duties.
- The Communicable Disease Exposure Form and department Injury Report, both available through the department, must be completed and forwarded to the City Clinic within twenty-four (24) hours.
- The physician will initiate and coordinate any necessary follow up and correlate documentation of the incident with the City Clinic.
- Once the physician has verified and determined if a reported exposure poses a health risk to the employee, the physician will advise and counsel the employee of any required follow up testing and treatment.
- All post–exposure treatment will be obtained through the City Clinic except where the exposure is in conjunction with any injury that requires prompt emergency care. Employees are required to report to the City Clinic following all emergency care treatment.
- Employees are responsible for complying with all recommended follow-up care.
 Failure to do so may result in disciplinary action up to and including termination.
- Employee medical records, including communicable disease exposures, are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as may be required by law.
- o If HIV post-exposure (PEP) medications are to be initiated, they must be prescribed and taken orally by the exposed employee within seventy-two (72) hours of exposure. Post exposure medication prescriptions can be filled at Walgreen's 24-Hour Pharmacy (Ninth & Langley Avenues).
- The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

G. Reporting Requirements

The City of Pensacola will comply with all federal and state laws and regulations in reporting occupational illnesses and injuries.

H. Confidentiality of Patient Information Disclosures

All patient information must be considered confidential. Maintaining strict confidentiality about the health or medical condition of exposure suspects, victims, patients, etc. is mandatory. The same confidentiality standards apply to information regarding the Section 4-3 Bloodborne Pathogens Exposure Control Plan

communicable disease status of employees. Sharing of any confidential information by an employee is a violation of the confidentiality standards. Appropriate disciplinary action will be taken against employees who violate these standards.

I. Training

- The City of Pensacola will provide training to all first responders and other employees who render first aid as part of their job duties or who are at risk for occupational exposure to blood and other potentially infectious materials. Training will include recognition of task or other activities that may involve exposure to blood or other potentially infectious materials; epidemiology and symptoms of bloodborne diseases; modes of transmission of bloodborne pathogens and prevention of HIV/HBV.
- Employees will receive training regarding the location, proper use of, and basis for selection of personal protective equipment; work practices, and precautions to be used in handling and disposal of contaminated articles and infectious waste. Information on appropriate actions to take following an emergency involving blood or other potentially infectious materials, and an explanation of the procedures to follow if a suspected exposure incident occurs will be explained.
- Information on the vaccines available for Hepatitis, including information on efficacy, safety, methods of administration, and the benefits of being vaccinated will be included in training.
- Training records will show the dates of training sessions, the content of those training sessions, the names of all persons conducting the training and the names and job titles of all who attended the training. Training records will be maintained for three years.
- Training will be provided at the time of the initial assignment where occupational exposure may occur and annually thereafter. Please note that annual training is obtained through Neogov found in Trainings and in the Course Catalog you can search for Bloodborne Pathogens.
- Copies of the Standard, 29 CFR, Part 1910.1030 Occupational Exposure to Bloodborne Pathogens: Final Rule and the City of Pensacola Exposure Control Plan will be provided to covered employees.
- For employees not required to render emergency response care or first aid as part of their duties, a generalized overview of infectious diseases will be provided periodically through educational opportunities provided by the City Clinic.



CHAPTER 4 – HEALTH AND SAFETY

TOPIC: Employee Assistance Program (EAP)

SECTION: 4-4

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

A. General

Employees and their dependents needing assistance with personal issues (i.e. family/marital, financial, interpersonal relationships, anger, alcohol/drugs, stress etc.) may contact the City's Employee Assistance Program (EAP) provider. The City Clinic or Human Resources can provide the employee or their dependents with phone numbers of the approved provider. All information regarding counseling is kept strictly confidential. The EAP Provider, Lifestyle Management, may be reached by calling 1-800-788-2077. The EAP provider's contact information may also be found on the Human Resources Intranet website.

B. Referrals for Counseling and Programs

A supervisor, with the approval of the department director, may request a referral for counseling for a particular employee. The City's EAP program allows for a maximum of three (3) visits per calendar year for the employee to see an authorized licensed mental health counselor or other appropriate professionals. If the employee is referred for counseling by department director or the City Clinic it must be a City-approved program. The cost of such program is the employee's responsibility.

C. Use of Leave

Employees may use their accumulated personal time-off (PTO) leave for counseling sessions. Return-to-work status for employees participating in a substance/alcohol program must be determined by the Clinic Medical Doctor or City Clinic staff. If not approved for work, the employee may use Family Medical Leave concurrently with accrued personal time-off and then leave without pay.

D. Dependent Counseling

The Employee Assistance Program is available to the spouse and biological, adopted, or stepchildren of an employee. They may also receive a maximum of three (3) visits per calendar year to see an authorized mental health counselor or other appropriate professionals.

E. Duration

If counseling beyond the three (3) authorized visits is deemed necessary, arrangements for continued services should be made through the employee's group health insurance.

F. Employee Assistance for Catastrophic Situations

1. General

In the event a catastrophic situation occurs involving a City employee and/or dependents, if involved, the City will work to provide limited referrals to counseling services.

2. Employees & Dependents Covered By City Group Insurance

If the employee and dependents are covered under the City's group health insurance, payment for any counseling services, which may be covered by the City's group health policy, will be governed by the terms of that policy. Counseling services may also be provided under the City's Employee Assistance Referral policy.

3. Employees with Single Coverage/Dependents Covered by Another Insurer

If the employee is covered by the City's group health insurance and another insurer covers their dependents, payment for any counseling services for the employee, which may be covered by the City's group health policy, will be governed by the terms of that policy. Payment for counseling services for dependents will be governed by the dependent's insurance carrier. If the dependent's insurance carrier does not provide counseling services, counseling services may be provided under the City's Employee Assistance Referral policy.

4. Employees & Dependents Covered By Health Insurance Carrier Other than City's Group Health Program

If a health insurance carrier other than the City's group health program covers the employee and dependents, payment for counseling services will be governed by their insurance carrier. If their insurance carrier does not provide counseling services, counseling services may be provided under the City's Employee Assistance Referral policy.

5. Employees Not Covered By City's or Any Other Health Insurance/Dependents Not Covered by Health Insurance

If the employee and their dependents are not covered by the City's group health insurance nor any other carrier, counseling services may be provided under the City's Employee Assistance Referral policy.



CHAPTER 4 – HEALTH AND SAFETY

TOPIC: Workplace Violence

SECTION: 4-5

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020

A. General

Interactions among employees, managers, supervisors, and public are to be positive, respectful and appropriate to the work environment. It is the City of Pensacola's policy to protect its work sites from violence or the threat of violence. The City of Pensacola will not tolerate behavior that is perceived to be threatening or intimidating by or toward employees. Violence or the threat of violence by or against City employees is unacceptable and contrary to City values and policies.

Prevention or the defusing of actual or implied violence is the shared obligation of all employees, supervisors, managers, and law enforcement agencies. Examples of prohibited behavior are not limited to but include: verbal or physical threats, intimidation or coercion; horseplay, fighting or acts of violence or assault.

B. Critical Incident Coordinator

The Human Resources Director is the workplace Critical Incident Coordinator. The Coordinator is to be contacted any time a manager, supervisor, or employee observes an act or threat of violence in the workplace.

C. Immediate Emergency Procedures

An immediate emergency is defined as a situation, in which intervention by an employee might, in his or her best judgment, be harmful to anyone attempting to intervene. In such situations, the employee should:

1. Call 9-1-1 and report as many details as possible.

2. Following the 9-1-1 call, immediately contact the following staff: applicable security staff; the work site supervisor, department director; and the Human Resources Director.

D. Non-Emergency Procedures

A non-emergency situation is defined as one in which an employee deems it safe to attempt to defuse a potentially violent situation without threat of harm to the intervener. Supervisors who observe such situations have a responsibility, consistent with personal safety, to make a good faith effort to stop actual or potentially violent situations as quickly as possible, and to prevent their escalation and creation of a threat to others. In such situation the employee or supervisor should:

- 1. Separate the persons involved in the situation. Do not allow a verbal altercation to escalate into something more serious. If the persons cannot be separated, follow the steps outlined for Immediate Emergency Procedures.
- 2. Contact the work site supervisor, and department director.
- 3. Contact the Human Resources Director.

E. Incident Reporting

Any employee who has been threatened, is a victim of a violent act, witnesses any threats or violent acts, or learns of any threats or violent acts is to immediately report such activity to his/her supervisor, department director and Human Resources Director. All statements and information should be documented in written form using PF 811. Documentation should include specifics to describe a particular incident or an employee's inappropriate behavior.

Once a situation is controlled, the supervisor at the site should interview persons involved and provide a written report to the department director and the Human Resources Director.

F. Confidentiality

Each report will be promptly evaluated and investigated to determine what follow up actions are appropriate, including a request for intervention by law enforcement agencies.

Information about an incident or threat will be disclosed on a need-to-know basis and in compliance with federal, state and local laws, so that a fair and thorough investigation can be conducted and/or appropriate corrective action can be taken.

G. Retaliation

Incidences of workplace violence can only be eliminated if employees are willing and able to report threats, violent acts, and other unsafe conditions. The City will investigate all complaints of retaliation.

H. Possession of Deadly Weapons

Possession of any deadly weapon, including firearms, is not permitted on City property, in a City vehicle, or at any City work site, unless such possession is a necessary and approved job requirement (i.e. sworn law enforcement officer). However, an employee may possess a legally owned firearm inside or locked to a private motor vehicle in a City parking lot (Florida Statute 790.251). Mentioning or exhibiting any weapon or object, including firearms, in any manner that is unsafe, or which suggests or manifests an actual or implied threat of violence shall be grounds for immediate dismissal.



CHAPTER 4 – HEALTH AND SAFETY

TOPIC: Tobacco / Nicotine Products

SECTION: 4-6

EFFECTIVE: October 1, 2019

REVISED: N/A

The City is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. Consistent with this commitment, the City recognizes the adverse health effects and hazards of tobacco products and has elected to implement a policy to reduce the exposure to tobacco products, therefore contributing to a healthier work environment and healthier employees.

Tobacco products, including cigars, cigarettes, chewing tobacco, and the use of "e-cigarettes" and other electronic nicotine delivery systems, are prohibited in all City vehicles and in all City buildings, including lobbies, restrooms, hallways, stairwells, employee eating areas, conference rooms, open-air balconies, and adjacent to all entrances and exits to buildings.

Tobacco Products are permitted in designated smoking areas only, as posted outside all City buildings.

Any employee who is found to have violated any provision of this policy may be subject to disciplinary action. Employees desiring to lodge complaints concerning this policy should contact the Human Resources Director.



CHAPTER 4 – HEALTH AND SAFETY

TOPIC: Drug-Free Workplace

SECTION: 4-7

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; October 1, 2024

The City of Pensacola strives to provide a safe environment for both employees and the public. In this regard, the City considers the abuse of drugs and alcohol on the job to be unsafe and counter-productive. Therefore, the City has established a policy regarding the use, possession, and sale of illegal drugs and alcohol at work consistent with Florida Statutes, Section 440.102; Federal Motor Carrier Safety Administration Controlled Substance and Alcohol Use and Testing Program, 49 C.F.R. Part 382; and USDOT Pipeline and Hazardous Materials Safety Administration Drug and Alcohol Testing Regulations, 49 C.F.R. Parts 192 and 199. A complete list of the illegal drugs that will be tested for may be provided through the City Clinic as requested.

It shall be a condition of employment for all employees to refrain from working with the presence of illegal drugs or alcohol in his/her system and to submit to the testing requirements set forth in this policy. Pursuant to the provisions of the Florida Drug-Free Workplace Program requirements, employees found to be in violation of this policy may be denied workers' compensation medical or indemnity benefits under Chapter 440, Florida Statutes.

A. No Discrimination

Employees with addictions are encouraged to participate in an alcohol and drug rehabilitation program. The City will not discharge, discipline, or discriminate against an employee solely upon the employee's voluntarily seeking treatment while in the employ of the City, provided that the employee has not previously tested positive for drug use and has entered an employee assistance program for drug-related problems or entered a drug rehabilitation program.

Employees assigned to work in a mandatory testing position and who voluntarily enter an employee assistance program or a drug rehabilitation program will be reassigned to a

position other than a mandatory testing position if one is available or will be allowed to use accumulated leave or leave without pay while in the program. Employees employed in special risk positions participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special risk position but may be assigned to a position other than a mandatory testing position or placed on leave while the employee is participating in the program; however, the employee shall be permitted to use any accumulated annual leave before leave without pay may be required. The City may require the employee to submit to drug test(s) as a follow up to such program as permitted by law.

B. Procedures

As part of this program, the City will conduct pre-employment drug testing for special-risk or mandatory-testing positions, reasonable suspicion testing, post-accident testing, random testing, and return-to-duty/follow-up testing in accordance with state and federal law. All DOT and Non-DOT drug testing collections are completed separately. City personnel and contractors shall comply with all of the technical standards, chain-of-custody procedures, confirmation testing, and employee appeal provisions of applicable law pertaining to drug testing of public employees.

All job applicants who have applied for a position with the City of Pensacola and have been offered employment conditioned upon successfully passing a drug test will be scheduled for drug testing, generally conducted at the City Clinic, pursuant to the protocols established by state and federal law pertaining to applicants for special risk occupations.

Prior to testing, each applicant will be provided with a copy of the City's written policy statement on drug testing.

The drug test will be conducted in accordance with the written policy statement and the procedures provided by law, including an opportunity for the applicant to contest the result or provide an explanation to the City when a positive, confirmed test result has been obtained. Employees covered by a collective bargaining agreement may have a right to appeal an adverse decision by the City to the Public Employees Relations Commission or applicable court.

Blood, breath, saliva, and/or urine samples will be given at the Clinic or approved collection facility as designated by the City Clinic. Samples are handled in accordance with State and Federal rules and regulations. Results will be reviewed by a Medical Review Officer (MRO) to assure accuracy. The employee/applicant may consult with the

MRO after testing. No physician-patient relationship is created by this program. All drug and alcohol results are reported to the designated employer representative (DER).

If a test is not collectable because of tampering or adulteration, a second test is requested, which will be observed. If a test is rejected because of purposeful adulteration, the employee will be terminated.

Employees will be subject to drug testing when the City has reasonable suspicion to believe that the employee is using or has used drugs in violation of the City's policy where this suspicion is based upon specific and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing will require the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee and it must be confirmed by a second supervisor. The observing and confirming supervisors must prepare written documentation of the facts and circumstances which formed the basis for their recommendation, and a copy of this documentation shall be given to the employee upon request. The original documentation shall be kept confidential as exempt from public records law and must be retained by the City for at least one (1) year. The facts and inferences upon which the recommendation for testing may be made include, but are not limited to, the following:

- Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance
- A report of drug use, provided by a reliable and a credible source, which has been independently corroborated
- Evidence that an individual has tampered with a drug test during employment with the City
- Information than an employee has caused or contributed to an accident while at work
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the City's property or while operating the City's vehicle, machinery, or equipment

The selection of employees for random drug testing will be conducted based on a sample drawn by a computer-generated program operated by an independent third party. The random sample may not constitute more than ten (10) percent of the total employee population. Random drug testing will be conducted as follows:

- when the employee is employed in a position where random drug testing is authorized by law and the position is managerial
- when the employee is employed in a position where random drug testing is authorized by law and the employee is covered by a collective bargaining agreement which authorizes random drug testing
- when the employee is employed in a position where random drug testing is required by law, such as those defined as special-risk positions involving law enforcement and fire protection services, and those requiring commercial drivers' licenses or pertaining to the installation and maintenance of natural gas pipelines

The documentation of a positive drug test result will be placed in an employee's confidential file, the employee will be notified, informed of the result, consequences, and options available. When tested for reasonable suspicion, documentation is placed in the employee's confidential file.

C. Discipline

It is the City's policy to discipline an employee, up to and including termination, who is found to have engaged in the conduct described below:

- utilizing, possessing, or trafficking in any unlawful drug or other substance while on or off duty, or while utilizing any city vehicle or other equipment, or while on any city property.
- refusing to submit to drug testing when properly required to do so pursuant to the protocols of state or federal law.
- providing test results which are verified, confirmed, positive evidence of violation of this policy pursuant to the procedures mandated by the Florida Agency for Health Care Administration.

Moreover, if an employee is found with the presence of illegal drugs and/or alcohol in his/her system, in possession of, using, selling, trading, or offering for sale illegal drugs during working hours, at government functions, or on City property (including in parking lots) the employee is subject to disciplinary action up to and including termination. The use of any over-the-counter products that contain illegal drugs is expressly prohibited. Anyone observing a violation of this policy must report it to his or her immediate supervisor, and that violation is to be reported to the department director.

D. Employee Responsibilities

Physician-prescribed drugs may be taken during working hours; however, the employee must notify the supervisor if the use of prescribed medication will affect the employee's work performance. An employee reporting for work visibly under the influence and who is unable to properly and safely perform required duties will not be allowed to work. Abuse of prescription drugs will not be tolerated and may result in disciplinary action, up to and including termination.

Within five working days from receipt of a positive drug test, an employee or job applicant must notify the laboratory of administrative or civil action planned as a result of a positive test. The employee or applicant may consult with the Medical Review Officer for technical information. An employee or applicant may request, in writing, to have the original specimen retested at another certified laboratory at their expense. The employee can request, in writing, a written report regarding the circumstances for reasonable suspicion testing.

An employee or applicant has the right to contest or explain the results of a positive drug test result, in writing, within five working days of being notified of the positive result.

If an employee is convicted of a violation of a criminal drug statute occurring in the workplace, the employee must notify the City, in writing, no later than five calendar days after such conviction.

To request further information about this policy and applicable procedures based on state and federal law, please contact the City Clinic.

E. Federal Controlled Substances Act

The use by City employees of any illegal drug under federal law, which may not be illegal under Florida law, is prohibited. The use of marijuana by City employees, including medical marijuana, with or without a prescription, is prohibited. A prescription for medical marijuana is not accepted as a valid explanation or defense for an employee's positive drug test result.



CHAPTER 5 – ADMINISTRATIVE APPEALS & DISCIPLINE

TOPIC: Definitions

SECTION: 5-1

EFFECTIVE: October 1, 2019

REVISED: July 1, 2020

As used in Chapter 5, Administrative Appeals and Discipline, the following terms, words and phrases have the indicated meanings:

Counseling: Informal disciplinary action that involves a private discussion between supervisor and employee to discuss the violation of a rule, regulation, or policy.

Demotion: A management directed reduction in pay and grade level that is normally the result of poor performance.

Employee Misconduct: Failure to obey any lawful and reasonable order or direction given by a superior (insubordination); violation of any lawful and reasonable City or departmental/divisional rule or regulation; incompetent, negligent, or inefficient performance of duty; carelessness or negligence in the care and operation of City property or knowingly permitting, condoning or participating in the unauthorized use of City property; scandalous or disgraceful conduct while on or off duty which conduct tends to embarrass the City or bring the City into public disrepute; offensive or abusive conduct or language towards the public, supervisor, or other employees; failing to report to work as scheduled; being absent without leave; failing to report after leave of absence has expired; failure to notify the appointing authority immediately after the suspension or revocation of a valid driver license if required by the employee in the performance of duties; being under the influence of intoxicants while on duty or while wearing a City uniform, the use of illegal narcotics while on or off duty; conviction of any felony or a misdemeanor involving moral turpitude. This is not an all-inclusive list. Refer to Section 5-7: Guide to Disciplinary Action for additional information.

Formal Disciplinary Action: Action taken against an employee because of employee misconduct as defined in this chapter. Discipline is a demotion, suspension, separation due to poor or substandard performance usually involving a PIP, termination, or any combination thereof.

Informal Disciplinary Action: Counseling and constructive feedback design to correct behavior, that is not considered formal discipline.

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Performance Improvement Plan: An instrument designed to facilitate constructive discussion between a staff member and his or her supervisor and to clarify the work performance to be improved. Normally when verbal warning and written warnings have been ineffective at correcting performance. A PIP will be conducted for a minimum of ninety (90) days and must be approved by the department director.

Progressive Discipline: A policy that generally requires that disciplinary action(s) be at the lowest level that will correct the behavior or performance. It is a process used to address inappropriate behavior and/or poor work performance, typically beginning with counseling and moving to more severe actions up to and including termination.

Suspension: An enforced leave of absence (with or without pay) for either disciplinary purposes or pending investigation or charges against an employee.

Termination or Separation: Involuntary termination of an employee for cause.

Verbal warning: Informal disciplinary counseling that involves a private discussion between supervisor and employee to discuss the violation of a rule, regulation or policy.

Written Reprimand: Written documentation following a discussion between supervisor and employee, regarding the violation of a rule, regulation, or policy.

Written Warning: Informal disciplinary action that is documented in writing between supervisor and employee to address the violation of a rule, regulation or policy. This documentation is retained in the department's employee file only.

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CHAPTER 5 – ADMINISTRATIVE APPEALS & DISCIPLINE

TOPIC: Grievance Procedure

SECTION: 5-2

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; July 1, 2020; April 1, 2021

Any non-probationary City employee may file an administrative grievance for actions such as written reprimand and other non-disciplinary matters such as disputes or discrepancies concerning the application of personnel policies, procedures, and working conditions. If the employee is covered by a collective bargaining agreement requiring alternate appeal and grievance procedures, the provisions of the collective bargaining agreement apply. SES status employees are excluded from coverage under this section.

Through the chain of command, the purpose of the administrative grievance process is to allow for review of formal reprimands and resolve non-disciplinary employee complaints and problems expeditiously at the earliest opportunity and at the lowest level possible. Supervisors should be helpful to employees by objectively reviewing employee problems, as well as helping employees prepare appeals, whether they agree or disagree.

Step 1. Immediate Supervisor

An employee completes, signs, and dates an Administrative Grievance Form and presents to his or her immediate supervisor within ten (10) working days after the date of the occurrence or date on which the employee knew or should have known of the action or issue that gave rise to the grievance. The supervisor signs and dates the form indicating receipt. The employee must openly and frankly discuss the matter with the supervisor, who will provide a decision immediately, unless additional information and facts must be gathered. If so, the supervisor has three (3) working days to investigate and render a decision. The employee is given a copy of the written response.

Step 2. Next Higher Supervisor¹

If the employee is not satisfied with the decision rendered by his or her immediate supervisor, he or she may appeal to the next higher supervisor within three (3) working days of the immediate supervisor's decision. A meeting must held within three (3) working

days and a written decision rendered within three (3) working days of the meeting. The employee is given a copy of the written response.

Step 3. Department Manager¹

If the issue remains unresolved, the employee may submit the written request to the department manager within three (3) working days. Within five (5) working days a meeting must be held. A written decision will be rendered within three (3) working days of the meeting. The employee is given a copy of the written response.

The Human Resources Director, or his/her appointee, will act as Recording Secretary at this meeting, and at succeeding meetings.

Step 4. Department Director¹

If the issue remains unresolved, the employee may submit the written request within three (3) working days of the decision, to the department director and Human Resources Director This meeting will be held within five (5) working days of receiving the request. A written decision will be made within three (3) working days of the meeting. The employee is given a copy of the written response.

Step 5. City Administrator

If the issue remains unresolved, the employee may submit the written request within three (3) working days of the decision via the Deputy Administrator to the City Administrator. This meeting will be held within five (5) working days of receiving the request. A written decision will be made within five (5) working days of the meeting. The employee is given a copy of the written response. The decision by the City Administrator at this level is final.

Employee Rights

- A. There shall be no coercion, discrimination, or reprisals against any employee for filing an administrative appeal. Any such action should be reported to the Human Resources Director.
- B. An employee may designate a person to act as a representative or appear with the employee in the presentation of an administrative appeal.

Time Limits

A. Time limits may be extended during the grievance procedure for five (5) working days upon the request of either party or for a longer period of time by mutual written consent for reasonable circumstances.

- B. An employee who fails to grieve to the next step in the process within the specified time limit forfeits the right to further consideration under these procedures and the matter is considered resolved at the conclusion of the step.
- C. Any level of management that fails to respond within the time limits forfeits the opportunity to comment and may be subject to disciplinary action. The employee may then appeal to the next management level.
- D. Working days are defined as days on which an individual (the grievant or respondent) is scheduled and appears for work. These days do not include normal days off, City-designated holidays, or paid leave.

Records

- A. Upon completion of the administrative appeal procedure, the records will be placed in the employee's personnel file in Human Resources.
- B. The Human Resources Director is responsible for seeing that all involved persons are made aware of the final disposition. The Human Resources Director will report to the City Administrator or designee on all written cases, regardless of disposition.

¹If the problem is a policy matter that is more appropriately resolved bypassing one or more intermediate levels, such may be done with the joint approval of the Human Resources Director and the City Administrator.



CHAPTER 5 – ADMINISTRATIVE APPEALS & DISCIPLINE

TOPIC: Progressive Discipline

SECTION: 5-3

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; July 1, 2020; April 1, 2021; July 1, 2023

The City intends to communicate, whenever practical, deficiencies in job performance and provide direction to employees for taking corrective measures. When correction is necessary, counseling and reprimands are constructive methods of communicating to the employee and conveys the importance of meeting established performance standards and expectations. Adhering to policies and procedures creates a work environment that is positive, satisfying, safe, and productive. The main purpose of this policy is to address the performance standards and expectations of non-union and non-SES employees. The performance standards for union employees are addressed in the collective bargaining agreements. SES employees are "at-will" throughout the term of their employment.

Because of numerous offenses, establishing uniform penalties is not practical. Supervisors are responsible for evaluating the seriousness of the offense and the appropriate consequences. Considerations are whether the offense or behavior is:

- 1. minor in nature
- 2. of a significant nature requiring more than counseling or reprimand
- 3. so serious or egregious that serious action, even dismissal should be taken

For additional information, refer to the Supervisor Guide to Employee Discipline.

A. Training

Supervisors are encouraged to explain expectations to both current and new employees. Open communication can prevent conduct problems.

Supervisors should be diligent in their investigations and taking prompt and reasonable action when necessary. In many instances, employees may be guilty of minor rule infractions because they lack understanding or awareness of the rules. Therefore, periodical review of rules and expectations in employee meetings is important.

B. Progressive Procedures to Discipline

Unless the offense or behavior is very serious and requires immediate and more severe discipline, progressive or positive procedures should be taken in an effort to change the employee's behavior.

Informal Discipline

Verbal/Written Warning

When issuing a verbal warning, the supervisor meets privately with the employee to discuss the offense and explains the importance of the rule and provides a verbal warning that no future occurrences will be tolerated. The written warning must be documented as informal discipline and a copy of the memo retained in the respective department file. NOTE: Verbal and Written Warnings are considered informal disciplinary actions that are not filed in the official personnel file in Human Resources and therefore not grievable or appealable.

Formal Discipline

Written Reprimand

A Written Reprimand is an admonishment given to the employee in writing and is always placed in the official personnel file in Human Resources. This form of discipline is more serious than a Letter of Warning, but less serious than a suspension. A Written Reprimand often serves as the type of discipline given for a repeated offense of minor violations or for the first offense of a moderately serious infraction. The Written Reprimand (See Form ER-2) will be coordinated with Human Resources in advance and completed by the Department Director. If a Letter of Warning or any other relevant disciplinary actions has been issued previously, a copy may be attached as supporting documentation. The Written Reprimand may be used to support further disciplinary actions for a period no longer than three (3) years from the date of receipt. At the end of three (3) years the Written Reprimand will be removed from the official personnel file and

retained in the Employee Relations file. NOTE: Written Reprimands are grievable but not appealable.

Suspension With or Without Pay

A suspension is the most severe form of discipline, short of demotion, separation or termination, and normally involves time off with or without pay. It is used when a written reprimand has not corrected the inappropriate behavior or when an offense is more serious than that warranting a reprimand. A suspension may last from one (1) to thirty (30) days depending on the seriousness of the infraction. Any suspension shall utilize the Disciplinary Suspension Form and must be coordinated with Human Resources in advance and completed by the Department Director prior to issuance to the employee. A final copy will be processed through Human Resources for entrance into the official personnel file. NOTE: Suspensions are appealable to the City Personnel Board.

Termination

Termination from employment is the most severe form of discipline. It is normally used when an employee has been disciplined repeatedly and commits yet another infraction. It may also be used when the employee has committed any infraction that falls outside progressive discipline, regardless of disciplinary history. The Notice of Disciplinary Decision – Termination Form (See Form ER-6NU/6U) will be approved/disapproved by the Human Resources Director prior to issuance by the Department Director. NOTE: Terminations are appealable to the City Personnel Board.

Section 5-7, Guide to Disciplinary Action, provides helpful guidelines for particular offenses. This information is a guideline only and in no way is binding on the supervisor. Incidents must be considered individually, with regard to seriousness.



CHAPTER 5 – ADMINISTRATIVE APPEALS & DISCIPLINE

TOPIC: Creation of City Personnel Board (CPB)

SECTION: 5-4

EFFECTIVE: October 1, 2019

REVISED: January 6, 2020; April 1, 2020; July 1, 2022

A City Personnel Board (CPB) is hereby created to provide a fair and equitable mechanism for the expeditious review of employee disciplinary appeals. The scope of the hearings will include employee terminations for cause, disciplinary demotions, and separation due to poor job performance following failure to meet minimum job standards under a Performance Improvement Plan (PIP). The CPB will consist of three (3) members each having a two (2) year term; one (1) member and alternate will be appointed by the Mayor, one (1) member and alternate elected by regular, non-union (NU), non-SES full-time employees, and the third member and his/her alternate, will be named by the other two (2) members upon their taking office. If the two (2) members cannot agree on the third member, then the City Council for the City of Pensacola, Florida, by majority vote, will appoint the third member and/or alternate. After all three (3) members take office, one (1) among them will be selected to act as chairperson. Each member of the CPB serves a two (2) year term or until his or her successor is selected, unless he or she otherwise becomes disqualified to serve.

Any qualified voter residing in the City of Pensacola or Escambia County, FL is eligible to be a CPB member, provided that person has not been convicted of a felony or crime involving moral turpitude, or is an officer of the City; no person who holds any appointed or elected office in the City, county, state, or federal government may serve on the CPB. If a CPB member becomes a candidate for a political office, such member forfeits his or her position on the CPB.

Candidates for election by the employees may be nominated by any regular/non-bargaining unit, non-SES employee(s). SES employees are not eligible for nomination. Nominations must be in writing, signed by the nominating employee(s), and filed with the appropriate office at least ten (10) days prior to the election date. A secret-ballot election will be held, open to all regular full-time employees, on the scheduled election date and time. Employees will be allowed time from work to vote. Votes will be counted in the presence of the City Clerk, an employee, and a person appointed by the Mayor. The candidate receiving a

majority of the votes cast is declared elected as the regular CPB member and the candidate receiving the next highest number of votes, the alternate CPB member. If a candidate fails to receive a majority of votes in the first election, a second election will be held between those two candidates receiving the largest number of votes. Should the employee representative leave City employment or accept City employment outside the NU classification, the representative must resign their CPB position.

If a CPB member resigns, becomes disqualified, or dies, the proper alternate takes that member's place on the CPB for the unexpired term of such member. If an alternate member of the CPB resigns, dies, or otherwise becomes disqualified or permanently replaces a regular member, a new alternate member will be designated as provided for the selection of a regular CPB member to fill the unexpired term of the first alternate member.

If the appointing authority or a person charged with employee misconduct files an affidavit showing just cause under Florida law, that they believe such CPB member will not act fairly and impartially, the CPB member so challenged may be disqualified. The CPB's legal counsel will review the affidavit to determine just cause and will make a recommendation to the Mayor. If the request is upheld and the CPB member disqualified, his or her alternate will serve as a member of the CPB during the particular hearing. No alternate may be disqualified after the disqualification of the regular CPB member except with the approval of the two other members of the CPB. In that event, a second alternate will be named.

Any regular CPB member who believes he or she cannot be fair and impartial at a hearing of an employee charged with employee misconduct may voluntarily disqualify him or herself to sit as a member of the CPB at such hearing.

A. Personnel Board Election/Appointment

The first election under this policy will be held as soon as practical, and thereafter in the month preceding the expiration of the two (2) year term. Notification of the date of each election will be posted at least thirty (30) calendar days prior to the election in conspicuous places of employee assembly in all departments throughout the City. The CPB members elected as provided here will assume the position of member, in the month following the election or appointment. The oath of office will be administered to each CPB member by the City Clerk.

B. Appropriation; Hearings/Meetings of the CPB

CPB members will be paid a stipend for participation in an official Personnel Board meeting of one hundred dollars (\$100.00) per quarter. Member compensation will not exceed one hundred dollars (\$100) for any quarter of the fiscal year. Funding for the operation of the CPB will be appropriated in the Human Resources budget.

The City Personnel Board (CPB) will hold official hearings and meetings as required for matters under the scope of its jurisdiction. CPB regular meetings are held once per quarter at a date, time, and place determined by the Board. Hours will vary depending on whether an employee appeal has been scheduled. If hearings are scheduled during the quarter, the regular meeting of the CPB would normally be held immediately after the hearing. The CPB will conduct all hearings, trials, and proceedings in an impartial and just manner designed to promote justice and efficiency. Such hearings and meetings of the CPB will be open and noticed as required by law. A majority of the CPB members constitutes a quorum for action at any hearing or meeting; however, any order, judgment or decision of the CPB must have the concurrence of the majority of its members to be effective.

Board members are expected to be present for all scheduled CPB meetings and hearings. Instances where the primary member is absent, the alternate may be called to serve in his or her place. Any member of the CPB shall be removed and replaced after being absent from three scheduled meetings during any calendar year. The CPB shall take action to remove the member for absenteeism and permanently replace them with their designated alternate for the balance of the term.

C. Attorney; Administrative Support

An attorney will be appointed by the City Attorney to advise the CPB with respect to all legal matters of policy and procedure, to act as mediator, as hearing officer, and to assist in the performance of its duties. Compensation for the attorney will be set by the Mayor.

The CPB attorney shall determine all requests for extensions of time as referenced in this policy and may resolve all other non-dispositive issues prior to a determination on the merits of an appeal by the CPB.

The City Attorney or his or her assistant or designee, when requested by the Mayor or designee, will appear and prosecute charges on the City's behalf, at trials or hearings before the CPB.

A member of Human Resources will provide official notification to the CPB of the need for a hearing or official meeting in coordination with the City Attorney's Office. Human Resources

will coordinate and assist the CPB in carrying out its responsibilities.



CHAPTER 5 – ADMINISTRATIVE APPEALS & DISCIPLINE

TOPIC: Appeals to City Personnel Board

SECTION: 5-5

EFFECTIVE: October 1, 2019

REVISED: July 1, 2020; April 1, 2021

Any regular employee guilty of misconduct as defined by this policy is subject to disciplinary action by the appointing authority. The appointing authority will notify the employee of any disciplinary action as soon as practical, using an approved form, which should include a brief statement of the charges of misconduct, the disciplinary action to be taken, and notice of appeal rights.

An employee has the right to appeal any disciplinary action which results in termination, suspension without pay, involuntary demotion, or separation from service due to failure to successfully complete a PIP. A written notice of appeal must be filed with Human Resources within ten (10) calendar days after receiving a written final decision on a grievance regarding a formal disciplinary action.

Any disciplinary action not properly appealed stands confirmed.

Upon receipt of a proper appeal, a formal hearing will be scheduled before the City Personnel Board. The appointing authority will prepare a formal specification of charges against the employee that outlines the nature of the charges, serves a copy to the employee, and provides a copy to Human Resources.

The CPB will schedule a prompt hearing and give notice of the time and date to the employee and appointing authority. The hearing will not be extended without the showing of good cause, and no extension will be granted in excess of ten (10) normal workdays, unless the employee requesting an extension waives his or her right to compensation during the period of postponement. If an employee is suspended and charged with a crime in a county, state, or federal court and such employee requests a postponement of a hearing before the Board until the criminal case is disposed of, the case may be continued if approved by the hearing officer; the employee must waive compensation for the period of postponement. Regardless of the aforementioned, any request in excess of sixty (60) days may not be granted absent consent of the Mayor.

At each disciplinary hearing:

- 1. Each accused employee has the opportunity to be present and be heard in his or her own defense and appear with counsel if desired at his or her own expense.
- 2. Witnesses will be sworn prior to giving testimony, and witnesses giving testimony before the Board are subject to a charge of perjury as defined in Florida Statutes for giving false testimony.
- 3. The appointing authority and accused employee may present such witnesses as deemed proper in the presentation of their case, and all witnesses are subject to cross examination.
- 4. The City Attorney or designee may represent the appointing authority and the appointing authority may assist in the presentation of the case.

The Board has authority to approve and confirm, reduce, or set aside a disciplinary action, with or without back-pay, against an employee. In any appeal, the Board has the authority to modify penalties, giving a lesser but not more severe degree of punishment than that taken by the appointing authority. The Mayor retains the authority to modify or overturn the ruling of the CPB within ten (10) work days of the final decision. If no action is taken by the Mayor within that time period, the ruling of the CPB is final.

Cases to be heard by the Board will not be discussed by members of the Board with any person or persons except its attorney. Any member of the Board who discusses any case with any person purporting to have knowledge or information concerning the case prior to a hearing forfeits his or her office.

Documentation of the disciplinary action and/or documentation for the hearing must be served by personal delivery to the employee or any member of the employee's household over fifteen (15) years old at the employee's usual place of residence and by informing such person of the contents of the paper served. The date, time, person served, and name of the person making the delivery should be noted on each form or document.

Employees covered by a collective bargaining agreement are bound by the procedures outlined in their individual bargaining agreements.



CHAPTER 5 – ADMINISTRATIVE APPEALS & DISCIPLINE

TOPIC: Witnesses & Transcripts of Hearings

SECTION: 5-6

EFFECTIVE: October 1, 2019

REVISED: N/A

The City Personnel Board (CPB) has the power to compel by subpoena the attendance and testimony of witnesses, and for the production of books, records, documents, or papers deemed relevant to any hearing before the CPB. Subpoenas must be served by a member of the Pensacola Police Department or other person or authority duly authorized by Florida Statutes.

Each witness who appears in obedience to a CPB subpoena, not including an employee of the city, is entitled to receive a witness fee and round trip mileage in accordance with the City's mileage reimbursement schedule. No employee may summon more than four (4) witnesses at the City's expense, but may summon any number of witnesses at his or her own expense.

In case of disobedience of any person to comply with an order or subpoena issued by the CPB or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, application may be made by the Board to a Court of competent jurisdiction, for disposition by the Court.

Disciplinary hearings before the CPB may be recorded by an approved court reporter by request of the appointing authority or the accused employee. The reporting fee will be paid by the organization or individual requesting the service. The recordings from these hearings will not be transcribed at the City's expense unless requested by the City.

If an employee is found guilty by the CPB and the action is sustained, modified, or set aside, the hearing process is over and there are no further appeals available within the administrative system.



CHAPTER 5 – ADMINISTRATIVE APPEALS & DISCIPLINE

TOPIC: Guide to Disciplinary Action

SECTION: 5-7

EFFECTIVE: October 1, 2019

REVISED: July 1, 2020; October 1, 2021; April 1, 2024; April 1, 2025

RECOMMENDED GUIDELINES FOR DISCIPLINARY ACTIONS

LEGEND:

L = Letter of Warning S = Suspension W = Written Reprimand T = Termination

CATEGORY:

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
IN-1	Disregard for or willful failure to follow the written instruction or direction of a supervisor, City Clinic or higher authority	Insubordination	W/S	S/T	Т	
IN-2	Abusive verbal conduct directed at a supervisor normally within the employee's chain-of-command.	Insubordination	W/S	S/T	T	

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
IN-3	Failure to work overtime, special hours, or special shifts or be on stand-by, as directed	Insubordination	W/S	S/T	Т	
ND-1	Violation of any City of Pensacola, department or division rule or directive	Neglect of Duty	L	W	S/T	Т
ND-2	Inability to perform up to accepted work standards	Neglect of Duty	L	W	S/T	T
ND-3	Habitual tardiness, unscheduled absence (6 or more in a 180-day period), absenteeism, and/or abuse of leave privileges	Neglect of Duty	L	W	S/T	Т
ND-4	Willful neglect in performance of duties	Neglect of Duty	W/S	S/T	Т	
ND-5	Job abandonment for 3 consecutive scheduled workdays, or 2 consecutive 24-hour shifts.	Neglect of Duty	S/T	Т		
ND-6	Leaving the assigned work area during regular working hours without permission or until relieved.	Neglect of Duty	L	W	S/T	Т

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
ND-7	Absence without approved leave (AWOL), including failure to call in or report an absence to a supervisor the day the absence begins.	Neglect of Duty	W/S	S/T		
ND-8	Being identified as at fault in an accident or collision while the operator of a City of Pensacola vehicle or piece of equipment.	Neglect of Duty	L	W/S	Т	
ND-9	Failure to maintain licenses, certifications and/or other professional credentials required for employment or failure to notify appropriate City of Pensacola officials of their loss, suspension, or revocation.	Neglect of Duty	S/T	Т		
ND-10	Suspension or revocation of Driver License or Commercial Driver License (CDL) if it is required for the performance of job duties.	Neglect of Duty	W/S/T	S/T	Т	

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
ND-11	Willful or negligent violation of a safety policy, which results in property/equipment damage or personal injury.	Neglect of Duty	W/S/T	S/T	Т	
ND-12	Violating a safety rule or practice or any conduct, which could endanger a co- worker or member of the public.	Neglect of Duty	W/S/T	S/T	Т	
ND-13	Operating, or directing the operation, of a City of Pensacola vehicle or equipment without proper qualifications or supervision.	Neglect of Duty	W	S	Т	
ND-14	Failure to immediately report any on- the-job accident to a supervisor or member of the chain-of-command.	Neglect of Duty	W	S	Т	
ND-15	Failure to report to the Department a subpoena or request for information from a law firm or government entity that relates to City of Pensacola business.	Neglect of Duty	L	W	S/T	Т

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
ND-16	Possession or sale of alcohol or illicit drugs on City of Pensacola property (including vehicles).	Neglect of Duty	Т			
ND-17	Working under the influence of alcohol or illicit drugs.	Neglect of Duty	Т			
ND-18	Violation of traffic laws while operating a City of Pensacola vehicle, i.e. speeding, running traffic control device, failure to yield, etc.	Neglect of Duty	L	W	S/T	Т
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EV-1	Fraud, waste, and/or abuse of City of Pensacola property or time.	Ethics Violation	W/S/T	S/T	Т	
EV-2	Falsification or misrepresentation of an official document or record.	Ethics Violation	W/S/T	S/T	Т	
EV-3	Falsification or misrepresentation of any portion of a job application.	Ethics Violation	W/S/T	S/T	Т	

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
EV-4	Violation of City of Pensacola policies relating to impartiality, use of public property, conflict of interest, disclosure or confidentiality.	Ethics Violation	W	S	Т	
EV-5	Conviction of a felony, a misdemeanor conviction involving moral turpitude, or any misdemeanor while in the performance of City of Pensacola duties.	Ethics Violation	S/T	Т		
EV-6	Unauthorized possession of firearms, explosives, or weapons in a restricted area or workplace of the City of Pensacola.	Ethics Violation	W/S/T	S/T	Т	
EV-7	Unauthorized vending or solicitation on property or from a City of Pensacola vehicle.	Ethics Violation	L	W	S/T	Т

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
EV-8	Attempting to coerce or influence a member of the public, fellow employees, subordinates or supervisor with gifts, services, loans or other consideration OR receipt of a fee, gift, or valuable item when such is given or accepted in the expectation of receiving a favor or preferential treatment.	Ethics Violation	Ø	Т		
EV-9	Directing or permitting a subordinate to violate any rule, policy or regulation, whether explicit or condoned through inaction.	Ethics Violation	W/S	S/T	Т	
EV-10	Engaging in any employment, activity or enterprise, which is illegal, incompatible, or in technical conflict with the employee's duties and responsibilities as a City of Pensacola employee.	Ethics Violation	S/T	Т		

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
EV-11	Engaged in outside employment activity while on SEL leave, FMLA leave, workers compensation leave, or emergency leave.	Ethics Violation	Т			
EV-12	Intentional destruction, theft or unauthorized removal of City of Pensacola property or assets for personal use.	Ethics Violation	W/S/T	S/T	Т	
EV-13	Intentional destruction, theft (including stealing time) or unauthorized removal, possession or use of City of Pensacola property, tools or equipment without consent	Ethics Violation	W/S/T	S/T	Т	
EV-14	Violation of City of Pensacola's discrimination and/or unlawful harassment policies.	Ethics Violation	W/S/T	S/T	Т	

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
EV-15	Gross misconduct to include, but not limited to, physical violence, threats of physical violence or engaging in offensive conduct or language toward the public, supervisory personnel, or fellow employees.	Ethics Violation	S/T	Т		
EV-16	Membership in any organization that advocates the overthrow of the Government of the United States by force or violence.	Ethics Violation	Т			
EV-17	Misconduct, which undermines supervisory authority, productivity, or morale.	Ethics Violation	W	S	Т	
EV-18	Off duty conduct (e.g. conviction of a felony) which reflects very unfavorably upon the image and ethical standards of the City of Pensacola as an employer.	Ethics Violation	W/S/T	S/T	Т	

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
WE-1	Violation of City of Pensacola Internet Use Policies	Work Ethics Violations	W	S	Т	
WE-2	Violation of City of Pensacola Policies and/or excessive personal email/web time.	Work Ethics Violations	W	S	Т	
WE-3	Unauthorized use of City of Pensacola vehicles or equipment on or off-duty.	Work Ethics Violations	W	S	Т	
WE-4	Failure to report any occupational accident, injury, or illness within 24 hours	Work Ethics Violations	L/W/S	W/S	S/T	Т
WE-5	Sleeping while on duty (excluding 24-hour shifts)	Work Ethics Violations	L/W/S	W/S	S/T	Т
WE-6	Smoking- prohibited area	Work Ethics Violations	L/W/S	W/S	S/T	Т
WE-7	Taping of phone or verbal conversations without permission	Work Ethics Violations	W/S/T	S/T	Т	
WE-8	Unauthorized sales or solicitations on City premises/City Time	Work Ethics Violations	W/S	S/T	Т	



TOPIC: Purpose - EEO

SECTION: 6-1

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020; August 1, 2024

The purpose of this policy is to (1) unequivocally establish that the City of Pensacola is committed to providing a workplace free from discrimination in all of its forms, harassment of employees, unlawful retaliation, and other inappropriate behavior, (2) identify a procedure for employees to utilize in order to lodge complaints of conduct which they believe violates the standard of behavior on the job prohibited by various federal and state statutes as well as this policy, (3) create an appropriate and effective process to investigate complaints which are filed, (4) provide vigorous enforcement of this policy by employing disciplinary measures whenever evidence of a violation of this policy is established, and (5) ensure that all employees, supervisors and managers receive frequent, periodic, continuing training in the scope and content of this policy.

The City of Pensacola is committed to providing a workplace free from discrimination, harassment, retaliation, and related inappropriate behavior. The City will not condone or tolerate any behavior that is discriminatory, harassing, or otherwise inappropriate when such behavior is based on an individual's or group's race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, or other characteristic protected by law. Employees shall not engage in conduct which violates this policy at any time, either toward fellow employees or members of the public with whom an employee comes into contact because of City employment. All managers and supervisors are expected to share and support the City's commitment to equal opportunity treatment under the law and to ensure that this policy is fully implemented and enforced. The Affirmative Action policy will be reviewed and update annually.

A. Scope

The policy of Equal Employment Opportunity (EEO) and anti-discrimination applies to all aspects of the relationship between the City and its employees, including:

- Recruitment
- Employment
- Promotion
- Transfer
- Employee benefits and application of policies
- Training
- Working conditions
- Wages and salary administration

The policies and principles of EEO also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies, and any other persons or firms doing business for or with the City.

B. Dissemination & Implementation of Policy

As part of orientation and through posting on the City's website and at the workplace, the City provides for dissemination of this policy. Directors, managers and supervisors are responsible for implementing equal employment practices within each department. Human Resources is responsible for overall compliance and will maintain staff records in compliance with applicable laws and regulations.

C. Compliance

The City administers our EEO policy fairly and consistently by:

- 1. Posting all required notices regarding employee rights under EEO laws in areas highly visible to employees.
- 2. Advertising for job openings with the statement "An Equal Opportunity Employer."
- 3. Posting all required job openings with the appropriate state agencies.
- 4. Forbidding retaliation against any individual who files a charge of discrimination, opposes a practice believed to be unlawful discrimination, reports harassment, or assists, testifies or participates in an EEO agency proceeding.
- 5. Requires employees to contact a member of management, a Human Resources representative or the City Attorney to report any apparent discrimination or harassment. Reports will be put in writing within forty-eight (48) hours of the incident where practicable. Employees are encouraged to report issues promptly to facilitate prompt investigation and response.



TOPIC: Definitions & Complaint Procedures - EEO

SECTION: 6-2

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

1. Definitions

A. Discrimination

Discriminatory conduct is generally defined as the treatment of an individual or a group of individuals in a different and usually adverse manner than other similarly situated individuals where the different treatment is based on or related to that individual's or group's race, color, national origin, religion, sex (including pregnancy, gender identity, and sexual orientation), age (over 40), marital status, disability, genetic information, or other category protected by law. Federal and state laws prohibit discrimination of all forms in hiring, employment, compensation, terms, conditions, and privileges of employment, promotion, discipline and discharge.

B. Harassment/Hostile Work Environment

Harassment is unwelcome conduct that is based on race, color, religion, sex, national origin, age, disability or genetic information. Federal and state law regards harassment as unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults, offensive objects or pictures, and interference with work performance.

Harassment can occur in a variety of circumstances, and the harasser can be the victim's supervisor, a supervisor from another area, a co-worker, or a non-employee. The victim may not be the target of the harassment, but may be anyone adversely affected or impacted by exposure to or knowledge of the offensive conduct. Unlawful harassment does not require the existence of an adverse economic impact.

Section 6-2 Definitions & Complaint Procedures - EEO

The two general types of unlawful harassment in employment are "quid pro quo" ("this for that") harassment and hostile work environment harassment. Quid pro quo harassment generally results in an employment decision based upon the victimized employee's acceptance or rejection of unwelcome sexual advances or requests for sexual favors. This kind of harassment is generally committed by someone who can effectively make or recommend formal employment decisions such as promotion, demotion, compensation, assignment or termination.

Hostile work environment harassment can result from the unwelcome conduct of supervisors, co-workers, contractors, or the public at large with whom the victim interacts on the job, and the unwelcome conduct renders the workplace atmosphere intimidating, hostile or offensive.

C. Retaliation (To Include Whistle Blowing Retaliation)

Retaliation is the act of adversely affecting a person because he or she has engaged in an activity that the law protects. In an employment setting, retaliation can involve criticizing, isolating, demoting, or terminating an employee because the employee has engaged in a protected activity such as filing a complaint with an outside agency or a lawsuit, or has engaged in constitutionally protected free speech off the job. Anti-discrimination laws prohibit retaliation against individuals for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws. They also provide protection for anyone who has opposed employment practices that they reasonably believe discriminate against others, even if their belief or complaint has later been found to be without merit.

D. Other Inappropriate Behavior

Inappropriate behavior under this policy is any verbal or physical conduct that, although it may not meet the legal standards of harassment or discrimination, still denigrates or otherwise shows hostility or aversion toward any individual or group based upon that individual's or group's race, color, religion, gender, national origin, marital or familial status, age, disability, sexual orientation, genetic information, or other immutable characteristic or protected category. An example of a violation of this policy would be an isolated, off-color statement or joke that does not alone establish a pervasive, hostile atmosphere, but which does offend another employee. The City considers such conduct inappropriate and in violation of this policy.

2. Complaint Procedures

Any employee who believes that he or she is adversely affected by any acts of discrimination, harassment, retaliation or other inappropriate behavior should file a complaint with his or her supervisor or with the Equal Employment Opportunity Officer. Employees who are aware of such acts that are targeted against others are also encouraged to report such conduct by filing a complaint. Complaints may be filed verbally or in written form.

All supervisors who receive verbal complaints of verbal improper conduct which may violate this policy are required to promptly create an Incident Report which documents the complaint that has been received and includes all pertinent circumstances surrounding the complaint. The Incident Report must be transmitted immediately to the Equal Employment Opportunity Officer. Supervisors and managers who receive written complaints are required to immediately prepare an Incident Report and transmit a copy of the Report and the complaint to the Equal Opportunity Officer.

Employees seeking to file complaints of conduct which violate this policy must be advised that the complaint will be treated as confidentially as may be practically possible while it is being investigated, but they should also be informed that complete confidentiality during this phase may not be possible if the nature of the investigation requires limited disclosure of information. All involved supervisors and manager are advised to keep the complaint and the details of any investigation as confidential as possible, sharing necessary information with others only on a "need to know" basis, excepting only the Equal Employment Opportunity Officer, authorized representatives of Human Resources, the City Attorney and the Mayor or City Administrator or their designees. Under Florida law, records pertaining to equal employment opportunity complaints are not available for disclosure as public records until the investigation of the complaint has been completed.

Every reasonable effort must be made by all involved to investigate and resolve complaints as rapidly as possible. All supervisors and managers area advised that the resolution of these complaints is a top priority and that unwarranted delays in processing and resolving such complaints are not acceptable.

3. Complaint Investigations

The appropriate and expeditious investigation of complaints depends largely upon the nature of a particular complaint and the attending circumstances surrounding it. Therefore, the investigation protocols described in this policy are provided as guidelines for conducting investigations and they may be tailored to conform to the circumstances of a particular complaint.

All supervisors and managers must immediately report the receipt of a compliant of discrimination, sexual harassment, hostile work environment, retaliation or other inappropriate behavior, whether verbal or written, to the Equal Employment Opportunity Officer.

Depending upon the circumstances of the complaint which has been made, the investigation may be conducted by the Equal Employment Opportunity Officer or other investigators retained for this purpose.

All employees who are questioned during the course of an investigation are obligated to cooperate in a full, forthright and truthful manner. No employee shall face any form of reprisal for making a complaint or for their cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action. Additionally, no employee shall retaliate against any other employee who has made a complaint or who has testified or assisted in an investigation. Employees shall report any suspected retaliation to the Equal Employment Opportunity Officer.

A written report containing findings and recommendations will be prepared at the conclusion of the investigation, with a copy provided to the complainant. Individuals against whom allegations were raised will also be entitled to receive a copy of the report.

Once an investigation has been concluded, it shall be the responsibility of the affected department director to implement any remedial actions which were determined to be appropriate. Where the department director has been the subject of the allegation or investigation, the City Administrator may appoint an alternative management official to oversee the implementation of remedial actions. The Equal Employment Opportunity Officer should be contacted by the complainant or other affected parties if, at any point, they have reason to believe that retaliation is taking place or the inappropriate behavior is continuing.

All records created which are exempted by the Florida Public Records Act shall remain exempt from disclosure until a final report has been prepared or as otherwise may be permitted under law.

Nothing contained in this policy should be read or interpreted to prohibit an employee from filing a complaint in any other lawful manner, including the Florida Commission on Human Relations, the Equal Employment Opportunity Commission, the U.S. Department of Justice or the U.S. Department of Labor, or from filing a private cause of action. In addition, nothing in this policy is intended to supersede or conflict with any applicable laws such as the Police Officers' or Firefighters' Bill of Rights or applicable collective bargaining agreements.



TOPIC: Complaint Procedures

SECTION: 6-3

EFFECTIVE: October 1, 2019

REVISED: January 1, 2024

Any employee who believes that he or she is adversely affected by an act or acts of discrimination, harassment, retaliation or other inappropriate behavior should file a complaint with his or her supervisor or with Tracy Walsh, Equal Employment Opportunity Officer, who can be reached at 850-435-1662. The EEO Officer will receive, assess and process such complaints. Employees who are aware of such acts that are targeted against others are also encouraged to report such conduct by filing a complaint. Complaints may be filed verbally or in written form.

All supervisors who receive verbal complaints of improper conduct which may violate this policy are required to promptly create an Incident Report which documents the complaint that has been received and includes all pertinent circumstances surrounding the complaint. The Incident Report must be transmitted immediately to the Equal Employment Opportunity Officer. Supervisors and managers who receive written complaints are required to immediately prepare an Incident Report and transmit a copy of the Report and the complaint to the EEO Officer.

Employees seeking to file complaints of conduct which violate this policy must be advised that the complaint will be treated as confidentially as may be practically possible while it is being investigated, but they should also be informed that complete confidentiality during this phase may not be possible if the nature of the investigation requires limited disclosure of information. All involved supervisors and managers are advised to keep the complaint and the details of any investigation as confidential as possible, sharing necessary information with others only on a "need to know" basis, excepting only the EEO Officer, authorized representatives of Human Resources, the City Attorney, and the Mayor or City Administrator or their designees. Under Florida law, records pertaining to equal employment opportunity complaints are not available for disclosure as public records until the investigation of the complaint has been completed.

Every reasonable effort must be made by all involved to investigate and resolve complaints as rapidly as possible. All supervisors and managers are advised that the Section 6-5 Complaint Procedures

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resolution of these complaints is a top priority and that unwarranted delays in processing
and resolving such complaints are not acceptable.



TOPIC: Complaint Investigations

SECTION: 6-4

EFFECTIVE: October 1, 2019

REVISED: April 1, 2020

The appropriate and expeditious investigation of complaints depends largely upon the nature of a particular complaint and the attending circumstances surrounding it. Therefore, the investigation protocols described in this policy are provided as guidelines for conducting investigations and they may be tailored to conform to the circumstances of a particular complaint.

All supervisors and department heads must immediately report the receipt of a complaint of discrimination, sexual harassment/hostile work environment, retaliation or other inappropriate behavior, whether verbal or written, to the Equal Employment Opportunity Officer immediately upon receipt of the complaint.

Depending upon the circumstances of the complaint which has been made, the investigation may be conducted by the Equal Employment Opportunity Officer or other investigators retained for this purpose.

All employees who are questioned during the course of an investigation are obligated to cooperate in a full, forthright and truthful manner. No employee shall face any form of reprisal for making a complaint or for their cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action. Additionally, no employee shall retaliate against any other employee who has made a complaint or who has testified or assisted in an investigation. Employees shall report any suspected retaliation to the Equal Employment Opportunity Officer.

A written report containing findings and recommendations will be prepared at the conclusion of the investigation, with a copy provided to the complainant. Individuals against whom allegations were raised will also be entitled to receive a copy of the report.

Once an investigation has been concluded, it shall be the responsibility of the affected department director to implement any remedial actions which were determined to be

appropriate. Where the department director has been the subject of the allegation or investigation, the City Administrator may appoint an alternative management official to oversee the implementation of remedial actions. The Equal Employment Opportunity Officer should be contacted by the complainant or other affected parties if, at any point, they have reason to believe that retaliation is taking place or the inappropriate behavior is continuing.

All records created which are exempted by the Florida Public Records Act shall remain exempt from disclosure until a final report has been prepared or as otherwise may be permitted under law.

Nothing contained in this policy should be read or interpreted to prohibit an employee from filing a complaint in any other lawful manner, including with the Florida Commission on Human Relations, the Equal Employment Opportunity Commission, the U.S. Department of Justice or the U.S. Department of Labor, or from filing a private cause of action. In addition, nothing in this policy is intended to supersede or conflict with any applicable laws such as the Police Officers' or Firefighters' Bill of Rights or applicable collective bargaining agreements.



TOPIC: Training

SECTION: 6-5

EFFECTIVE: October 1, 2019

REVISED: N/A

This policy prohibiting acts of discrimination, harassment, retaliation and other inappropriate behavior embraces a core value of the City of Pensacola and is of critical importance to insuring a professional workplace for all employees. Accordingly, all new employees are to receive a thorough course of training on the scope and elements of this policy, and they shall be provided an overview of the federal and state laws that form the framework for the policy. Additionally, the Human Resources Director shall insure that all City employees receive periodic, cyclical training on this policy. At a minimum, all supervisors/managers shall receive two (2) hours of EEO/Sexual Harassment training annually.

Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated. The City will promptly, thoroughly, and fairly investigate every issue that is brought to its attention in this area and will take disciplinary action, when appropriate, up to and including termination of employment.

Section 6-5 Training 234



TOPIC: Veterans Preference

SECTION: 6-6

EFFECTIVE: October 1, 2019

REVISED: N/A

Chapter 295.07, Florida Statutes, provides preference in appointment and retention for the following: military veterans of any period of wartime service; for un-remarried widows or widowers of veterans who died of service-connected disability; for disabled veterans; and for spouses of totally and permanently disabled veterans who cannot qualify for employment due to their disability or who are missing in action.

The requirements for eligibility are set forth in the statute and apply to applicants for employment, as well as eligible employees for promotion, and retention preference in the event of a layoff. Points (or percentage of total points possible if a scoring amount is anything other than 100) are added to passing examination scores pursuant to the statute. Please contact Human Resources for point(s) or percentage guidelines for the listing of an applicant claiming Veterans Preference.

Proper documentation must be provided in order to establish eligibility for Veterans' Preference.



CHAPTER 6 – HEALTH AND SAFETY

TOPIC: Reasonable Accommodations

SECTION: 6-7

EFFECTIVE: October 1, 2019

REVISED: October 1, 2024

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) are federal laws that prohibit employers with fifteen (15) or more employees from discriminating against individuals with disabilities.

It is the policy of the City to comply with all federal and state laws concerning the employment of persons with disabilities. Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discipline, discharge, compensation, training, and other terms, conditions and privileges of employment.

In accordance with the law, the City will reasonably accommodate qualified individuals with a disability so that they can apply for and perform the essential functions of a job unless doing so causes a direct threat to persons in the workplace and the threat cannot be eliminated or if the accommodation creates an undue hardship to the City. Contact Human Resources with any questions or requests for accommodation.

The Mayor or designee has designated the Inspection Services Director as the ADA Coordinator. This individual shall be responsible for record keeping, information dissemination, referring, processing, and resolving complaints and other actions as necessary to carry out the provisions of the ADA.

Physical & Mental Qualifications

City of Pensacola will comply with all rules and regulations as it relates to § 60-741.44(c) (1-3) Physical and Mental Qualification, including review of all physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified individuals with disabilities, they are job-related for the position in question and are consistent with business necessity.



CHAPTER 7 – EMERGENCY STAFFING

TOPIC: Emergency Staffing Policy (ESP)

SECTION: 7-1

EFFECTIVE: April 1, 2020

REVISED: July 1, 2021; October 1, 2021

Purpose

The US Department of Homeland Security (DHS), per the Homeland Security Act of 2002, provides strategic guidance for promoting national unity of efforts to ensure security and resilience of critical infrastructure. To support this effort, a listing of "Essential Critical Infrastructure Workers" was published by DHS on March 19, 2020, to help State and Local governments protect their communities, while ensuring continuity of operations critical to public safety and health, as well as economic and national security.

To establish uniform, fair, and standardized procedures for implementing DHS, other Federal, and State guidance for management and implementation by which the City Administrator can take decisive action in a state of emergency. Therefore, the City will employ an Emergency Staffing Policy (ESP) to help ensure "Essential Critical Infrastructure Workers" are identified, including the pre-notification of employees of their emergency assignment status, and to assist in organizing the workforce for the more effective management of employees during times of local emergency.

Scope

This ESP applies to all full-time employees of the City of Pensacola, FL, and is administered by the Human Resources Department. Participation is considered a "condition of employment" for those applicable employees. Any conflicts which may arise in the application of this program shall be referred to the Human Resources Department and, if necessary, the Human Resources Director may forward to the City Administrator, or designee, for final resolution. This plan is written in accordance with and shall not conflict with the Continuation of Operations Plan (COOP) as implemented by the Fire Chief. Terms not fully explained in this plan may be clarified by referring to the COOP. If a conflict exists between this section and the COOP, the COOP shall govern.

Declaration of Support

The Mayor and City Council supports the efforts of its employees to provide "Essential Critical Infrastructure" functions and promote the safety and welfare of the citizens of Pensacola. It should be understood by all employees that during a period of emergency, day-to-day operations may be altered; to include suspension of regular duties, work hours and work sites. Temporary duties outside the normal scope of their employment may be required for the duration of the state of emergency.

Employee Assignment Categories

All full-time employees of the City, for purposes of this plan, shall be placed into one of the following categories:

- A. Emergency Critical (EC) In an emergency condition, approved by the City Administrator, these personnel are considered the City's essential critical infrastructure workers. Once a State of Emergency exists, the Emergency Operations Center (EOC) and other critical COOP functions will be operational twenty-four (24) hours each day, manned by some City employees in this category. These EC employees normally have advance orders or pre-assignments and will be working either in a City facility or in the field as appropriate prior to and/or during and after the actual event. It is the responsibility of these employees to prepare and arrange for family and personal needs in advance of the emergency. In most cases, control of these employees is retained by the City Administrator, appropriate department director, the Incident Commander, or designee. If, for any reason an employee cannot perform the duties as required, the department director is expected to replace them with another qualified employee from their department.
- B. **Emergency Essential (EE)** Employees who are Emergency Essential are usually not required to be on duty during an actual event (e.g. emergency storm), but are required to report to their pre-assigned special duty site immediately following the event, when conditions are considered safe, normally within twenty-four (24) hours of the event, or as otherwise directed.

In a public health or safety event (i.e. pandemic event), essential personnel may be required to work prior to, during, and after the event has passed. During a public health emergency, asymptomatic employees would be expected to report; however, availability status of individual workers will be guided by CDC criteria, State Public Health advisories, and City Clinic guidelines for "at risk" persons or individuals that may be directed to isolation in place, and/or persons testing positive and under the care of their health care providers.

Duties assigned will normally be in support of the department's mission, and the appropriate department director retains. Employees are to be notified, in advance, of reporting instructions, to include a specific reporting place, time, and circumstances for returning for duty; e.g. (1) when the wind speed is considered safe or (2) when critical infrastructure duties are needed in support of emergency public health and safety requirements.

C. Non-essential (NE) - Employees without a pre-assigned specific and/or immediate emergency-related departmental duty in specific response to the emergency before, during, or following the event, will be designated non-essential (NE) and subject to reassignment to the Emergency Staffing Assignment Pool (ESAP). Employees may be temporarily reassigned from their department responsibilities to the ESAP and given duties related to support and recovery efforts, e.g. staffing a FEMA Point of Distribution (POD) or staffing an Emergency Shelter. ESAP employees are required to report for duty in their department (and possible emergency reassignment to the ESAP) within a maximum of forty-eight (48) hours of the event (e.g. hurricane landfall), or as otherwise directed in public health and safety emergencies. The Human Resources Director, or his/her designee, will serve as the Emergency Staffing Manager (ESM). Once assigned to the ESAP, the Emergency Staffing Manager will ascertain needs from City departments for additional personnel support and, based on qualifications, direct work assignments and reassignments. Their department director and ESM must approve removal of an employee from the ESAP for reassignment back to their parent division. Failure to report to duty as directed or leaving an emergency duty assignment without prior approval of the ESM is subject to disciplinary action

Additional Assignments for "NE" Personnel

- A. FEMA Point of Distribution (POD) The City may be required to establish emergency PODs to assist with distribution of food, water, ice and other supplies to citizens. Employees assigned to POD duty should be in good physical condition with ability to lift cased of food and water for distribution and be able to work in an outside environment for periods of eight (8) or more hours on a shift.
- B. City Emergency Shelter(s) The Pensacola Bay Center, or other facilities in the City, may be activated for emergency shelter purposes for citizens that require shelter during and immediately after the emergency. If activated, City non-essential (NE) and perhaps additional staff will likely be directly reassigned by the ESM to service at the shelter. Staffing would require twenty-four (24) hour coverage with three (3) shifts while operational. American Red Cross emergency personnel will be available to assist with set-up and training of shelter staff.

- C. Citizens' Information Center (CIC) Upon request for assistance from the Emergency Operations Center (EOC), some members of the City ESAP may be assigned to duties in the CIC. Employees assigned such duty will report, when directed, to the Emergency Operations Center (EOC), and will work under the supervisory control of the CIC Office. Duties in the CIC often begin prior to the actual Declaration of Emergency, typically require shift work, and may extend beyond the expiration of that declaration. Prior to reassignment back to their home department, coordination with the CIC team leader must occur to prevent gaps or shortfalls in scheduling. If, for any reason, the employee cannot perform the duties as required, the department director is expected to replace them with another qualified employee from their department.
- D. Fire Administration, Emergency Coordination Center (ECC) NE personnel may also be needed in the City's EEC to support and supplement staff during and after the emergency.
- E. **Other Duties as Assigned** Assignment to various duties and responsibilities in support of the City's emergency mission to maintain safety and health of citizens may be required.

Reporting and Assignment Guidelines

- 1. Assignment of an individual into one of these above Emergency Assignment categories, along with the duties and tasks associated with such an assignment, is at the discretion of management, and is considered a "Condition of Employment" for all employees of the City. Final assignment of an employee into an emergency category shall be at the discretion of the City Administrator or his/her designee. The Human Resources Director shall insure the employees are aware of their assignment category, maintain and update the master list of employee contact information and emergency assignments annually in the third quarter of each fiscal year.
- 2. During or following certain events, including, but not limited to, a major hurricane or public health emergency, an extremely large support or relief effort may be needed, requiring large numbers of employees to meet the basic needs of the community. If sufficient numbers of workers cannot be found through voluntary efforts, the City Administrator, or designee, may reassign additional employees involuntarily from EC, EE, or NE groups into the Emergency Staffing Pool (ESP).
- 3. Prior to being released to telecommute, isolate at home, or evacuate the area, the last duty day before an anticipated event, or during a health and safety emergency, employees will be directed by their department when and where to next report.

Failure by employees to abide by those instructions may result in disciplinary action, up to and including termination, depending on the circumstances. Individual medical conditions or safety emergencies will certainly be considered exceptions (e.g. persons diagnosed with contagious infections that cannot be exposed to others). Each employee is solely responsible for reporting to his or her supervisor within the directed timeframe. Evacuation, impassable roads, or downed communications networks shall not constitute excuses for a failure to report as required under this plan.

Pay Procedures

Due to the greatly expanded working hours, increased workload, added hardships, and personal sacrifices made by City employees during very difficult circumstances, the standard payment procedure during the period of a declared emergency will be as described at the time of the declaration or as soon as practical thereafter.

General Provisions

- A. Upon notification by the City Administrator, or designee, of an actual or potential emergency, the Human Resources Director will initiate proceedings to activate the Emergency Staffing Pool Plan.
- B. Every City employee must keep their City ID in their possession at all times and be prepared to display it to pass through security checkpoints or gain access to City or County facilities. The back of their badge (sticker provided) should state "City Emergency Disaster Team" to assist with the passage of law enforcement checkpoints. An employee information 24 Hour Hotline, telephone number 850-435-1703, will be activated to support communications with all employees. The number will also be printed on the sticker placed on the back of the ID card. For distribution of special "red" emergency badges refer to the City's COOP.
- C. Department directors shall be granted waiver authority to the City Vehicle Policy. With their department director's approval, employees shall be allowed to take an assigned vehicle home during the emergency.

Personnel in EC, EE or NE categories, who cannot report to duty as assigned, must request approval or a waiver through their department director, who will recommend approval/disapproval through the ESM to the City Administrator for final approval/disapproval. In cases of failure to notify your supervisor or manager of absence from duty and/or disapproval of waiver request, the employee may be charged with Absent Without Leave (AWOL) and be subject to disciplinary action, up to and including termination.

Responsibility

It is the employee's responsibility to contact their supervisor, monitor media announcements (radio/TV/internet, etc.), and to call the Employee 24 Hour Information Hotline at 850-435-1703 for automated instructions and updates. Should typical means of communication be down, i.e. landline and/or cell phone usage, the employee is responsible to make contact by any manner necessary and to report for duty or to the predetermined location as established by their department director or current supervisor within forty-eight (48) hours. For personnel assigned to the ESP, unless otherwise specified, ESP personnel shall meet at the time, date, and location specified by the ESM or to call within forty-eight (48) hours to the ESP phone number provided for further instructions.



ACKNOWLEDGMENT

I acknowledge that I have received instructions on how to access the Human Resources Policy Manual electronically, which describes important information about my employment with the City, and I understand that I should consult Human Resources if I have questions. I have entered into employment with the City voluntarily and acknowledge that it is for no specific length of time. Accordingly, either I or the City may terminate the relationship at any time.

Since the information, policies, and benefits described in the Manual are necessarily subject to change, I acknowledge that revisions to the Manual may occur. Such revised information may supersede, modify, or eliminate existing policies. The City shall have sole authority to add, delete, or adopt revisions to the policies in this Manual. Any written or oral statement by a supervisor or manager contrary to the Manual is invalid and should not be relied upon by me.

I understand and agree that I will read and comply with the policies contained in this Manual and any revisions to it, I am bound by the provisions contained therein, and my continued employment is contingent on following these policies.

Employee Name (Printed)	
Employee Signature	
 Date	

CITY OF PENSACOLA EQUAL EMPLOYMENT OPPORTUNITY (EEO) INCIDENT REPORT

The City encourages you to resolve any problem or issue informally with the individuals involved. However, if you have a concern or experience a problem that affects you or your co-workers, we ask that you complete this form and return it to Human Resources within five working days after the incident or problem occurred. This form is to be used by employees, supervisors and managers to document complaints or reports of a violation to the City's Equal Employment Opportunity policy.

information of employee claiming incident:	
Name:	Date:
Job Title:	
Department/Division:	Phone #:
Identify the nature of the complaint or incid	ent:
\square Discrimination based on: (specify which type	e) □ Race □ Sex □ Disability □ Religion
\square Sexual Harassment in the Workplace	
☐ Retaliation	
☐ Other Inappropriate Conduct	
☐ Combination of Above	
be attached to this report, if necessary. Date/Time of Incident: Location of Incident:	
Description of Incident:	
2 coonpact of moraone.	
Witnesses to Incident:	
Signature of person preparing report:	
Date:	

HR BULLETIN #2019-01

Merit Pay - FY 2019/01

TO: Department Directors and HR Reps

FROM: Rod Powell, SPHR, SHRM-SCP, PPP, Interim Human

Resources Director

DATE: June 27, 2019

RE: FY 2019/05 City Performance Management System (CPMS)

Under the direction of the Mayor or designee, the Human Resources Director implements, administers, and manages Human Resources policies and procedures.

The City Performance Management System (CPMS) review process is designed to insure that employees know what is expected in their performance of duties and responsibilities. The evaluation process provides valuable feedback for rating work performance. The new merit pay process will help by rewarding City of Pensacola employees for their dedication and exceptional work performance annually.

The job performance of all regular City employees will be evaluated annually and will be used as a basis for any merit increase. Performance evaluations will be completed prior to the beginning of each new fiscal year. This will be documented using the City of Pensacola CivicHR online system. Employee performance evaluations will be conducted to determine if overall job performance "does not meet, meets, or exceeds performance expectations". This summary rating will be the basis for any merit pay adjustment that would be implemented in the upcoming fiscal year. Note: The Merit Increase for bargaining unit employees is subject to collective bargaining.

HR BULLETIN #2019-01

Merit increases will be administered as follows:

Department Directors/Division Administrators, contingent upon availability of funds, are authorized to grant a 0%, 1% or 2% merit increase in base pay or equivalent lump-sum payment for employees exceeding the maximum of their assigned pay range.
 ** The merit increase shall be available to all eligible employees on or after 1 October of each fiscal year and based on the employee's annual performance evaluation.

Merit increases will be capped at the top of the pay range and any overage will be distributed in the form of a "lump sum" payment

- The overall performance evaluation score is based on the rating points in the Competency and Job Specific Objective sections and is combined as the final score of the performance appraisal.
- The final score, automatically computed by CivicHR, will be used to determine qualification for a merit increase and the level of any merit increase (see chart below).

Summary Rating	Point Range	Merit Increase Authorized
Exceeds Expectations(E)	3.50-5.00	2% Merit Increase
Meets Expectations(M)	2.50-3.49	1% Merit Increase
* Does Not Meet(DNM)	0.00-2.49	0% Merit Increase*

^{*}A Does Not Meet (DNM) rating indicates a failure to meet minimum expectations and may result in the use of a performance improvement plan (PIP).

HR BULLETIN #2019-01

The use of a PIP can range from employees who may be new to a role and require further development of job skills, knowledge, or understanding or who are unclear on performance expectations or employees who are regularly falling short of meeting performance expectations. Employees given a special PIP notice will be provided with specific job performance requirements and a performance improvement plan for completion over the next 90 days. The documentation in the CivicHR system will be used to guide the process.

Successful completion of a PIP over the following 90 days that results in a revised score of 2.5 or higher can earn a merit increase retroactive to the date the employee would have normally received the merit pay adjustment.

However, failure to improve or to meet expectations regarding "an acceptable level of competence" (i.e. overall rating of 2.5 or higher) in the position indicates a failure to qualify for any merit increase. At the discretion of the supervisor, subsequent corrective disciplinary action may also be taken due to failure to meet minimum job performance requirements, e.g. reassignment, demotion, or termination.

The following process should be followed in completing the Employee Performance Evaluation and the accompanying Personnel Action Form (PA), if applicable:

 The rater should complete the Employee Performance Evaluation in CivicHR at least 15-30 days before the due date assigned by Human Resources.

HR BULLETIN #2019-01

**The assigned groups for the department's/division's review cycles are shown on Table B below:

Table B

Department/Divisions	Beginning Evaluation	Semi-Annual	Ending Evaluation Cycle
	Cycle	Feedback Milestone	
Group 1	<u>June</u>	<u>November</u>	<u>May</u>
Human Resources	JSOs must be finalized	Semi-Annual Feedback	Final Scoring and Feedback
Pensacola International Airport	with approvals and initial	milestone employee	must be complete in the
Pensacola Energy	performance plan	discussion and data	system, final routing
Pensacola Police Department	overview sit down must	input must be complete	approvals must be received
	be complete by June 30 .	by November 30.	and final appraisal sit down
			must be complete by May
			31.
Group 2	<u>July</u>	<u>December</u>	<u>June</u>
Housing	JSOs must be finalized	Semi-Annual Feedback	Final Scoring and Feedback
Public Works	with approvals and initial	milestone employee	must be complete in the
Sanitation Services & Fleet	performance plan	discussion and data	system, final routing
Management and Code	overview sit down must	input must be complete	approvals must be received
Enforcement	be complete by July 31.	by December 31.	and final appraisal sit down
The Port of Pensacola			must be complete by June
Pensacola Fire Department			30.
Group 3	August	<u>January</u>	<u>July</u>
Office of the City Attorney	JSOs must be finalized	Semi-Annual Feedback	Final Scoring and Feedback
City Clerk	with approvals and initial	milestone employee	must be complete in the
Financial Services	performance plan	discussion and data	system, final routing
Inspection Services	overview sit down must	input must be complete	approvals must be received
Office of the Mayor	be complete by August	by January 30.	and final appraisal sit down
Parks and Recreation	31.		must be complete by July
Planning			31.

- The rater should review the evaluation with the employee and explain the ratings given. The employee should sign the evaluation, acknowledging receipt.
- The rater will route the review to the Department Director/Division Administrator and Human Resources for review and approve the evaluation in agreement with the ratings.

HR BULLETIN #2019-01

- The department should prepare a PA initiating a 1% or 2% merit increase if the employee receives an overall rating of "Met Expectations" or "Exceeds Expectations" with no areas rated as "Does Not Meet". The transaction type should be "Rate change Merit increase w/PE." The verbiage in the explanation box should include a recommendation of a "1% or 2% merit increase."
- The evaluation with all departmental signatures and the completed PA should be forwarded to the Human Resources Department for review and processing.
- The Department is responsible for informing those employees who are qualified for a merit increase, but exceed the maximum of their assigned pay range, of their eligibility for a 1% or 2% "lump-sum" merit increase. This should be done at the Department level, after approval of the Department Director/Division Administrator, the department will process the PA with the appropriate lump-sum payment amount, once this has been completed by the department and approved by the Department Director/Division Administrator, it is then forwarded to the Human Resources Department/Payroll and then final processing with the Financial Services Department for these employees.
- A copy of all PAs will be returned to the department after processing.

Please contact the Human Resources Department, Classification and Compensation, if you have any questions regarding this bulletin.

EFFECTIVE: June 27, 2019

HR BULLETIN #2019-02

Texting While Driving - FY 2019/02

TO: Department Directors and HR Reps

FROM: Rod Powell, SPHR, SHRM-SCP, PPP, Interim Human

Resources Director

DATE: July 9, 2019

RE: Wireless Communications While Driving Law (Texting while

Driving)

A new Florida Law effective July 1, 2019 makes texting while driving a primary offense instead of a secondary offense. Law enforcement may now pull motorists over for texting while driving.

A first offense will be punishable by a \$30 fine, with a second costing \$60. Court costs and fees also would apply, and points will be added to licenses.

Florida Statues §316.305(3)(a) states:

A person may not operate a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging.

As used in this section, the term 'wireless communications device' means any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service as defined in s. 812.15 and that allows text communications.

Some exceptions apply. The law does not apply to vehicles that are stationary or to a driver who is:

HR BULLETIN #2019-02

- Performing official duties, such as operating an emergency vehicle (i.e., law enforcement, fire service professionals, and emergency medical service providers).
- Reporting an emergency, a crime or other suspicious activity to law enforcement.
- Receiving messages that are:
 - a. related to the operation and/or navigation of the motor vehicle;
 - b. safety-related information (emergency, traffic, and weather alerts);
 - c. data used primarily by the motor vehicle; or
 - d. radio broadcasts.
- Using the device in a hands-free manner for navigation purposes.
- Using the device in a way that does not require manual entry of characters or reading of text messages, except to activate, deactivate, or initiate a function or feature.

The Florida Statue is EFFECTIVE: July 1, 2019

NOTE: Current City Policy is as follows: If a City employee needs to communicate (i.e. make a call, receives a call, send or view a text, etc.) for any reason while driving a city vehicle or needs to communicate for work related reasons while driving a personal vehicle, they must pull over to the side of the road in a safe manner before conducting any communication activities. Exceptions as stated in the new statute (above) apply.



HR BULLETIN #2019-03

Merit Pay and Compensation Study Implementation October 1, 2019

TO: Department Directors and HR Reps

FROM: Rod Powell, SPHR, SHRM-SCP, PPP, Interim Human

Resources Director

DATE: August 27, 2019

RE: (A) Merit Pay Processing

(B) Compensation Study 4% Adjustment for Non-Bargaining

Unit Employees

A. Merit Pay Payroll Processing Procedure

- 1. **Appraisals for 2018-19 in CivicHR** System should have all final approvals completed within the various departments/divisions and routed to Human Resources (HR) Classification & Compensation as of Friday, August 30, 2019.
- 2. **Human Resources Review** HR Classification & Compensation will confirm with all departments/divisions via email that all Final Appraisals have been received as of Tuesday, September 3, 2019.
- 3. Departments/Divisions will Submit the Final Merit Pay List All employees recommended for Merit Pay increases will be listed (Excel preferred) and submitted to HR Classification & Compensation by Friday, September 6, 2019.

Please note, in order to be eligible to receive a Merit Pay increase on October 1. 2019:

- a. New employees must have successfully completed a one (1) year probationary period.
- b. Transferred, promoted, or reassigned employees must have completed a minimum of ninety (90) days in their current position.



HR BULLETIN #2019-03

4. Once the Eligibility List is received & reviewed by the Classification & Compensation Analyst and final Summary Ratings will be verified for Merit Pay.

Summary Rating Table for Merit Pay is shown below:

Summary Rating	Point Range	Merit Increase Authorized
Exceeds Expectations(E)	3.50-5.00	2% Merit Increase
Meets Expectations(M)	2.50-3.49	1% Merit Increase
* Does Not Meet(DNM)	0.00-2.49	0% Merit Increase*

- 5. Financial Services Department will forward the approved spreadsheet to HR for coordination and HR will send on to Departments/Divisions to assign the Merit Pay increases for each employee via a personnel action (PA) form
- 6. The Department Prepares a PA for a 1% or 2% merit increase Overall ratings of "Meets Expectations (M)" or "Exceeds Expectations (E)" must have no areas rated as "Does Not Meet (DNM)". The transaction type should be "Rate change Merit increase w/PE." The verbiage in the explanation box should include a recommendation of a "1% or 2% merit increase."
- 7. **Forward the PA** to HR Payroll for review and processing. Please notify HR of any instances where employee is rated DNM.
- 8. The Department is responsible for informing employees approved for a merit increase. Note: Employees whose pay adjustment exceeds the maximum of their assigned pay range, will receive the balance of their merit increase as a "lump-sum" payment. All merit pay actions will be effective October 1, 2019.
- 9. A Copy of all PAs Provided PA Form will be returned to the department after processing for official files.



HR BULLETIN #2019-03

B. Compensation Study 4% Adjustment Procedure

- 1. All Non-Union employees on the rolls as of September 30, 2019 qualify:
 - a. <u>Financial Services Department will forward a spreadsheet</u>
 Each department/division that assigns the 4% compensation structure adjustment by employee must be processed through a personnel action (PA).
 - b. <u>Department/Divisions prepare a PA</u>
 Initiating the 4% increase for each employee.
 - c. Completed PAs

Forwarded to the HR - Payroll for review and final processing with the Financial Services Department.

d. Pay Increase Effective October 1, 2019

A copy of all PAs will be returned to the department/division after processing.

Please contact the Human Resources Department, Classification & Compensation, if you have any questions regarding Bulletin.

EFFECTIVE: August 27, 2019



HR BULLETIN #2019-04

Human Resources Policy Manual (HRPM)

TO: Department Directors and HR Reps

FROM: Rod Powell, SPHR, SHRM-SCP, PPP, Interim Human

Resources Director

DATE: September 12, 2019

RE: Human Resources Policy Manual (HRPM) – FY20

- 1. The new HRPM final draft is pending approval by the Mayor and will be effective on October 1, 2019. The HRPM will apply to all non-bargaining unit personnel. Highlights include:
 - a. **New Classification & Compensation Guidelines** including descriptions of the new "SES" and "NU" pay groups
 - b. **New Grievance and Appeal process** for all regular employees who have completed their probationary period.
 - c. Revised EEO Compliance and Sexual Harassment Prevention Guidelines, which includes annual EEO training for all supervisors and managers.
 - d. Establishment of a new City Personnel Board (CPB), providing an objective review Board for any appeal submitted by a regular employee.
 - e. New Merit Pay System based on Performance:
 - i. Current regular employees will be reviewed using CivicHR format and will be eligible for a 0%, 1% or 2% merit increase based on the FY 2018-2019 performance ratings. Payout will be October 1, 2019. Note: Employees serving a probationary period or who are currently in a position for a period less than 90 days will also be allowed to be considered for a merit increase.
 - ii. Any merit increase received this rating period will be in addition to the 4% across the board increase based on the FY 2019 HR Compensation study, which is also effective on October 1, 2019.



HR BULLETIN #2019-04

- iii. For Merit Pay in FY 2019-2020, new guidelines in the HRPM will be applied, which includes completion of initial probationary period and a minimum of 90 days serving in a position to qualify for consideration for a merit increase.
- f. **Expanded general Employment** Section that addresses use of City cell phones, computer usage guidance, Ethics and Standards of Conduct, and includes a new section implementing the Florida Statutes regarding "Texting While Driving".
- 2. Departments/Divisions will be briefed on the HRPM and the Human Resources "New Employee Orientation" class will include an overview of the key provisions on or after October 1, 2019.
 - a. A copy of the HRPM will also be posted on the City website for access by all employees.
 - b. All employees will be asked to acknowledge receipt of the HRPM so we can ensure that everyone is aware of the policies and procedures.
- 3. Current "Contract Employees" whose positions have been re-designated to the new "SES" or the "NU" pay groups will receive a written notice within the next week.
 - a. The new HRPM changes the old "contract positions", but all incumbents will have the opportunity to voluntarily accept the new SES or NU position on October 1, 2019.
 - b. Benefits associated with the "SES" and "NU" pay groups are detailed in the HRPM.

Please contact the Human Resources Department, Classification and Compensation, if you have any questions regarding Bulletin.

HR BULLETIN #2019-05

City Contract Employment Changes FY-20

TO: All Contract Employees

FROM: Rod Powell, SPHR, SHRM-SCP, PPP, Interim Human

Resources Director

DATE: September 20, 2019

RE: Human Resources Policy Manual (HRPM) – FY20

After considerable effort across multiple departments, the 2019 update to the Human Resources Policy Manual (2019 HRPM) is ready for implementation beginning October 1, 2019. The 2019 HRPM provides for a new classification system: senior executive service (SES) and regular or non-union (NU) employees. The terms and conditions of bargaining unit employees that are part of collective bargaining agreements are not altered by the 2019 HRPM.

SES employees are true "at will" employees with no entitlement to a grievance process while NU employees will have the right to appeal to a City Personnel Board (CPB) under certain circumstances. A new merit pay system based on performance will apply to all employees, SES and NU, as well as bargaining unit employees who have agreed to participate.

SES and NU employees who have signed contracts regarding their employment are being given notice that the terms and conditions of the 2019 HRPM replace the terms of any contract the employee had with the City. By continuing employment with the City, you are accepting the termination of your contract



HR BULLETIN #2019-05

with the City and the changes to the terms and conditions of your employment as described in the 2019 HRPM.

SES employees are receiving recruitment and retention incentives as described in HRPM Policy 2-13. NU employees are receiving a grievance and appeal process as described in HRPM Policies 5-2 and 5-5. To the extent your acceptance requires you to relinquish a benefit that you believe is not offset by the benefits provided under the 2019 HRPM, you are invited to discuss that concern with your supervisor and with the Human Resources Director no later than September 30, 2019, and a decision regarding your specific concern will be made in writing no later than October 31, 2019.

The Mayor's Office has worked closely with the Human Resources Department, the City Attorney's Office, and the key personnel in other departments to develop the 2019 HRPM. To promote the public good and retain talented and hard-working City staff, the 2019 HRPM reflects City policies designed to improve the work environment and employee morale and engagement.



HR BULLETIN #FY2020-01

City Personnel Board (CPB) FY-2020

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: December 19, 2019

RE: Human Resources Policy Manual (HRPM) – Section 5-4 CPB

FY20

The 2019 update to the Human Resources Policy Manual (2019 HRPM) was approved by the Mayor with an effective date of October 1, 2019. The 2019 HRPM implements many new provisions that support employee rights, development, and benefits, to include establishment of the City Personnel Board (CPB). The CPB protections apply to all regular, *non-union/non-SES employees*. The terms and conditions of bargaining unit employees that are part of collective bargaining agreements are not altered by the 2019 HRPM.

SES employees are true "at will" employees with no entitlement to a grievance process. The "NU" class are regular, both supervisory and non-supervisory, employees that will have the right to appeal to a City Personnel Board (CPB) as described in HRPM Policies Section 5-2, 5-4, and 5-5.

The CPB was created to provide a fair and equitable mechanism for the expeditious review of appeals by regular employees of the City before a non-partisan deliberative body.



HR BULLETIN #FY2020-01

Qualifications of Board Members

To be appointed to the City Personnel Board:

- 1. You must have been a resident of the City of Pensacola as a registered voter for one or more years preceding the appointment to the CPB.
- 2. You may not hold an elective or appointive office in federal, state, county or municipal government.
- 3. You may not hold political office in, or have been a salaried or hourly employee of the City of Pensacola (i.e. the City), during the 12 months preceding appointment to the CPB.
- 4. You may not be a current City employee or a member of the immediate family of a current employee or elected official of the City.
- 5. You may not be a current officer of any union representing employees of the City.
- 6. You may not work for any vendor who has a current contractual agreement with the City.
- 7. You must not have been convicted of, or has had adjudication withheld of, a felony or any crime involving moral turpitude.

Qualifications must be maintained throughout the member's tenure, or the member must resign his position on the CPB.



HR BULLETIN #FY2020-01

Selection of CPB Members:

A. The Mayor's Appointments

The mayor will appoint one member to the Board and an alternate.

B. The Employee Appointments

The regular employees of the City will appoint one member to the Board and an alternate.

Candidates for appointment as Employee Representative to the Board may be nominated by at least ten or more regular employees signing a nomination form (See attached). The completed nomination form, with qualification statement and all required signatures, must be submitted to HR - Compensation and Employee Relations, for certification not later January 17, 2020. All qualified candidates will be published and included in the election ballots that will be made available to employees in advance for consideration and voting the date of the election.

The secret ballot election will be held on January 31, 2020 at City Hall. Votes will be counted by the HR Staff under the oversight and supervision of the City Clerk, a representative of the City Attorney's Office, and a person appointed by the Mayor. The HR Department will also provide additional administrative support required. The validation and count process will be open to the public.

The employee candidate receiving the majority of votes will be the certified as the Employee Representative to the Board. The second person receiving the next highest number of votes will be the designated alternate.

The Oath of Office for all CPB members will be administered by the City Clerk and will thereafter serve a two-year term.



HR BULLETIN #FY2020-01

C. Third Member

The third member and his or her alternate will be named by the other two members.

Compensation of Board Members

The CPB members appointed to the Board shall be compensated for their service at the rate of \$100.00 per quarter as consideration for attending Appeal hearings and/or regularly scheduled PRB meetings. Member compensation will not exceed \$100 for any quarter of the fiscal year.

Meeting Schedule

CPB regular administrative meetings are held a minimum of once per quarter at a date, time, and place determined by the Board. Hours will vary depending on whether an employee appeal has been scheduled. If hearings are scheduled during the guarter, the regular meeting of the CPB would normally be held immediately after the hearing.

Attendance

Board members are expected to be present for all scheduled CPB meetings and hearings. Instances where the primary member is absent, the alternate may be called to serve in his or her place. Any member of the CPB shall be removed and replaced after being absent from three scheduled meetings during any calendar year. The CPB shall take action to remove the member for absenteeism and permanently replace them with their designated alternate for the balance of the term.

Employee Appeals

Section 5-5 of the HRPM dated 2019 outlines the criteria and process for employee appeals. Any regular employee has the right to appeal disciplinary



HR BULLETIN #FY2020-01

terminations, involuntary demotions, and performance-based separations to the Board.

Upon notification of an appeal, *The CPB will establish appeal* guidelines and rules and set the time and date for the hearing, normally within ten workdays of receipt of the notice of appeal.

Training

The HR Department will provide training on the employee grievance, discipline, and appeals process starting the second quarter of FY 2020.

City of Excellence

The Mayor's Office has worked closely with the Human Resources Department, the City Attorney's Office, and the key personnel in other departments to develop the 2019 HRPM and the new CPB Appeal process. The goal is to promote the public good thru building a "City of Excellence", by retaining our talented and hard-working City staff, and improving the work environment, employee morale, and engagement.



HR BULLETIN #FY2020-02

City Minimum Wage Set \$12.00 Hour FY2020-02

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: December 31, 2019

RE: City Minimum Wage Increase to \$12.00 Hour

Pay Scales Adjusted to New \$12.00 Minimum Wage

In our efforts to continue to address pay rates for City employees, Mayor Grover Robinson has approved a minimum rate of \$12.00 per hour for all regular positions, excluding cadets. This change goes into effect immediately starting the pay cycle beginning Dec 30, 2019, and resulting in pay increases for all employees (that are currently below the new minimum) on January 10, 2020. Please see the Mayor's approval memo attached.

City of Excellence

The Mayor's Office has worked closely with the Administrator, Human Resources Department, and employee bargaining units to raise the minimum wage in 2020. The goal is to promote the public good by building a "City of Excellence". Our City workforce is absolutely key to our success in serving our City residents. This increase will help in recruiting and retaining our talented and hard-working City staff, and will serve to further improve the work environment, overall employee morale, and employee engagement.



HR BULLETIN #FY2020-03

Temporary Telecommuting Arrangements FY2020-03

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: March 19, 2020

RE: Implementation of Temporary Telecommuting Guidance

Temporary Telecommuting Arrangements

Due to the current COVID-19 (coronavirus) outbreak, many employees are inquiring about the ability to work from home. The City is hereby implementing temporary telecommuting arrangements for employees whose job duties are conducive to working from home but who do not regularly telecommute. During a state of emergency, personnel are expected to report to work as scheduled unless otherwise directed or approved by their Department Director. Decisions to allow work at home must be approved by the Department Director. Personnel working at home who are non-exempt will maintain the same working and lunch hours and must be specifically approved by their supervisor for any overtime. Exempt employees working at home are salaried and will continue to be paid on a bi-weekly schedule.

Duration of the Event

These arrangements are expected to be short term, and the City will continue to monitor guidance from health officials and the need for remote work arrangements. Employees should not assume any specified period of time for telework, and the City may require employees to return to regular, in-office work at any time.

Should the current health crisis warrant, the City may require employees to work from home. Employees should be proactive with department managers in preparing for these circumstances to ensure employees have the resources necessary to work remotely.

HRB2020-03 March 19, 2020 HR/rp



HR BULLETIN #FY2020-03

City of Excellence - Mayor Grover Robinson

"First, let me thank you for your dedication to the citizens of Pensacola. I feel fortunate to represent the best 800 men and women who make this a great community. We clearly are living in unprecedented times. Our City is counting on you, and you have responded. Thank you for your professionalism and your positive attitudes.

Let me reassure you that you need not worry about your job; we have the financial resources to weather this crisis, your paycheck is secure. As we move forward, I would ask for your flexibility as we respond to these ever-changing circumstances. You may be asked to perform tasks outside of your normal job; we may require you to work in a different work location (i.e., Telecommuting) and with different team members. All these actions would be taken to meet the needs of our City, thank you for your understanding.

I addressed this message to our City of Pensacola family because I consider us a family. Let us take care of one another, let us be patient with one another and to those we serve. If you need someone to talk to, remember our City's Employee Assistance Program or the program offered through Florida Blue.

Thank you again to each one of you for what you do. I am very confident that we will emerge from this crisis as a better City, a more compassionate City. I am proud of this team and I am confident in the bright future of our City."

HRB2020-03 March 19, 2020 HR/rp

HR BULLETIN FY2020-04

City Personnel Board (CPB) FY-2020

TO: All Employees

FROM: Ted Kirchharr, Human Resources Director

DATE: June 1, 2020

RE: Human Resources Policy Manual (HRPM) – Section 5-4 CPB

FY20 (Revised)

The 2019 update to the Human Resources Policy Manual (2019 HRPM) was approved by the Mayor with an effective date of October 1, 2019. The 2019 HRPM implements many new provisions that support employee rights, development, and benefits, to include establishment of the City Personnel Board (CPB). The CPB protections apply to all regular, *non-union/non-SES employees*. The terms and conditions of bargaining unit employees that are part of collective bargaining agreements are not altered by this change in the HRPM.

SES employees are true "at will" employees with no entitlement to a grievance or appeal process. The "NU" class are regular, both supervisory and non-supervisory, employees that will have the right to appeal to a City Personnel Board (CPB) as described in HRPM Policies Section 5-2, 5-4, and 5-5.

The CPB was created to provide a fair and equitable mechanism for the expeditious review of appeals by regular employees of the City before a non-partisan deliberative body.

The original HR Bulletin announced the appointment and election process for an employee representative but we failed to receive any qualified candidates under the process rules set forth in the announcement. Subsequently, the COVID-19 emergency response by the City and work schedule changes/telecommuting has further delayed our efforts to announce and process the new appointments to the CPB.

To expedite the process, we have modified the criteria for the representatives to allow for residents of the City of Pensacola or Escambia County to be considered for the position. The other significant change allows any regular employee to nominate a representative for consideration for the Employee Representative to the Board.

HR BULLETIN FY2020-04

Qualifications of Board Members

To be appointed to the City Personnel Board:

- 1. You must have been a resident of the City of Pensacola or Escambia County, Florida, as a registered voter for one or more years preceding the appointment to the CPB.
- 2. You may not hold an elective or appointive office in federal, state, county or municipal government.
- 3. You may not hold political office in, the City of Pensacola (i.e. the City) or Escambia County (i.e. the County) during the 12 months preceding appointment to the CPB.
- 4. You may not be a elected official of the City or the County.
- 5. You may not be a current officer of any union representing employees of the City or the County.
- 6. You may not work for any vendor who has a current contractual agreement with the City or the County.
- 7. You must not have been convicted of, or has had adjudication withheld of, a felony or any crime involving moral turpitude.

Qualifications must be maintained throughout the member's tenure, or the member must resign his position on the CPB.

Selection of CPB Members:

A. The Mayor's Appointments

The mayor will appoint one member to the Board and an alternate.

HR BULLETIN FY2020-04

B. The Employee Appointments

The regular employees of the City will vote to appoint one Employee Representative to the Board and an alternate.

Candidates for appointment as Employee Representative to the Board may be nominated by any regular employees signing a nomination form (See attached). The completed nomination form, with qualification statement and all required signatures, must be submitted to HR - Compensation and Employee Relations, for certification not later than June 12, 2020. An employee review committee of 5 volunteer members will review, count, and rank all the nominations and produce a list of not more than 3 qualified candidates for the position. All qualified candidates (up to three) will be published and included in the election ballots that will be made available to *employees in advance for consideration* and voting the date of the election.

The secret ballot election will be held on June 26, 2020. The venue for balloting may be at City Hall or by electronic means if social distancing protocals are still in effect at this time. Votes will be counted by the HR Staff under the oversight and supervision of the City Clerk, a representative of the City Attorney's Office, and a person appointed by the Mayor. The HR Department will also provide additional administrative support required. The validation and count process will be open to the public via video teleconferencing.

The employee candidate receiving the majority of votes will be the certified by the City Clerk as the Employee Representative to the Board. The second person receiving the next highest number of votes will be the designated alternate.

The Oath of Office for all CPB members and designated alternates will be administered by the City Clerk and will thereafter serve a two-year term.

Compensation of Board Members

The CPB members appointed to the Board shall be compensated for their service at the rate of \$100.00 per quarter as consideration for attending Appeal hearings and/or regularly scheduled PRB meetings. *Member compensation will not exceed \$100 for any quarter of the fiscal year.*

HR BULLETIN FY2020-04

Meeting Schedule

CPB regular administrative meetings are held a minimum of once per quarter at a date, time, and place determined by the Board. Hours will vary depending on whether an employee appeal has been scheduled. If hearings are scheduled during the quarter, the regular meeting of the CPB would normally be held immediately after the hearing.

Attendance

Board members are expected to be present for all scheduled CPB meetings and hearings. Instances where the primary member is absent, the alternate may be called to serve in his or her place. Any member of the CPB shall be removed and replaced after being absent from two scheduled meetings during any calendar year. The CPB shall take action to remove the member for absenteeism and permanently replace them with their designated alternate for the balance of the term.

Employee Appeals

Section 5-5 of the HRPM dated 2019 outlines the criteria and process for employee appeals. Any regular employee has the right to appeal suspensions without pay, disciplinary terminations, involuntary demotions, and performance-based separations to the Board.

Upon notification of an appeal, the CPB will establish appeal guidelines and rules and set the time and date for the hearing, normally within ten workdays of receipt of the notice of appeal.

Training

The HR Department will provide training on the employee grievance, discipline, and appeals process starting the fourth quarter of FY 2020.

HR BULLETIN FY2020-04

City of Excellence

The Mayor's Office has worked closely with the Human Resources Department, the City Attorney's Office, and the key personnel in other departments to develop the 2019 HRPM and the new CPB Appeal process. The goal is to promote the public good thru building a "City of Excellence", by retaining our talented and hard-working City staff, and improving the work environment, employee morale, and engagement.



HR BULLETIN #FY2020-05

Guidance Regarding Stay At Home Orders Hour FY2020-05

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: April 7, 2020

RE: Guidance Regarding Stay At Home Orders Impact on Personnel

As everyone is aware, the Governor has issued a Stay At Home order applicable to people who are considered more vulnerable to negative outcomes from COVID-19. These individuals are at least 65 years of age or those at any age with a significant underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure, and liver disease). Employees are expected to self-identify these conditions **only to the City Nurse**. Employees who are in the vulnerable categories should be offered the opportunity to telework. If that is not possible, please refer the employee to the City Nurse and contact your Deputy Administrator to discuss. **Discussion as to any medical condition should remain between the employee and the City Nurse only**; please direct any questions to Kristy Wilson, 435-1726. An employee who nevertheless wishes to report for duty may have that option after the employee contacts the City Nurse for guidance and after review by the City Administrator.

HR BULLETIN #FY2020-06

Leave Options Available to Employees HR Bulletin FY2020-06

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: April 24, 2020

RE: Leave Options Pursuant to City and Federal Guidelines

Leave Status Determinations

The purpose of this HR Bulletin is to help employees understand the leave available, the reasons for taking leave, and the conditions under which an employee will report for duty if unable to telework during the continued stay-athome order or continued mandate from the City to reduce the number of employees physically present in the workplace.

Recently, the City implemented State of Emergency Leave, or SEL, in Section 3-17 of the Human Resources Policy Manual (HRPM). A copy of the policy is attached. This leave program is actually more generous than the Act passed recently by Congress and signed into law by President Trump. The federal legislation, the Families First Coronavirus Recovery Act (FFCRA) includes Emergency Sick Leave and Emergency Family Medical Leave. The federal law applies from April 1 through the end of the year, and it provides a benefit separate from City PTO benefits. The City's SEL policy also provides a benefit separate from PTO. The attached poster provides the details of the Federal leave programs. If you have questions about whether you are entitled to leave, please contact your HR Department to discuss your questions.

The new federal statute, FFCRA, creates two new categories of employee leave that will be in effect until December 31, 2020. The first category is Emergency Sick Leave, which provides for leave for persons unable to work or telework because of quarantine conditions, advice of health care providers, care for another individual who is self-quarantined or care for children where childcare is

HR BULLETIN #FY2020-06

unavailable. The second category of leave is Emergency FMLA Leave, a new type of Family Medical Leave Act leave.

Workers Over 65 and/or Persons with Significant Underlying Conditions

Governor DeSantis issued an order that all persons who are 65 and older or of any age with a significant underlying condition should work from home if possible. If you can telework, please notify your Department Director that you would like to telework. Please speak with Kristy Wilson if you are in one of these categories and there is any question about whether you have any pre-existing conditions or age restrictions that may prevent you from working (at home or on site). If you feel you are ready, willing, and able to report to work at the City of Pensacola, in spite of being one of the persons who is deemed safer at home, please contact the City Nurse to discuss.

Telework

If you can telework, then you are likely not in need of any of the leave programs identified in this Bulletin unless you or a family member is being tested for or treated for coronavirus.

If you are not yet teleworking and you want to do so, please notify your Department Director that you would like to telework.

2021 & 2022 Holiday Schedule

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: December 4, 2020

RE: Employee Holiday Schedule 2021 and 2022

The City of Pensacola will observe the following holidays in 2021:

New Year's Day January 1
Martin Luther King, Jr. Day January 18
Presidents' Day February 15
Good Friday April 2
Memorial Day May 31
Independence Day July 5
Labor Day September 6
Veterans Day November 11
Thanksgiving November 25 & 26
Christmas December 24 & 27

The City of Pensacola will observe the following holidays in 2022:

New Year's Day December 31, 2021
Martin Luther King, Jr. Day January 17
Presidents' Day February 21
Good Friday April 15
Memorial Day May 30
Independence Day July 4
Labor Day September 5
Veterans Day November 11
Thanksgiving November 24 & 25
Christmas December 26 & 27

COVID-19 Workplace Safety Policies

HR Bulletin #2021-02

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: January 25, 2021

RE: COVID-19 Workplace Safety Policies

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below based on the guidance provided by the Centers for Disease Control and Prevention (CDC) and the Florida Department of Health during the COVID-19 pandemic.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination.

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements are as follows:

- Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.
- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.
- Wear a face covering that covers your nose and mouth anywhere in the workplace except your personal office/workplace or unless you have received specific instruction otherwise.

- Stay at least 6 feet away from all other people, at all times. If a 6-foot distance cannot be maintained, a mask must be worn, even if you are otherwise exempted from that requirement.
- If you cough or sneeze while not wearing a face covering, do so into your elbow or a tissue. Immediately throw away the tissue (if used), promptly wash your hands, and put on a face covering to avoid further exposing those around you.
- In-person business meetings should be held only when necessary. They should be held in a large room, open space or outdoors if possible. All in-person business meetings and functions outside of City facilities should be approved in advance by your Leader.

Illness and State of Emergency Leave

You may be subject to health screening when entering the workplace. Screening, if implemented, is a condition of entering the workplace.

If you feel any signs of illness, you must immediately notify the City Clinic at 850-435-1726 for instructions and you must stay home. Common symptoms of COVID-19 include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, the new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea.

The clinic will advise you if testing is appropriate and where you can get tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you stay home sick (or are potentially sick), you will be allowed to work from home if feasible and if you feel able. Let your leader and the clinic know as soon as possible if you will be staying home so that your workload can be managed, either by ensuring you can do it at home or that other can cover it in your absence. You must follow our standard attendance policy and keep in close contact with the clinic and your leader regarding the duration of your leave.

Close Contact with an Infected Person

If someone in your household or someone with whom you have had close contact (less than 6 feet) has been diagnosed with COVID-19, including a presumptive diagnosis, contact the clinic before returning to the workplace. Coming to or returning to work without the clinic's specific approval can put others in danger and will not be tolerated. This may result in disciplinary action. Quarantine may be required, and you may be eligible for SEL.

Personal Travel

Report all out-of-area (Escambia, Santa Rosa, Baldwin counties) travel to Ted Kirchharr, Human Resources Director, and your Director via email before traveling or at least before returning to the workplace. This includes travel that does not require the use of time off, such as taking a weekend trip. Quarantine periods may be required post-travel, depending on current government guidelines or City policy.

Potential Office Closures

If it is necessary to close the workplace entirely, we will attempt to provide you with notice to prepare to work from home, if feasible. However, it would be best to take your devices, chargers, mouse, and any other tools you need to be productive home with you after work each day in case of a sudden closure.

Questions

If you have questions about any of these policies, or how the City is dealing with other issues related to COVID-19, address them with HR first. If HR is not immediately available and your question or concern is urgent, speak with your leader.

Acknowledgment

I have received and read a copy of the City's **COVID-19 Workplace Safety Policies** and agree to follow them. I understand that failure to fully comply with any of these policies may result in disciplinary action, up to and including termination.

Employee Name: Employee Signature: Date:

Safety Outside of the Workplace

In addition to policies outlined above, you are strongly encouraged to follow current CDC guidelines. The guidelines include: avoiding mass gatherings, maintaining 6 feet of distance between yourself and anyone who does not live in your household and wearing face coverings in public settings, especially when other social distancing measures are difficult to maintain. We reserve the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances.

COVID-19 Workplace Safety Policies

HR Bulletin #2021-03

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: March 12, 2021

RE: COVID-19 Workplace Safety Policies Update

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below are based on the Centers for Disease Control and Prevention (CDC) guidance and the Florida Department of Health during the COVID-19 pandemic.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination. This policy reflects the current conditions in our community as of March 12, 2021

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements for all employees are as follows:

- Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.
- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.

- Wear a face-covering that covers your nose and mouth anywhere in the workplace except your personal office/workplace or unless you have received specific instruction otherwise.
- Stay at least 6 feet away from all other people, at all times. If a 6-foot distance cannot be maintained, a mask must be worn, even if you are otherwise exempted from that requirement.
- If you cough or sneeze while not wearing a face covering, do so into your elbow or a tissue. Immediately throw away the tissue (if used), promptly wash your hands, and put on a face covering to avoid further exposing those around you.
- In-person business meetings should be held only when necessary. They should be held in a large room, open space, or outdoors if possible.

Illness and State of Emergency Leave

You may be subject to health screening when entering the workplace. Screening, if implemented, is a condition of entering the workplace.

If you feel any signs of illness, you must immediately notify the City Clinic by phone at 850-435-1726 for instructions and you must stay home. Do not report to work or visit the Clinic in person without guidance from the City Nurse. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting or diarrhea

The Clinic will advise you if testing is appropriate and where you can get tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you stay home sick (or are potentially sick), you will be allowed to work from home if feasible and if you feel able. Let your leader and the Clinic know as soon as possible if you will be staying home so that your workload can be managed, either by ensuring you can do it at home or that others can cover it in your absence. You must follow our standard attendance policy and keep in close contact with the Clinic and your leader regarding the duration of your leave.

Staffing Level and Tele-work

It is expected that staff will return to 100% in-office work where possible. Tele-work is still permitted, with the permission of your leader.

Close Contact with an Infected Person

If someone in your household or someone with whom you have had close contact (less than 6 feet) has been diagnosed with COVID-19, including a presumptive diagnosis, contact the Clinic first before returning to the workplace. Coming to or returning to work without the Clinic's specific approval can put others in danger and will not be tolerated. This may result in disciplinary action. Quarantine may be required, and you may be eligible for SEL.

Personal Domestic Travel

You are expected to observe all COVID-19 protocols while traveling. Upon return, you should self-monitor for COVID-19 symptoms. Should you develop symptoms **do not return to work, contact the Clinic for direction.** Notice for travel outside of our area is no longer required.

Personal International Travel

You must notify your Director and the HR Director before any international travel. You will be required to follow all CDC guidance for your destination. If a quarantine is required, you must use PTO or leave without pay for this period.

Business Travel

Business travel is permissible with the approval of your leader. The Special COVID-19 Travel Authorization Form is no longer required.

Questions

If you have questions about any of these policies, or how the City is dealing with other issues related to COVID-19, address them with HR first. If HR is not immediately available and your question or concern is urgent, speak with your leader.

Safety Outside of the Workplace

In addition to the policies outlined above, you are strongly encouraged to follow current CDC guidelines. The guidelines include:

- Avoiding mass gatherings
- Maintaining 6 feet of distance between yourself and anyone who does not live in your household
- Wearing face-coverings in public settings, especially when other social distancing measures are difficult to maintain.

The City reserves the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances.



HR BULLETIN #2021-04

COVID-19 Workplace Safety Policies HR Bulletin #2021-04

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: May 21, 2021

RE: COVID-19 Workplace Safety Policies Update

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below are based on the Centers for Disease Control and Prevention (CDC) guidance and the Florida Department of Health during the COVID-19 pandemic.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination. This policy reflects the current conditions in our community as of May 18, 2021.

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements for all employees are as follows:

- Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.
- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.



HR BULLETIN #2021-04

- Unless you are fully vaccinated, wear a face-covering that covers your nose and mouth anywhere in the workplace except your personal office/workplace or unless you have received specific instruction otherwise.
- Unless you are fully vaccinated, you should stay at least 6 feet away from all other people, at all times. If a 6-foot distance cannot be maintained, a mask must be worn, even if you are otherwise exempted from that requirement.
- If you cough or sneeze while not wearing a face covering, do so into your elbow or a tissue. Immediately throw away the tissue (if used), promptly wash your hands, and put on a face covering to avoid further exposing those around you.
- In-person business meetings should be held only when necessary. They should be held in a large room, open space, or outdoors if possible.

Illness and State of Emergency Leave

You may be subject to health screening when entering the workplace. Screening, if implemented, is a condition of entering the workplace.

If you feel any signs of illness, you must immediately notify the City Clinic by phone at 850-435-1726 for instructions and you must stay home. Do not report to work or visit the Clinic in person without guidance from the City Nurse. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting or diarrhea



HR BULLETIN #2021-04

The Clinic will advise you if testing is appropriate and where you can get tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you stay home sick (or are potentially sick), you will be allowed to work from home if feasible and if you feel able. Let your leader and the Clinic know as soon as possible if you will be staying home so that your workload can be managed, either by ensuring you can do it at home or that others can cover it in your absence. You must follow our standard attendance policy and keep in close contact with the Clinic and your leader regarding the duration of your leave.

Staffing Level and Tele-work

It is expected that staff will return to 100% in-office work where possible. Tele-work is still permitted, with the permission of your leader.

Close Contact with an Infected Person

If someone in your household or someone with whom you have had close contact (less than 6 feet) has been diagnosed with COVID-19, including a presumptive diagnosis, contact the Clinic first before returning to the workplace. Coming to or returning to work without the Clinic's specific approval can put others in danger and will not be tolerated. This may result in disciplinary action. Quarantine may be required, and you may be eligible for SEL.

Personal Domestic Travel

You are expected to observe all COVID-19 protocols while traveling. Upon return, you should self-monitor for COVID-19 symptoms. Should you develop symptoms **do not return to work, contact the Clinic for direction.** Notice for travel outside of our area is not required.

Personal International Travel

You must notify your Director and the HR Director before any international travel. You will be required to follow all CDC guidance for your destination. If a quarantine is required, you must use PTO or leave without pay for this period.



HR BULLETIN #2021-04

Business Travel

Business travel is permissible with the approval of your leader. The Special COVID-19 Travel Authorization Form is no longer required.

Notify Clinic of Vaccination

Please call the clinic (850-435-1726) and report which vaccine you received and when.

Questions

If you have questions about any of these policies, or how the City is dealing with other issues related to COVID-19, address them with HR first. If HR is not immediately available and your question or concern is urgent, speak with your leader.

Safety Outside of the Workplace

In addition to the policies outlined above, you are strongly encouraged to follow current CDC guidelines. The guidelines include:

- Avoiding mass gatherings where possible.
- Maintaining 6 feet of distance between yourself and anyone who does not live in your household.
- If you are not fully vaccinated, wearing face-coverings in public settings, especially when other social distancing measures are difficult to maintain.

The City reserves the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances.



HR BULLETIN #2021-05

COVID-19 Workplace Safety Policies HR Bulletin #2021-05

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: August 11, 2021

RE: COVID-19 Workplace Safety Policies Update

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below are based on the Centers for Disease Control and Prevention (CDC) guidance and the Florida Department of Health during the COVID-19 pandemic.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination. This policy reflects the current conditions in our community as of August 11, 2021.

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements for all employees are as follows:

- Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.
- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.

- You must wear a face-covering that covers your nose and mouth anywhere in the workplace except your personal office/workplace or unless you have received specific instruction otherwise.
- You should stay at least 6 feet away from all other people, at all times. If a 6-foot distance cannot be maintained, a mask must be worn, even if you are otherwise exempted from that requirement.
- If you cough or sneeze while not wearing a face covering, do so into your elbow or a tissue. Immediately throw away the tissue (if used), promptly wash your hands, and put on a face covering to avoid further exposing those around you.
- In-person business meetings should be held only when necessary. They should be held in a large room, open space, or outdoors if possible.

Illness and State of Emergency Leave

You may be subject to health screening when entering the workplace. Screening, if implemented, is a condition of entering the workplace.

If you feel any signs of illness, you must immediately notify the City Clinic by phone at 850-435-1726 for instructions and you must stay home. Do not report to work or visit the Clinic in person without guidance from the City Nurse. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting or diarrhea

The Clinic will advise you if testing is appropriate and where you can get tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you stay home sick (or are potentially sick), you will be allowed to work from home if feasible and if you feel able. Let your leader and the Clinic know as soon as possible if you will be staying home so that your workload can be managed, either by ensuring you can do it at home or that others can cover it in your absence. You must follow our standard attendance policy and keep in close contact with the Clinic and your leader regarding the duration of your leave.

Tele-work

Tele-work is still permitted, with the permission of your leader.

Close Contact with an Infected Person

If someone in your household or someone with whom you have had close contact (less than 6 feet) has been diagnosed with COVID-19, including a presumptive diagnosis, contact the Clinic first before returning to the workplace. Coming to or returning to work without the Clinic's specific approval can put others in danger and will not be tolerated. This may result in disciplinary action. Quarantine may be required, and you may be eligible for SEL.

Personal Domestic Travel

You are expected to observe all COVID-19 protocols while traveling. Upon return, you should self-monitor for COVID-19 symptoms. Should you develop symptoms **do not return to work, contact the Clinic for direction.** Notice for travel outside of our area is not required.

Personal International Travel

You must notify your Director and the HR Director before any international travel. You will be required to follow all CDC guidance for your destination. If a quarantine is required, you must use PTO or leave without pay for this period.

Business Travel

Business travel is permissible with the approval of your leader. The Special COVID-19 Travel Authorization Form is no longer required.

Notify Clinic of Vaccination

If you receive a vaccine in the future, report which vaccine you received and when to your leader.

Questions

If you have questions about any of these policies, or how the City is dealing with other issues related to COVID-19, address them to the HR Director. If he is not immediately available and your question or concern is urgent, speak with your leader.

Safety Outside of the Workplace

In addition to the policies outlined above, you are strongly encouraged to follow current CDC guidelines. The guidelines include:

- Avoiding mass gatherings where possible.
- Maintaining 6 feet of distance between yourself and anyone who does not live in your household.
- If you are not fully vaccinated, wearing face-coverings in public settings, especially when other social distancing measures are difficult to maintain.

The City reserves the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances.



HR BULLETIN #2021-06

COVID-19 Workplace Safety Policies HR Bulletin #2021-06

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: September 27, 2021

RE: COVID-19 Workplace Safety Policies Update

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below are based on the Centers for Disease Control and Prevention (CDC) guidance and the Florida Department of Health during the COVID-19 pandemic.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination. This policy reflects the current conditions in our community as of September 27, 2021.

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements for all employees are as follows:

- Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.
- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.

- Unless you are fully vaccinated, wear a face covering that covers your nose and mouth anywhere in the workplace except your personal office/workplace or unless you have received specific instruction otherwise. You are expected to be honest when reporting your vaccine status. Unvaccinated employees not wearing face coverings may be subject to disciplinary action.
- Unless you are fully vaccinated, you should stay at least 6 feet away from all other people, at all times. If a 6-foot distance cannot be maintained, a mask must be worn, even if you are otherwise exempted from that requirement.
- If you cough or sneeze while not wearing a face covering, do so into your elbow or a tissue. Immediately throw away the tissue (if used), promptly wash your hands, and put on a face covering to avoid further exposing those around you.
- In-person business meetings should be held only when necessary. They should be held in a large room, open space, or outdoors if possible.

Illness and State of Emergency Leave

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If you feel any signs of illness, you must immediately notify the City Clinic by phone at 850-435-1726 for instructions and you must stay home. Do not report to work or visit the Clinic in person without guidance from the City Nurse. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose, nausea or vomiting or diarrhea

The Clinic will advise you if testing is appropriate and where you can be tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you stay home sick (or are potentially sick), you will be allowed to work from home if feasible and if you feel able. Let your leader and the Clinic know as soon as possible if you will be staying home so that your workload can be managed, either by ensuring you can do it at home or that others can cover it in your absence. You must follow our standard attendance policy and keep in close contact with the Clinic and your leader regarding the duration of your leave.

Staffing Level and Tele-work

It is expected that staff will return to 100% in-office work where possible. Tele-work is still permitted, with the permission of your leader.

Close Contact with an Infected Person

If someone in your household or someone with whom you have had close contact (less than 6 feet) has been diagnosed with COVID-19, including a presumptive diagnosis, contact the Clinic first before returning to the workplace. Coming to or returning to work without the Clinic's specific approval can put others in danger and will not be tolerated. This may result in disciplinary action. Quarantine may be required, and you may be eligible for SEL.

Personal Domestic Travel

You are expected to observe all COVID-19 protocols while traveling. Upon return, you should self-monitor for COVID-19 symptoms. Should you develop symptoms **do not return to work, contact the Clinic for direction.** Notice for travel outside of our area is not required.

Personal International Travel

You must notify your Director and the HR Director before any international travel. You will be required to follow all CDC guidance for your destination. If a quarantine is required, you must use PTO or leave without pay for this period.

Business Travel

Business travel is permissible with the approval of your leader. The Special COVID-19 Travel Authorization Form is no longer required.

Notify Clinic of Vaccination

Please call the clinic (850-435-1726) and report which vaccine you received and when.

Questions

If you have questions about any of these policies, or how the City is dealing with other issues related to COVID-19, address them with HR first. If HR is not immediately available and your question or concern is urgent, speak with your leader.

Safety Outside of the Workplace

In addition to the policies outlined above, you are strongly encouraged to follow current CDC guidelines. The guidelines include:

- Avoiding mass gatherings where possible.
- Maintaining 6 feet of distance between yourself and anyone who does not live in your household.
- If you are not fully vaccinated, wearing face-coverings in public settings, especially when other social distancing measures are difficult to maintain.

The City reserves the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances.



HR BULLETIN #2021-07

COVID-19 Vaccination Requirement HR Bulletin #2021-07

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A K

DATE: November 22, 2021

RE: COVID-19 Vaccination Requirement

Governor Ron DeSantis signed House Bill 1B/Senate Bill 2B prohibiting municipal governments from requiring COVID-19 vaccination as a condition of employment. Effective November 18, 2021 the City of Pensacola will not require COVID-19 vaccination as a condition of employment for any City employee.

Holiday Schedule 2022 & 2023

HR Bulletin

#2021-08

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: December 8, 2021

RE: Holiday Schedule 2022 & 2023

The City of Pensacola will observe the following holidays in 2022:

New Year's Day December 31, 2021
Martin Luther King, Jr. Day January 17
Presidents' Day February 21
Good Friday April 15
Memorial Day May 30
Independence Day July 4
Labor Day September 5
Veterans Day November 11
Thanksgiving November 24 & 25
Christmas December 26 & 27

The City of Pensacola will observe the following holidays in 2023:

New Year's Day January 2
Martin Luther King, Jr. Day January 16
Presidents' Day February 20
Good Friday April 7
Memorial Day May 29
Independence Day July 4
Labor Day September 4
Veterans Day November 10
Thanksgiving November 23 & 24
Christmas December 25 & 26



HR BULLETIN #2022-01

COVID-19 Workplace Safety Policies HR Bulletin #2022-01

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: July 13, 2022

RE: COVID-19 Workplace Safety Policies Update

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below are based on the Centers for Disease Control and Prevention (CDC) guidance and the Florida Department of Health during the COVID-19 pandemic.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination. This policy reflects the current conditions in our community as of July 13, 2022.

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements for all employees are as follows:

- Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.
- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.



HR BULLETIN #2022-01

- Face coverings are not required in the workplace, you are free to wear one if you wish.
- You are encouraged to continue to practice social distancing.

Illness and State of Emergency Leave

You may be subject to health screening when entering the workplace. Screening, if implemented, is a condition of entering the workplace.

If you feel any signs of illness, you must immediately notify the City Clinic by phone at 850-435-1726 for instructions and you must stay home. Do not report to work or visit the Clinic in person without guidance from the City Nurse. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose or sneezing
- Nausea or vomiting or diarrhea

The Clinic will advise you if testing is appropriate and where you can be tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you stay home sick (or are potentially sick), you will be allowed to work from home if feasible and if you feel able. Let your leader and the Clinic know as soon as possible if you will be staying home so that your workload can be managed, either by ensuring you



HR BULLETIN #2022-01

can do it at home or that others can cover it in your absence. You must follow our standard attendance policy and keep in close contact with the Clinic and your leader regarding the duration of your leave.

Staffing Level and Tele-work

It is expected that staff will return to in-office work where possible. Tele-work is still permitted, with the permission of your leader.

Close Contact with an Infected Person

If someone in your household or someone with whom you have had close contact (less than 6 feet for a cumulative total of 15 minutes or more over a 24 hour period) has been diagnosed with COVID-19, including a presumptive diagnosis, **contact the Clinic first before returning to the workplace**. Coming to or returning to work without the Clinic's specific approval can put others in danger and will not be tolerated. This may result in disciplinary action. Quarantine may be required, and you may be eligible for SEL.

Personal Domestic Travel

You are expected to observe all COVID-19 protocols while traveling. Upon return, you should self-monitor for COVID-19 symptoms. Should you develop symptoms **do not return to work, contact the Clinic for direction.** Notice for travel outside of our area is not required.

Personal International Travel

You will be required to follow all CDC guidance for your destination. If a quarantine is required, you must use PTO or leave without pay for this period.

Business Travel

Business travel is permissible with the approval of your leader.

Notify Clinic of Vaccination

Please call the clinic (850-435-1726) and report which vaccine you received and when.



HR BULLETIN #2022-01

Questions

If you have questions about any of these policies, or how the City is dealing with other issues related to COVID-19, address them with HR first. If HR is not immediately available and your question or concern is urgent, speak with your leader.

Safety Outside of the Workplace

In addition to the policies outlined above, you are strongly encouraged to follow current CDC guidelines.

- Avoiding mass gatherings where possible.
- Maintaining 6 feet of distance between yourself and anyone who does not live in your household.
- If you are not fully vaccinated, wearing face-coverings in public settings, especially when other social distancing measures are difficult to maintain.

The City reserves the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances.



HR BULLETIN #2022-02

Telecommuting Policy and Procedure HR Bulletin #2022-02

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: July 27, 2022

RE: Telecommuting Policy and Procedure

Objective

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. The City considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a citywide benefit, and it in no way changes the terms and conditions of employment with the City.

Procedures

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or their leader can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at will and at any time at the request of either the telecommuter or the City. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, childcare and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.



HR BULLETIN #2022-02

Eligibility

Individuals requesting formal telecommuting arrangements must have a satisfactory performance record.

Before entering into any telecommuting agreement, the employee and leader, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and their leader will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and their leader will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The
 employee and their leader will review the physical workspace needs and the
 appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal
 implications under IRS, state and local government laws, and/or restrictions of
 working out of a home-based office. Responsibility for fulfilling all obligations in
 this area rests solely with the employee.

If the employee and their leader agree that telecommuting is appropriate a three-month trial period will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and their leader. The employee is expected to work one day a week in the office and should include a meeting with their leader to discuss work progress and problems. At the end of the trial period, the employee and their leader will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and their leader will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the leader and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.



HR BULLETIN #2022-02

Equipment

On a case-by-case basis, the City will determine, with information supplied by the employee and the leader, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. Human Resources and Innovation & Technology will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign an inventory of all the City property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the City, unless other arrangements have been made.

The City will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The City will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within his or her home for work purposes. The City will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

Security

Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. The City may provide each telecommuter with a safety checklist that must be completed at least twice per year. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.



HR BULLETIN #2022-02

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

Time Worked

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's leader. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

General Expectations

- Remote employees are expected to be available and communicative during scheduled work hours.
- The City's work rules and other policies continue to apply to offsite work locations.
- Consumption of alcohol or illegal drugs during work hours is never acceptable.
- Employees should seek a quiet and distraction-free working space, to the extent possible.
- Employees are expected to maintain their workspace in a safe manner, free from safety hazards.

Virtual Meetings

- While distractions are often unavoidable, try to keep them to a minimum. No music or television in the background during meetings.
- Keep yourself muted during video or audio conferencing unless you are speaking.
- Turning on video is encouraged and may be required.
- Avoid eating a meal during a virtual meeting unless invited to do so by the meeting host.
- Smoking or vaping is not permitted during a video conference.



HR BULLETIN #2022-02

- Casual dress is acceptable; however, use discretion. No sleeveless tops, pajamas or other apparel that would not be appropriate to wear outside of your home.
- Avoid multi-tasking. Give your full attention to the meeting as if you were face to face.

Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. Advanced approval must be made for any work location other than the employee's home office.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.



HR BULLETIN #2022-03

Holiday Schedule 2023 & 2024 HR Bulletin #2022-03

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: December 21, 2022

RE: Holiday Schedule 2023 & 2024

The City of Pensacola will observe the following holidays in 2023:

New Year's Day January 2
Martin Luther King, Jr. Day January 16
Presidents' Day February 20
Good Friday April 7
Memorial Day May 29
Juneteenth National Independence Day June 19
Independence Day July 4
Labor Day September 4
Veterans Day November 10
Thanksgiving November 23 & 24
Christmas December 25 & 26

The City of Pensacola will observe the following holidays in 2024:

New Year's Day January 1
Martin Luther King, Jr. Day January 15
Presidents' Day February 19
Good Friday March 29
Memorial Day May 27
Juneteenth National Independence Day June 19
Independence Day July 4
Labor Day September 2
Veterans Day November 11
Thanksgiving November 28 & 29
Christmas December 25 & 26



HR BULLETIN #2023-01

#2023-01

Holiday Schedule 2024 & 2025 HR Bulletin

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: December 18, 2023

RE: Holiday Schedule 2024 & 2025

The City of Pensacola will observe the following holidays in 2024:

New Year's Day January 1
Martin Luther King, Jr. Day January 15
Presidents' Day February 19
Good Friday March 29
Memorial Day May 27
Juneteenth National Independence Day June 19
Independence Day July 4
Labor Day September 2
Veterans Day November 11
Thanksgiving November 28 & 29
Christmas December 25 & 26

The City of Pensacola will observe the following holidays in 2025:

New Year's Day January 1
Martin Luther King, Jr. Day January 20
Presidents' Day February 17
Good Friday April 18
Memorial Day May 26
Juneteenth National Independence Day June 19
Independence Day July 4
Labor Day September 1
Veterans Day November 11
Thanksgiving November 27 & 28
Christmas December 25 & 26

COVID-19 Workplace Safety Policies

HR Bulletin

#2024-01

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: March 14, 2024

RE: COVID-19 Workplace Safety Policies Update

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below are based on the Centers for Disease Control and Prevention (CDC) guidance. The CDC guidance was recently updated, and the City Clinic is following the CDC guidance. The updated Respiratory Virus Guidance recommends that people stay home and away from others until at least 24 hours after both their symptoms are getting better overall, and they have not had a fever (and are not using fever-reducing medication). Note that depending on the length of symptoms, this period could be shorter, the same, or longer than previous guidance for COVID-19.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination. This policy reflects the current conditions in our community as of March 14, 2024.

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements for all employees are as follows:

 Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.

- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.
- Face coverings are not required in the workplace, you are free to wear one if you wish.
- You are encouraged to continue to practice social distancing.

Illness and State of Emergency Leave

If you feel any signs of illness, you must immediately notify the City Clinic by phone at 850-435-1726 for instructions and you must stay home. Do not report to work or visit the Clinic in person without guidance from the City Nurse. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose or sneezing
- Nausea or vomiting or diarrhea

The Clinic will advise you if testing is appropriate and how you can be tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you stay home sick, you will be allowed to work from home if feasible and if you feel able. Let your leader and the Clinic know as soon as possible if you will be staying

home so that your workload can be managed, either by ensuring you can do it at home or that others can cover it in your absence. You must follow our standard attendance policy and keep in close contact with the Clinic and your leader regarding the duration of your leave.

Staffing Level and Tele-work

It is expected that staff will return to in-office work where possible. Tele-work is still permitted, with the permission of your leader.

Coming to Work or Returning to Work

Coming to or returning to work without the Clinic's specific approval can put others in danger and will not be tolerated. This may result in disciplinary action. Quarantine may be required, and you may be eligible for SEL.

The City reserves the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances.

Compliance with Mandatory Directives

HR Bulletin

#2024-02

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: April 25, 2024

Re: City of Pensacola Employee Compliance Policy

Objective: To ensure all City of Pensacola employees comply with mandatory directives, including training requirements, policy acknowledgments, or other city-wide directives.

Policy Statement:

1. Initial Compliance Period: Employees are required to complete all assigned trainings, acknowledge all relevant City policies, and/or review the new employee handbook by the specified deadlines communicated through official notifications. Employees on extended leave (FMLA, FEMA, Military etc.) during the initial compliance period will be expected to comply within thirty (30) days of their return to work.

2. Final Warning and Deadline:

- If an employee fails to meet the initial deadline, they will receive a final written warning.
- A final deadline, extending no more than five (5) business days from the date of the warning, will be set.
- Failure to comply by this final deadline will result in immediate denial of access to the City's computer systems and network.

3. Conditional Access Restoration:

- Upon a director's request, an employee who has missed the final deadline may be granted access to City computer systems and network for one (1) business day to complete the outstanding requirements.
- This access is conditional and solely for the purpose of fulfilling the missed compliance requirements.

4. Consequences of Non-Compliance:

 If the employee fails to comply with the mandatory directives during the one-day access period, further disciplinary actions may be taken, which could include suspension or termination of employment, in accordance with City employment policies and procedures.

Implementation:

- This policy is effective immediately and applies to all current and future employees of the City of Pensacola.
- Directors and managers are responsible for ensuring their team members receive all communications regarding mandatory compliance requirements and for enforcing this policy within their departments.

Questions and Clarifications: Employees seeking further clarification on this policy should contact the Human Resources Department.

Scheduled Paid Time Off-Directors

HR Bulletin #2024-03

TO: All Directors and Assistant Directors, and Second Delegates

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: April 25, 2024

Re: Scheduled Time Off Policy for Directors, Assistant Directors, and Second in Command

Objective: To maintain continuous leadership and management within the City of Pensacola by ensuring at least one senior leader or designated second in command is present at all times.

Policy Statement:

1. Scheduled Time Off Coordination:

 Directors, Assistant Directors, and individuals designated as Second in Command (Second Delegate) are required to coordinate their Paid Time Off (PTO) schedules to prevent overlapping absences, except in cases of extreme emergency.

2. Emergency Exceptions:

- In extreme emergencies where simultaneous time off is unavoidable, such exceptions must be approved by the City Administrator. Such approval should be sought no later than two (2) weeks before the scheduled time off.
- Upon approval, the Director or Assistant Director must inform the Human Resources Department about the nature of the emergency and the expected duration of absence.

3. Activation of Third Delegate:

- In any instance where both the Director and Assistant Director or Second Delegate are concurrently absent, the third delegate, as identified in the Continuity of Operations (COOP) Plan, must be notified and prepared to assume temporary leadership responsibilities.
- The HR Department must be notified of this delegation to ensure proper records and support are provided.

4. Policy Compliance:

 Directors and Assistant Directors are responsible for the management of this policy within their respective departments and must ensure all team members are informed of these requirements.

Implementation:

- This policy is effective immediately and applies to all current and future Directors, Assistant Directors, and designated Second Delegates of the City of Pensacola.
- It is the responsibility of each department's leadership to ensure this policy is adhered to and that all scheduled PTO is reported to the HR Department in accordance with City guidelines.

Questions and Clarifications: Directors, Assistant Directors, and Second Delegates seeking further clarification on this policy should contact the Human Resources Department.

This policy aims to ensure that the City of Pensacola maintains operational effectiveness and leadership availability at all times, safeguarding the City's ability to manage and respond to the needs of its citizens efficiently.

COVID-19 Workplace Safety Policies

HR Bulletin

#2024-04

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: July 25, 2024

RE: COVID-19 Workplace Safety Policies Update

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below are based on the Centers for Disease Control and Prevention (CDC) guidance. The CDC guidance was recently updated, and the City Clinic is following the CDC guidance. The updated Respiratory Virus Guidance recommends that people stay home and away from others until at least 24 hours after both their symptoms are getting better overall, and they have not had a fever (and are not using fever-reducing medication). Note that depending on the length of symptoms, this period could be shorter, the same, or longer than previous guidance for COVID-19.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination and the denial of State of Emergency Leave (SEL). This policy reflects the current conditions in our community as of July 25, 2024.

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements for all employees are as follows:

 Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.

- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.
- Face coverings are not required in the workplace, you are free to wear one if you wish.
- You are encouraged to continue to practice social distancing.

Illness and State of Emergency Leave

If you feel any signs of illness, you must immediately notify the City Clinic by phone at 850-435-1726 for instructions and you must stay home. Do not report to work or visit the Clinic in person without guidance from the City Nurse. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose or sneezing
- Nausea or vomiting or diarrhea

The Clinic will advise you if testing is appropriate and how you can be tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19, if the employee is in compliance with this policy. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you stay home sick, you will be allowed to work from home if feasible and if you feel able. Let your leader and the Clinic know as soon as possible if you will be staying home

so that your workload can be managed, either by ensuring you can do it at home or that others can cover it in your absence. You must follow our standard attendance policy and keep in close contact with the Clinic and your leader regarding the duration of your leave.

Staffing Level and Tele-work

It is expected that staff will return to in-office work where possible. Tele-work is still permitted, with the permission of your leader.

Coming to Work or Returning to Work

Coming to or returning to work without the Clinic's specific approval can put others in danger and will not be tolerated. This may result in disciplinary action. Quarantine may be required, and you will not be eligible for SEL.

The City reserves the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances.



HR BULLETIN #2024-05

Change to Telecommuting Policy	HR Bulletin	#2024-05

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director

DATE: November 1, 2024

RE: Change to Telecommuting Policy

Important Policy Update: Change in Telecommuting Policy

Effective **January 1, 2025**, telecommuting will no longer be permitted as a regular work arrangement for City employees. All employees are expected to work from their designated City locations for the full workweek.

While telecommuting has been an option in the past, starting in January it will only be permitted under special circumstances. Any exception to this policy must be **approved** by both the Department Director and the City Administrator.

Key Changes to Note

- **Telecommuting requires Director approval**: Employees are expected to work on-site unless an exception is granted.
- **Approval Process**: If telecommuting is necessary, it will require formal approval through both the employee's Department Director and the HR Director.
- Ad Hoc or Temporary Arrangements: Exceptions may be made for specific short-term needs such as weather events, special projects, or individual employee needs with prior approval.

Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, or other special circumstances. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. Advanced approval must be made for any work location other than the employee's home office.



HR BULLETIN #2024-05

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization. Any arrangements for longer than 5 business days or any permanent change to weekly work schedule must be approved by the Director and the City Administrator.

Summary

This change ensures that all employees remain connected to their teams and engaged in their daily responsibilities. We appreciate your understanding and cooperation as we transition back to on-site operations.

If you have questions or need clarification, please contact your supervisor or the Human Resources Department.



HR BULLETIN #2025-01

Illness & Injury Workplace Safety Policies HR Bulletin #2025-01

TO: All Employees

FROM: Ted A. Kirchharr, Human Resources Director A. K.

DATE: March 24, 2025

RE: Illness & Injury Workplace Safety Policies Update

The health and safety of our employees, their families and the citizens of Pensacola is our top priority. As a condition of employment, the policies below are based on the Centers for Disease Control and Prevention (CDC) guidance. The CDC guidance was recently updated, and the City Clinic is following the CDC guidance. The updated Respiratory Virus Guidance recommends that people stay home and away from others until at least 24 hours after both their symptoms are getting better overall, and they have not had a fever (and are not using fever-reducing medication). Note that depending on the length of symptoms, this period could be shorter, the same, or longer than previous guidance.

Failure to comply with the policies outlined here may result in disciplinary action, up to and including termination and the denial of State of Emergency Leave (SEL). This policy reflects the current conditions in our community as of March 24, 2025.

Personal Hygiene and Safety Protocols

The City is following protocols provided by the CDC, as well as any state or local health requirements. We may also implement additional safety requirements, at our discretion, at any time. Our current safety requirements for all employees are as follows:

 Wash your hands as soon as you enter the workplace. Washing hands with soap and water is the best way to get rid of germs. Use an alcohol-based hand sanitizer that contains at least 60% alcohol when soap and water are not readily available.



HR BULLETIN #2025-01

- Where practical, wash your hands after touching any high-touch surface with bare hands, such as door handles, water cooler buttons, security or payment keypads, or communal workstations.
- Face coverings are not required in the workplace, you are free to wear one if you wish.
- You are encouraged to continue to practice social distancing.

Illness and State of Emergency Leave

If you feel any signs of illness or injury, you must immediately notify the City Clinic by phone at 850-435-1726 for instructions and you must stay home. Do not report to work or visit the Clinic in person without guidance from the City Nurse.

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose or sneezing
- Nausea or vomiting or diarrhea

The Clinic will advise you if testing is appropriate and how you can be tested.

State of Emergency Leave (SEL) provides paid time off for diagnosis of, care for, and recovery from COVID-19, if the employee is following this policy. It is provided in addition to any other Paid Time Off (PTO) available to you.

If you are sick or injured and the Clinic determines you can work from home and your leader approves, you be allowed to work from home, if feasible. You must follow our standard attendance policy and keep in close contact with the Clinic and your leader regarding the duration of your leave.



HR BULLETIN #2025-01

Staffing Level and Tele-work

It is expected that staff will return to in-office work where possible. Tele-work is still permitted, with the permission of your leader.

Coming to Work or Returning to Work

Coming to or returning to work without the Clinic's specific approval can put others in danger and will not be tolerated. The City reserves the right to require you to quarantine before returning to the workplace if you engage in behaviors that put others at risk based on our assessment of the circumstances. This may result in disciplinary action.



EMPLOYEE SELECTION & HIRING GUIDE

Human Resources
Recruiting & Training
Revised 3.20.23

Hiring Right: The Importance of Employee Selection

Building the best team starts long before new employee orientation. It takes planning and preparation in both the recruitment and interviewing phase. The following should serve as a guide for hiring managers (HM) and other team members involved in employee selection.

The Job Description

Before posting a job, you need to review the current job description for the position. The job description will be posted in the job announcement on both our website, and on external recruiting platforms. It is also where we garner the information for application screening criteria and the supplemental questions at the bottom of the job application. While the entire job description is very important, please pay special attention to the MINIMUM PREPARATION FOR WORK. Once a job is posted with those minimums, **only** applicants that meet those criteria will be approved to be viewed by the Hiring Manger.

If there are any changes to be made to the current job description, the HM will need to discuss those changes with Renay Pierre-Robinson, Human Resources Assistant Director.

Job Classification: Capital Improvement Projects (CIP) Manager
Job Code: 1152

Minimum Preparation for Work:

- Graduation from an accredited college or university with a Bachelor's Degree in, Civil/Environmental Engineering, Construction Management, or related field; and,
- ✓ Five (5) years of pertinent experience in, Construction, and project management.

Or

 Combination of education, training, and/or work experience equal to or higher than the requirements listed above as determined by Human Resources.

Necessary Special Requirements:

 Possession of an appropriate driver license for equipment operated and any license, training or certification required by law or regulation to complete assigned tasks.

Nature of Work:

This is highly responsible professional administrative work managing, coordinating and facilitating Capital Improvement Projects.

An employee in this class is responsible for professional planning, directing and coordinating activities to ensure projects are accomplished within prescribed time frames and funding parameters. Work is reviewed by periodic conferences and/or the evaluation of plans, reports and accomplishments. Works under the general supervision of the Deputy City Administrator-Community Development.

After the HM has reviewed the job description, Emily will establish the posting in NeoGov. Prior to the posting going live, Emily will email the Director, or designee, the job posting for approval. The Director/designee will review and then respond to Emily via email, that the details of the posting are correct. The posting will not go live on the jobs site until the email from the Director/designee has been received.

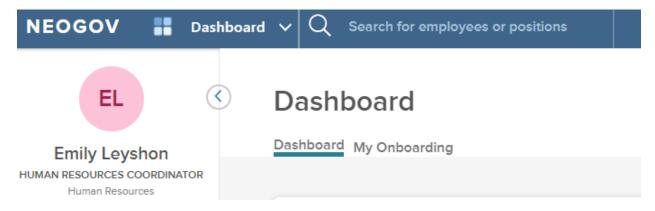
Submitting a Requisition

A requisition must be submitted in NeoGov INSIGHT (https://login.neogov.com), our applicant tracking platform, to start the active recruitment process. Your username is your entire email address. A leader may have access to NeoGov but may not be an approved HM in the system. Recruiting & Training can assist with gaining access to INSIGHT.

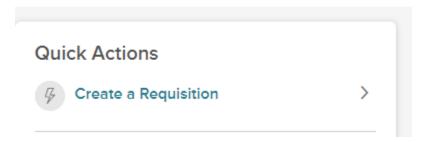
NEOGOV
Username
Password
All fields are required
Log In

Once you log into NeoGov, you will be on the Dashboard, indicated at the top of the page. On that page in the middle of the screen, there is a section called "Quick Actions". To get started, click on "Create a Requisition." If you need any help filling out the requisition, please contact Emily Leyshon in Recruiting & Training.

Forgot your username or password?



* Please include the position control number (PCN) for the position that you are filling. You should also include the person who was previously in the position and the date that they left or are leaving the position.



It is important to remember that new jobs are set to post Saturdays at 12:01am. While Recruiting & Training tries to accommodate all requests, they ask that new requisitions be submitted for approval no later than 24 hours before the request for posting date. In other words, Thursday at 4:00pm is the cutoff for jobs to post that week.

The Job Announcement

Jobs are advertised for a minimum of 2 weeks for external jobs and 1 week for internal jobs not covered under a collective bargaining unit. However, one week is optional if you say it in the requisition *or* if HR is notified in advance. Jobs close at 11:59pm on Friday night. Jobs may run longer than 2 weeks if needed. Any changes to the standard 2-week period should be communicated to Recruiting and Training as early as possible.

City of Pensacola jobs can be found at www.cityofpensacola.com and www.pensacolacityjobs.com. Our jobs also automatically post on Indeed, Glassdoor, ZipRecruiter, and Governmentjobs.com at no extra cost.

Job Advertisement Options

When a vacant job is requested to be posted, there are external options that a job advertisement can be requested to be posted on. A job is always automatically posted to the City of Pensacola jobs website and the websites associated with it through the NeoGov platform at no extra charge. There are also free websites that can be requested and other options that come with a cost. Any charges associated with a job posting come out of the specific department budget the job is associated with and any costs will be approved with the hiring manager. The hiring manager and department payroll representative are copied on any job posting receipts.

A typical external job posting is posted for a standard 2 weeks unless otherwise indicated. A brand newly created position, a higher-level position, or a highly specialized position are recommended to be posted for 4 weeks to allow plenty of time for the job to be advertised and applications to be submitted. There are several options below that are free or options that come with a cost as well. This list contains some job boards that have been used in the past, but

they are not the only options. Feel free to suggest to the HR representative posting the position to see if a specific organization has a job board and any costs associated with them. Usually it is helpful if you are a member of career specific organization to suggest the option to post on any specific job boards that are associated with that organization. Overall job posting costs for a higher-level or highly specialized position can typically run from \$400-\$600 and sometimes up to \$1000 depending on the position and which job boards are requested for the job to be advertised on.

To have a job posted on external sites, you must provide Emily with the following information:

- 1. The complete title of the organizational site. Please, no acronyms.
- 2. The web address to the site you would like information posted.
- 3. Whether or not you or someone on your team is a member of that organization since the prices will differ based on this information
- 4. The cost code the posting will be charged to.

Please allow up to 3 business days for the external postings to be completed.

Job Advertisements-Free Options

City of Pensacola Website: www.pensacolacityjobs.com and jobs are automatically posted with Glassdoor, ZipRecruiter, and Governmentjobs.com at no extra charge through NeoGov (not with Indeed anymore as of Feb 2023). Anyone interested in job notifications can sign up for Job Interests in which NeoGov will email you when a job is posted in the area you are interested in. https://www.governmentjobs.com/careers/pensacola/jobInterestCards/categories

City of Pensacola Facebook Page: Public Information Office posts a Friday weekly listing of job openings as a post on the City page and if you want them to make a specific post for a harder to fill position that can be requested as well

City of Pensacola LinkedIn Page: Public Information Office can make a specific post for a position per your request

Weekly City of Pensacola Job Posting Email (Internal): Weekly email that goes out to City of Pensacola employees to inform employees of job postings. Typically is emailed on Friday afternoons.

Weekly City of Pensacola Job Posting Email (External): Weekly email that goes out to external Pensacola community contacts such as from CareerSource Escarosa, VA, NAS Pensacola, Florida West, Escambia County schools, etc.

Florida League of Cities: Free posting up to 5 jobs at a time http://www.floridaleagueofcities.com/research-resources/jobs **University of West Florida (UWF) Handshake**: Free career portal to post to UWF students and alumni as well as other universities that use this system as well https://uwf.joinhandshake.com/login

Pensacola State College (PSC) Job X: Free student employment portal to post to PSC students https://psc.studentemployment.ngwebsolutions.com/psc standardlogin.aspx

Other College Contacts: Specific majors or career contacts can be emailed at UWF, PSC, or George Stone Technical College to send out a job posting to students in that area who may be interested

Employ Florida: Free job posting portal through CareerSource Escarosa https://www.employflorida.com/vosnet/loginintro.aspx?action=POSTJOB&plang=E

Greater Pensacola Society for Human Resource Management (GPSHRM): Free to post jobs related to Human Resources https://greaterpensacolashrm.wildapricot.org/page-1604799

Airports Council International (ACI): Free for members (HR emails job ad to webmaster@aci.aero) https://airportscouncil.org/careers/

Florida Airports Council (FAC): Free for members (HR emails job ad to admin@floridaairports.org)
https://www.floridaairports.org/

Florida Redevelopment Association (FRA): Free to members https://redevelopment.net/job-opportunities/

Florida Local Government Information Systems Association (FLGISA): Free to post technology related job postings https://www.flgisa.org/fl-govtech-jobs/

EngineeringJobs.com: Free to post engineering jobs through Indeed https://www.engineerjobs.com/hire-engineers

Florida Redevelopment Association: Free to members for a 90 day posting https://redevelopment.net/job-opportunities/

Job Advertisements-Prices

Craigslist: \$20 per job posting and useful for skilled trade positions https://post.craigslist.org/k/osrIKOOj7RGOCn_JeV7IGQ/DmWvb?s=type

Florida Association of Counties: \$100 job ad for 60 days and bi weekly newsletter https://www.fl-counties.com/government-jobs/

National League of Cities: \$250 for 30 day job ad

https://jobsonline.nlc.org/employers/

American Association of Airport Executives (AAAE): \$170 for 15 day posting or \$185 for 30 day posting for members https://careercenter.aaae.org/employers/

American Planning Association (APA): \$195 for 2 weeks and \$295 for 4 weeks https://redevelopment.net/job-opportunities/

Florida American Planning Association: \$50 up to 100 words https://florida.planning.org/career-center-professional-resources/job-announcements/

Society for Human Resources Management (SHRM): \$299 for a 30 day job posting for members https://jobs.shrm.org/employer/pricing/?extre=1

Solid Waste Association of North America (SWANA): \$300 for a 30 day job posting for members https://careers.swana.org/employers/

National Recreation and Park Association (NRPA): \$199 for a 30 day job posting for members https://careercenter.nrpa.org/employers/

FL Bar Association Website: \$499 for 30 day job posting https://l.fl.bar.associationcareernetwork.com/employer/pricing/?extre=1

Screening of Applicants

Once the job closes, Emily will review all applications for those applicants that meet the minimum preparation for work and route the approved candidates, in NeoGov, to the hiring manager that is listed on the requisition. If the requisition is "continuously open", the HM can work with Emily to determine a schedule for applicant routing.

It is up to the HM how many candidates are selected for interviews (keeping in mind the rules that apply because of veteran's preference).

Please allow up to 3 business days for Recruiting & Training to route the approved candidates once a position closes or if a job is open continuously, weekly updates of the approved candidates will be provided.

Veteran's Preference

Veteran's preference (VP) can be very confusing and is quite detailed. However, Emily Leyshon in Recruiting & Training is the City's subject matter expert (SME) and serves as your contact for

any questions. Veteran's preference will influence your job posting, interviewing, and candidate selection.

Frequently Asked Questions regarding VP

Q: Do all City of Pensacola jobs have to adhere to the Veteran's Preference regulations?

No, most jobs have to adhere to the Veteran's Preference (VP) regulations. The jobs that are exempt in which the VP rules do not apply are the SES positions and it has to be written out on the job advertisement if a position is exempt, but HR takes care of that. Even if a position is considered exempt from VP, you can always add in the preference if you want to for a job, you just can't do the reverse.

Q: Does a job applicant have to provide a DD214 or a letter from a commanding officer in order to qualify for Veteran's Preference?

Yes, the Recruiting & Training Coordinator (Emily) initially reviews the applications for VP and contacts the applicants for DD214 verification if they have not included one already in their application. If they do not provide a DD214 or a letter from their commanding officer by the time candidates have been selected for interviews, they do not get VP. If their discharge status is anything less than just the word "Honorable" they do not get VP.

Q: What are the different levels of Veteran's Preference?

<u>Changed July 1, 2021</u>: There are also different levels of VP (10%, 15%, 20%, and 20% with a VA letter with 30% + status). The HR Recruiting & Training Coordinator (Emily) reviews everything and determines the level, so the hiring managers do not have to do this. When all applicants are routed to the hiring managers, there will be information in the email of which applicants have a status of a VP level (10%, 15%, 20%, and 20% with a VA letter with 30% +).

Q: Do you have to interview all candidates who qualify for Veteran's Preference?

It depends: You have a choice when there are VP candidates, you can either interview all VP candidates or you can score all applications who meet the minimum requirements (VP and non-VP) to determine the most qualified candidates to interview. If you decide to score applications, make sure the scores are emailed to Emily for further review and to add VP points before you call candidates for interviews. If a VP candidate scores higher than another candidate you want to interview, then you would also have to offer the VP candidate an interview as well. If they decide not to interview due to lower pay or if they are no longer interested in the position, then that is ok too. They would just be sent a dismissal email like any other candidate. Do keep in mind that if a candidate has the status of 20% with a VA letter with 30% +, then they must be automatically offered an interview, no matter the application score. This does not apply if a candidate fails a test (written exam, PAT, driving test).

Q: If Sally qualified for 10% Veteran's Preference and scores 30 in the interview out of a total of a possible 40 points (8 questions with a 5-point scale), how many points are added to her score?

4 points: Once everyone interviews, make sure to send the Recruiting & Training Coordinator (Emily) the score sheets and/or Excel spreadsheet with the scores, so the VP points can be added to determine the most qualified candidate. A candidate earns VP points depending on their VP percentage and the total number of possible points that someone can score. For example, if a Veteran has 10% Veteran's Preference and there are 8 interview questions, then the total possible points would be 40 if there is a 5-point scale. If a VP candidate scores 30, then they would also receive additional VP points added to their score. Since the possible points they could have scored was 40, they would receive 10% of those 40 possible points, which equals 4 additional points. You add those 4 points to their interview score of 30 and you get a total of 34 points. Hiring managers do not have to calculate VP points, HR does that for them.

Q: After the interviews are completed, the scores are added with Veteran's Preference points, you will receive an eligibility list of candidates for hire such as the table below. Which candidates can you choose to hire?

Name	Rater 1	Rater 2	Rater 3	Total	Veteran's	Overall
					Preference	Total
Candidate 1	28	28	28	84		84
Candidate 2	22	23	22	67	10% of 90 = 9	76
Candidate 3	24	24	24	72		72
Candidate 4	20	21	22	63		63
Candidate 5	18	19	20	57		57

When a VP candidate scores higher, you cannot skip a VP candidate over a non-VP candidate for a job offer. You can decide to conduct another round of interviews with the top candidates, not hire anyone and repost the position for more qualified applicants or hire from a temp agency instead. VP points are applied at every step of the hiring process from application scoring to interview scoring. Here is one of the biggest things to remember about VP. After interviews are over and scores are tabulated, if a veteran has the highest rank/score, you cannot skip them to choose someone who has scored lower.

Q: Can an internal candidate use a DD214 from before they were hired in their current position to claim Veteran's Preference for an internal promotion?

For the most part, no. When it is an internal promotion, the candidate is eligible for VP if they have a break in employment and been deployed/activated while in that position. For example, if you are a Professional Firefighter and was deployed in that position, you would be eligible for VP for the next promotion to Fire Lieutenant. If you don't get that position the first time, you are still eligible to use you VP every time until you promote to that Lieutenant position. Once

you are a Lieutenant and are promoting to Fire Captain, you are no longer eligible to use your VP that you had in the previous position. You would have had to deploy while in the Lieutenant position to be eligible to use VP for a Captain's promotion. Also, there is no saving up use of a VP for a higher position. For instance, if you don't think you want to claim VP for the Lieutenant position, you cannot wait to save it to use for a Captain's position. You don't have to claim VP at all even if you are eligible, but that is your choice. If you have multiple DD 214s from serving while a Professional Firefighter, you can't use one on the Lieutenant promotion and one on the Captain promotion. You are only eligible for VP if you deploy while in your current position to use for the next promotional position. If you open a job posting for internal and external applicants to apply and if a current employee applies, then yes, they can use Veteran's Preference for that position since it puts them on an equal level of other external candidates who can claim Veteran's Preference as well

The Interview

Using Metrics/Scoring Rubric

Recruiting & Training will route all applicants that meet the minimum qualifications (through NeoGov) to the hiring manager. At this point, the hiring manager (HM) can either interview ALL applicants or use a scoring rubric to narrow down the list of applicants. The HM can decide the criteria that is most important as it relates to the job, and review applications for these criteria, assigning points/weights to each criterion.

Please see the following examples:

Rater												
Applicant Name		Experience and Education										
Applicant Names	Education (Masters)	Local Government Exp > 6 years	Evn	Senior Management Exp	Management of Supervisors > 2 years		Community Outreach Exp	Total Points/17	Comments			
									1			

1 point given for related Master's Degree (planning, engineering, earth sciences, political science, public administration, business administration or related field)
Local Government Experience > 6 years = 1 point per year over 6 overs
State of Florida Experience = 1 point for 5 years of experience
Years in a Senior Management Position (Executive, Senior, Chief, Director, or related title) = 1 point per year
At least 2 years of Management over other Supervisors = 1 point
Planning & Public Works Experience = 2 points

Community Outreach (maintaining working relationships with community orgs, residents, businesses, non-profits, or other government agencies)= 2 points

Max of 1 point Max of 5 points Max of 1 point Max of 5 points Max of 1 point Max of 2 Points

NAME	Veteran (yes or blank)	Education - (1-5 points) (e.g. Related MS=5, MS=4, Relative BS=3,	Experience - Already	Government Experience - (1-5 points)	Budgeting Experience/ Management	Business Experience (1 to 5).			
		BS=2), HS/GED=0	obtained, view favorably (1-5 points).		(1-5 points)		Tot	a <u>l</u>	RANK
Roan	N	5	3	0	3	4		15	1
Kashickey	N	3	3	0	4	4		14	2
Cole	N	2	3	3	4	1		13	3
Breaud	N	5	1	0	1	3		10	4
Wilson	Υ	4	0	2	1	2		9	5
Casey	N	2	1	2	2	2		9	5
Rogers	Υ	3	1	0	2	3		9	5
Foster	N	1	1	3	2	0		7	6
Whiting	N	0	0	2	0	2		4	7

Scoring rubrics list the key criteria for positions and assigns a range of point values for each. This it easier to evaluate job candidates in the selection process for an interview in an objective and defensible way. If any guidance is needed in this area, Recruiting & Training is able to assist the HM in developing the scoring rubric. It is up to the HM to populate the fields of the matrix.

For SES positions and upon request, HR can review applications to determine the highly qualified candidates by scoring applications with the preferred qualifications based on the hiring manager's preferences for that position. Depending on number of candidates, this can take up to 5 business days after the job closes.

Structured Interviews

The City of Pensacola uses a structured interview process for interviewing future employees. Structured interviews help to ensure a fair and legal assessment method that is designed to measure job-related competencies by systematically inquiring about a candidate's behavior:

- Past behavior
- Proposed hypothetical situations
- When developing structured interview questions, all questions should be developed by an SME (Subject Matter Expert)
- All candidates are asked the same predetermined questions in the same order
- All responses are evaluated using the same rating scale and standards for acceptable answers
 - Structured interview questions assess competencies such as:
 - Teamwork
 - Oral Communication
 - Interpersonal Skills
 - Conflict Management
 - Influencing/Negotiating
 - Job specific skills

There are two type of interview questions that SME's and HM should use: situational and behavioral.

Behavioral Questions

- Draw from a candidate's actual behavior during past experiences
- Based on the premise that the best predictor of future behavior is past behavior

Situational

- Present realistic job scenarios or dilemmas and ask how the candidate would respond
- Based on the premise that people's intentions are closely tied to their actual behavior

Examples:

Type of Question: Behavioral

Evaluating the competency of: Interpersonal skills

Question: Describe a situation in which you dealt with individuals who were difficult, hostile, or distressed. Who was involved, what specific actions did you take, and what were the results?

Type of Question: Situational

Evaluating the competency of: Interpersonal skills

Question: A very angry client walks up to your desk. She says she was told your office sent her an overdue check 5 days ago. She claims she has not received the check. She says she has bills to pay and no one will help her. How would you handle this situation?

All interview questions should be approved by either Amy Workman or Emily Leyshon in Recruiting & Training.

Score Sheets and Interview Templates

The following 3 pages are examples of the standard template recommended for conducting and documenting interviews. There is an introduction page, examples of questions, and the scoring sheet. Remember: the number of scoring sheets you will use will be the same as the number of questions you are asking. This may seem paper intensive but allowing for proper and thorough notes and valid scoring methods is very important.

The Structured Interview: The Structured Interview: INTRODUCTION

You are interviewing for the position [Insert job title here] for the City of Pensacola. For this interview you will be asked a number of structured interview questions designed to allow you to share your background, education, and experience as it relates to the responsibilities of the position. You have been provided with a pad of paper and a pen. When responding to the questions, you are welcome take a moment and to use these tools to help collect your thoughts however only your spoken response will be used in evaluating your response to the question. We also ask that you be specific when responding to the questions or in describing your experience to identify what YOU did, and to avoid general responses that might include "WE" or an indication of the work of a team without identifying what your contributions were for the example being described. Once you have completed your response, please let the interview panel know and we will proceed with the next question.

Once we have completed our questions, I will tell you a little more about the position, and the timeline in which we are looking to fill the opportunity. After this and prior to the end of the interview, you will be provided the opportunity to ask questions you may have in relation to this opportunity.

Let's begin with your telling us a brief overview of your working history and what led to your meeting with us today.

Thank you for that information, we will now proceed with the structured interview questions. Working for the [Insert job title here] will require you to:

Examples of Questions

Thank you for that information, we will now proceed with the structured interview questions. Working for the City of Pensacola as the [some wonderful HR job] will require you to:

- conduct audits for both individual as well as group classification studies. Please describe your
 experience in completing this type of work in your working past to include the methods you
 used in completing the audits.
- 2. draft, revise, and make recommendations pertaining to classification descriptions to include ensuring the proper FLSA status is assigned to classifications as they are created and/or change. Please describe your experience completing this type of work to include the steps you took in conducting your research. (follow up question What steps would you take if your recommendation differs or did not support the request of the customer?)
- develop, analyze, and complete salary surveys, and make compensation and classification recommendations based on information collected from surveys and other sources of information. Please describe how you have completed this type of work in the past to include the scope of the survey and any techniques you may have used to ensure the data was accurate when being analyzed.
- 4. review compensation data to evaluate budgetary impacts to ensure our jobs are appropriate priced for the market in which we compete. This would include the completion of compression studies. Please describe your experience in making these types of evaluations in your working past.

The Structured Interview: Scoring Key

Questi	on #		Candida	ate Name	
Date_			Rater's	Name	
5 =	occur in sequenc	e and at the app tion asks for pas		te provides at leas	
4 =	least two example	es if question as	n and addresses most o ks for past experiences issue being addressed	. Response exhib	
3 =		on asks for past	main point of the questi experiences. Respons question.		
2 =	provide at least o	ne example if qu	T address the main poir Jestion asks for past exp BELOW AVERAGE KNO	periences or provi	ides some incorrect
1 =	or incorrect inform	nation, or admits	T address the question. s to having no experience FAL LACK OF KNOWLE	ce is the area of th	ne question being
0 =	Candidate FAILS	TO PROVIDE A	ANY RESPONSE or has	s no comment.	
Poor 0 NOTE:	1 S	2	Average 3	4	Superior 5

Interview Timeline

- All candidates should be considered for the same amount of time. Consider the following in determining anticipated interview length.
- Introductions and instructions
- Responses to each question
- An informal discussion about the position and for the candidate to ask questions
- Evaluating each candidate, including individual and consensus ratings

After the interview is over, please return all interview materials (rating sheets, interview questions, etc.) to Emily Leyshon in Recruiting & Training. Emily will tabulate the scores and provide the HM with the eligibility list. Please allow up to 3 business days for the interview scores to be reviewed and tabulated. Once a selection is made, please notify Emily.

Peer Interview

- As a best practice, you should always incorporate peer interviewing in your hiring process. This can be as simple as having a coworker on the interview committee or conducting a version of a 2nd interview where the top candidate(s) meet with more of the coworkers either in person or virtually to interact with team members to get to know them before making a final decision. It can be formal with scores or rankings of the candidates of each coworker or informal of more of an open discussion and the hiring manager can get overall feedback from the team.
- The interview panel should remain the same for all applicants being interviewed.
- The panel should/could include the direct supervisor, the department Director, coworkers from within the department, or other employees that will be working closely with the new employee.
- When filling finance related positions it's a best practice to contact the Finance Director or Assistant Finance Director for input. You may wish to consider asking them to appoint a member of the interview committee.

Reference Checks

- Once you have your selection narrowed down to your top candidates, it is best practice for the hiring manager or someone on the interview committee to conduct reference checks on the top 1-2 candidates.
- We tend not to contact the current employer (or references listed with a current employer) unless we get permission from the applicant or if an applicant says Yes to the you may contact this person question on an application, then they are fair game to

contact and if the applicant says No on the application and you would still like to contact that employer, then make sure you get permission from the applicant.

• Example of reference check questions are listed on the next page.

Reference Check Questions

- 1. How do you know and how long have you known this candidate?
- 2. What do you know about their experience in this field?
- 3. Describe their experience in regards to how they work with (and manage) people.
- 4. Is this person dependable and do they come to work on time?
- 5. Would you describe this person as a self-starter and takes initiative or someone that needs to be told what to do before getting work done?
- 6. Why do you think this person would make a great employee/job title?

The Pay Action Request

The purpose of a Pay Action Request is to approve of the amount of pay to offer a new employee to keep the hiring manager, department director, departmental payroll representative, HR, and Finance informed.

Definitions

Minimum Pay: The lowest amount of money that an employee can be paid in their job position.

<u>Maximum Pay</u>: The highest amount of money that an employee can be paid in their job position.

<u>Pay Range</u>: The amount of money an employee can be paid in a job position from the minimum pay to the maximum pay.

<u>Recruitment Range</u>: The amount of pay advertised on a job posting, which is the minimum pay of the pay range to the first quartile of the pay range.

<u>Pay Action Request-New Hire</u>: A form that is filled out to get approval to hire an employee at a requested pay amount. This document includes the reasons that justify the pay amount if the requested pay rate is more than 10% above the minimum rate for new employees. This form is reviewed and approved by the Department Director (every time), HR Director Ted Kirchharr (if

requested rate is more than the 10% rate), Finance Director (if requested rate is more than the first quartile), and City Administrator (if requested rate is more than the first quartile).

<u>Pay Calculator</u>: A tool that is used by departmental payroll representatives that verifies pay rates.

<u>10% Rate</u>: The pay rate that is 10% above the minimum pay and is calculated by multiplying the minimum pay by 1.10. For example, the Airport Electrician II is classified as a GE-16, with a minimum pay of \$34,278.40. To calculate the 10% rate:

\$34,278.40 (Minimum Pay) x 1.10 = \$37,706.

<u>First Quartile</u>: The first quartile of a pay range is calculated by the maximum pay minus the minimum pay for that range and dividing that by 4, added to the minimum pay. This amount is calculated and shown on the job announcement for prospective employees as the top amount of the recruitment range. For example, the Airport Electrician II is classified as a GE-16, with a minimum pay of \$34,278.40 and a maximum pay of \$58,572.80. To calculate the first quartile:

\$58,572.80 (Maximum Pay)
-\$34,278.40 (Minimum Pay)
\$24,294.40
\$24,294.40 ÷ 4 = \$6,073.60 (Quartile Value)
\$34,278.40 (Minimum Pay)

+ \$6,073.60 (Quartile Value) \$40,352 (First Quartile)

Quartile Value: An amount that results when a number is divided into 4 equal parts.

<u>Offer Letter</u>: An official document that is emailed to a candidate who has been selected for hire to a job position. This letter includes the employee pay, anticipated start date, benefit information, Florida Retirement System information, and outlines the pre-employment process.

Policy Statements

 The hiring manager will be emailed a Pay Action Request-New Hire form during the hiring process that has some pre-filled sections. The HR Recruiting & Training Coordinator will populate the Department, Job Title, and Pay Grade. The HR Payroll Specialist will calculate the Minimum Rate, 10% Rate, and First Quartile Rate verifying this information with the payroll calculator.

- 2. Once the HM has selected a candidate for hire, please call the Recruiting & Training Coordinator, Emily Leyshon, at ext. 1660 to verify if it is a valid selection for hire and to determine the next steps with the offer letter.
- 3. Depending on the pay amount requested to offer the new hire, please refer to the following instructions:
 - a. To hire someone from the **minimum pay up to the 10% rate**, fill out the top portion of the Pay Action Request-New Hire, have the Departmental Director sign the form, and then email it to the HR Recruiting & Training Coordinator to start the offer letter.
 - If the Departmental Director is out of the office/too busy to sign the form, then an approved representative such as the hiring manager may sign for approval if the requested rate is not more than the 10% rate.
 - b. To hire someone more than the 10% rate to the first quartile of the pay range, the hiring manager/department director must complete the entire Pay Action Request-New Hire form and have the Departmental Director and Human Resources Director sign it for approval.
 - First the hiring manager would fill out the Pay Action Request-New Hire form entirely with the reasons for the requested pay. Make sure to include an exact annual or hourly amount for the Requested Rate.

Example: instead of saying \$30,000 for the pay, it would be either \$14.42 hourly/\$29,993.60 annually or \$14.43 hourly/\$30,014.40 annually.

If you are choosing a pay rate that is different from the benchmarked pay rates provided by HR on the form, make sure to email it back to the HR Recruiting & Training Coordinator so the HR Payroll Specialist, Adriana Van Landingham, can use the payroll calculator to verify correct hourly pay. If the pay is not in the exact amount, the Pay Action Request-New Hire will not be approved to move on to the offer letter.

- Next, obtain the departmental director approval by signing the Pay Action Request-New Hire form.
- Then email this form to the Director of HR for approval and signature.
 When you email the HR Director, make sure to copy the HR Recruiting & Training Coordinator and Renay Pierre-Robinson, the HR Compensation & Employee Relations Manager as well.
- Once the Pay Action Request-New Hire form is approved, HR Recruiting & Training Coordinator will email it out to the departmental director, hiring manager, departmental payroll

- representative, HR Manager, HR Compensation & Employee Relations Manager, and the HR Payroll Specialist.
- Once the HR Recruiting & Training Coordinator receives the approved Pay Action Request-New Hire form, she can start the offer letter with the pay that has been approved in the form. If the approved amount on the Pay Action Request-New Hire form is not in the exact hourly or salary amount, this form will need to be revised and go back through the approval process before the offer letter will be written.
- c. To hire someone more than the first quartile of the pay range, fill out the Pay Action Request-New Hire form. It will need to be reviewed and approved by the administrators on that form (Department Director, Director of Human Resources, Finance Director, and City Administrator).
 - First the hiring manager would fill out the Pay Action Request-New Hire form entirely with the reasons for the requested pay. Make sure to include an exact annual or hourly amount for the Requested Rate. For example, instead of saying \$30,000 for the pay, it would be either \$14.42 hourly/\$29,993.60 annually or \$14.43 hourly/\$30,014.40 annually. If choosing a pay rate that is different from the benchmarked pay rates provided by HR on the form, make sure to email it back to the HR Recruiting & Training Coordinator so the HR Payroll Specialist, Adriana Van Landingham, can use the payroll calculator to verify correct hourly pay. If the pay is not in the exact amount, the Pay Action Request-New Hire form will not be approved to move on to the offer letter.
 - When the Pay Action Request-New Hire form is filled out, the departmental director approves/signs the form and then emails it to the Human Resources Director making sure to copy the HR Recruiting & Training Coordinator and the HR Compensation & Employee Relations Manager.
 - Once the HR Director signs the form with his approval, he will obtain the signature approval of the Finance Director and City Administrator before emailing it back to the HR Recruiting & Training Coordinator.
 - Once the Pay Action Request-New Hire form is completed (signed by all representatives on the form), HR Recruiting & Training Coordinator will email it out to the departmental director, hiring manager, departmental payroll representative, HR Manager, HR Compensation & Employee Relations Manager, and HR Payroll Specialist.
 - Once the HR Recruiting & Training Coordinator receives the approved Pay Action Request-New Hire form, the offer letter (with the pay that has been approved in the form) will be generated. If the approved amount on the Pay Action Request-New Hire form is not in the exact hourly or salary amount, the form will need to be revised by the

hiring manager and go back through the approval process before the offer letter will be written. The candidate will have 5 business days to respond to the offer letter.

Employee/Applicant	t Name		
EE#	Date	Dept/Div	/
Job Title		Pay Grade_	
Minimum Rate	10% Rate	Firs	t Quartile Rate
Requested Rate			
Director/Ad	lministrator	Date	Approved
·	ources Director	Date Date	_ Approved Denie
Human Resi Required if requested rate is m	ources Director one than 10% rate ector		
Human Res Required if requested rate is m	ources Director nore than 10% rate ector ore than the first quartile	Date	Approved Denie

The Clinic Process

Once the HR Coordinator for Recruitment receives confirmation that the employee accepts the tentative offer they notify the Applicant via email that he/she has been added to the electronic form system in Neogov and direct them to complete the activation process. The email also informs the applicant of the forms to be completed for Onboarding.

Health forms have a due date for completion of <u>14 business days</u> prior to the employee orientation date, in line with the due date established for completion of the background screening form. Please see calendar at the end of this guide for dates and deadlines.

Once the Clinic receives Neogov notification of completed medical and drug screen forms, the Clinic reaches out to candidate regarding scheduling appointment. In the Clinic's initial conversation with the candidate, the Clinic explains their process and requests an appointment date and time preference from the candidate. The Clinic will try to accommodate the applicants preferences, but cannot guarantee the preference can be met.*

The Clinic then reaches out to the doctor's office to get physical and drug screening scheduled. Once the appointments for medical (i.e. physical, drug screening) are scheduled, the Clinic sends an email to candidate requesting confirmation and follows up with a phone call.

Once candidate completes medical appointments and Clinic receives clearance for physical and drug screen the Clinic completes a medical qualification form in Neogov, an automatic notification is sent to the HR Coordinator that the employee is cleared to participate in Orientation. This prompts HR Coordinator to finalize orientation list and email to interested parties.

*In the event there are any unforeseen issues with contacting candidate or candidate completing medical appointments (physical/drug screening), the Clinic will notify the Hiring Manager to follow up.

30- and 90- Day Conversations

Highest performing leaders make the best decisions when they have solid and trusting relationships with others. Most people we supervise want to do a good job and feel successful. To build good relationships, some of the best leaders intentionally make solid connections with their employees. This is especially important when employees start a new job. They are anxious and learning the culture of the organization. In many ways, the leader serves as their primary mentor and coach during the first 90 days. The 30- and 90- Day Conversations help us build trust with our new hires.

The 30- and 90- Day Conversations include specific questions leaders ask new hires or someone new to a position or new unit. The leader invites the employee to a meeting to engage in these conversations.

The 30- day questions focus on 1) determining if their experience is what they expected, 2) understating what's working well, 3) gaining insight from their past experiences that we can learn from, and 4) determining areas of discomfort that we can address.

The 30- day questions are:

- 1. How do we compare to what we said we would be like?
- 2. Tell me what you like. What is going well?
- 3. Is there anyone that has been especially helpful to you?
- 4. I noticed you came from us from _____. Are there things you did there that might be helpful to us?
- 5. Is there anything here you are uncomfortable with?

Ask the questions and note the answers and remember, it is as important to do something with the information as it is to gather it.

On the 90th day, and when employees are taking positive steps with learning the position, re-ask the 30- day questions and then ask two additional ones. By this time, the new hires tend to settle in and have a better feel for the work, and how that work aligns to them. Talented people also know other talented people. It gives us an opportunity to build our pool of candidates for future positions.

The 90-day questions include:

- 1. The same questions we asked at 30 days.
- 2. (If hiring) Is there anyone you know who might be a valuable addition to our team?
- 3. As your leader, how can I be helpful to you?

HOW ARE 30- AND 90- DAY CONVERSATIONS APPLIED?

Step 1: When onboarding employees, explain the 30- and 90- Day Conversation.

• When hiring someone or someone moves to another position or unit, let them know at the time that you will be holding 30- and 90- day meetings with them and explain why the meetings are important.

Step 2: Invite the employee to a meeting to hold the conversations.

• Extend an invitation to the employee, reminding them about the process, explaining why it is important, and appreciating the opportunity to connect with them. It may read something like this:

Good day Amy. I look forward to spending time with you during our 30- day conversation. As you may recall, I will schedule sessions with you at the end of your first 30 and 90 days with us. This gives the two of us an opportunity to connect and for me to ensure you have what you need to be successful. This will be a positive and supportive conversation. I am providing several times for the meeting. Please let me know the time that works best for you, and we will schedule our meeting in my office. I look forward to our time together.

- Start the meetings off on a positive note. Let them know they are a valuable member of the team and you look forward to this conversation.
- Ask these questions at the 30- day mark:
 - How do we compare to what we said we would be like?
 - Tell me what you like. What is going well?
 - Is there anyone who has been especially helpful to you?
 - I noticed you came from us from _____. Are there things you did there that might be helpful to us?
 - Is there anything here you are uncomfortable with?

Ask these questions at the 90- day mark.

- How do we compare to what we said we would be like?
- Tell me what you like. What is going well?
- Is there anyone who has been especially helpful to you?
- I noticed you came from us from _____. Are there things you did there that might be

- helpful to us?
- Is there anything here you are uncomfortable with?
- (If hiring) Is there anyone you know who might be a valuable addition to our team?
- As your leader, how can I be helpful to you?

Thank them for spending time with you, and let me know you are glad they are part of your organization.

Step 3: Follow up on what you learn

Complete the 30- and 90- day tool to capture the information. [Tool - Questions, Answers, Follow-Up]

Follow-up on things that you learned from your conversation.

- Send a note to new hires after the meeting, showing appreciation and recognizing them for something they've done well.
- Note any barriers or challenges the new hires are facing, determine how best to help them overcome challenges, and let them know how you will support them.
- Determine people to recognize and acknowledge them
 - Send a "Shout Out" using an organizational communication protocol that provides the name of the person recognized, person recognizing the work, and the specific "things" recognized.
 - Write a personal thank you note expressing your sincere appreciation for this person and the noted recognition.
 - Send a note to an executive identifying the person recognized, the person recognizing the work, and why this work is significant to the organization.

HIRING CHECKLIST

Have a vacancy? Follow this checklist to make sure you don't skip a step.

- Submit a Requisition in NegGoy
- Review:
 - current job description,
 - minimum qualifications,
 - supplemental questions
 - Job Site Posting (job posting will not be ACTIVE until email approval from HM)
- External Job Board postings
 - Determine if needed. Provide Emily Leyshon will all required information (page 4 of Hiring Guide). Information needs to be provided 3 business days prior to desired job board posting date.
- After job closes, review qualified applicants in Neogov. Please allows 3 business days for processing of applications by HR.
- Select applicants for interview. Either interview ALL applicants or review and score applications using Scoring Rubric/Matrix.
- Conduct Next Phase of Selection Process (Interview, Physical Agility Test, Written Exam, etc)
- For interviews, contact Recruiting & Training for structured interview questions and score sheets
- At conclusion of interview, return all score sheets to Recruiting & Training. Please allow up to three 3 business days for processing of interview score sheet and eligibility list creation.
- Decide on who to hire based on the Eligibility List. Let Recruiting & Training know of selection
- Submit a Pay Action Request form, noting the pay you would like to offer
- Review and Approve Offer Letter

2024																				
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14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16
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14	15	16	17	18	19	15	12	13	14	15	16	17	18	9	10	11	12	13	<mark>14</mark>	15
21	22	23	24	25	26	22	19	<mark>20</mark>	21	22	23	24	25	16	17	18	19	20	21	22
28	29	30				29	26	27	28	29	30	31		23	24	25	26	27	28	29
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City Holidays (Observed*)

New Year's Day*: January 1 Martin Luther King Jr. Day: January 15 Presidents' Day: February 19

Good Friday: March 29 Memorial Day: May 27 Juneteenth: June 19

*If different from actual date

Independence Day: July 4 Labor Day: September 2 Veterans Day: November 11 Thanksgiving: November 28 & 29 Christmas: December 25 & 26

√Jan 1, 2025 falls on Wednesday



NOTES

Orientation Day

City of Pensacola Human Resources Department

EMPLOYEE RELATIONS DISCIPLINE HANDBOOK FOR SUPERVISORS

Established: August 2020 Revised June 2022
Revised June 2022

City of Pensacola Human Resources Department

Employee Relations Discipline Handbook For Supervisors

I. Discipline

Section 1 - Employee Discipline - Conduct Based

Purpose:

To establish a uniform, fair, and standardized means by which City of Pensacola may administer a program of disciplinary procedures and guidelines.

City of Pensacola generally follows a policy of progressive discipline. The purpose of a progressive disciplinary procedure is to give the employee adequate notice and opportunity to correct any deficiencies, and its focus is on prevention of future violations rather than on punishment. The disciplinary action taken is normally to be the least serious action needed to prevent future instances of inappropriate behavior. If inappropriate behavior continues, the employee can expect further and more serious discipline. This policy does not restrict the imposition of a suspension, demotion, or termination in matters that are outside the progressive discipline policy.

Steps to Progressive Discipline - Conduct

The types of disciplinary action, in order of their severity, are:

A. Informal Discipline

1. Verbal Warning

Supervisors are encouraged to provide on-going coaching and performance feedback as an integral part of the performance appraisal process. Verbal warnings are used to provide constructive feedback to employees in instances involving poor or inadequate performance or conduct that is not conducive to promoting accomplishment of the organization's mission productivity and morale. Verbal warnings may or may not be documented by the supervisor. Normally if the adverse behavior repeats itself, its desirable to document, at a minimum the nature of the conduct or performance problem and the date and time you met with the employee. Any guidance provided to include on the job training (OJT) or formal instruction should also be included. Over the course of time, if the verbal warning(s) have not resulted in corrective action, the supervisor should be able to go back and recollect previous occasions where the employee was warned, and use this documentation to support an official letter of

warning, the next step in the disciplinary process. Supervisor are always encouraged to provide ongoing coaching and performance feedback as integral part of the performance appraisal process.

Examples of Infraction/instances warranting a Verbal Warning

<u>Example 1</u> – Employee is required to submit a budget report within two (2) work days following the last day of the month. Work product was submitted late two (2) of the last six months, warranting a verbal warning.

Comment: Inability to perform up to accepted work standards (Infraction ND-2 (See Table 1)).

<u>Example 2</u> – Employee has been advised several times over the past six months to not promote or sell personal products at work during duty time, A compliant was received and a verbal warning was issued after an employee solicited a fellow worker.

<u>Comment</u>: Unauthorized vending or solicitation on property or City of Pensacola vehicle. (Infraction EV-7 (See Table 1)).

2. Letter of Warning

A Letter of Warning is a type of informal disciplinary action and may be used to admonish an employee for committing a minor violation. It is often used when coaching, verbal counseling, coaching, admonishments, on the job training, and/or guidance has failed to provide the necessary corrective action. The Letter of Warning (See Form ER-1) may refer to any previous verbal warnings as appropriate and provides documentation that the counseling occurred, outlining the shortcomings or violations and then offering recommendations for improvement. Informal discipline documentation is maintained at the department level only.

Informal disciplinary actions are not subject to the grievance or appeals processes.

Form ER-1

	PENSACULA FLORIDA'S FIRST & FUTURE (Form ER-1)
Employee Name: Date of Hire:	
Supervisor Name: Department:	
I. Explanation of Specific Perform	ance shortfalls or incidents of inappropriate/unacceptable conduct:

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense	
ND-1	Violation of any City of Pensacola, department or division rule or directive	Neglect of Duty	L	W	S	Т	
ND-2	Inability to perform up to accepted work standards	Neglect of Duty	L	W	S	Т	
ND-3	Habitual tardiness, unscheduled absence (six (6) or more in a 180 day period), absenteeism, and/or abuse of leave privileges	Neglect of Duty	L	W	S	Т	

Examples of Infraction/instances warranting Letters of Warning

<u>Example 1</u> – Employee has a recent history of failing to get to work on time, and has been verbally warned on numerous occasions. Now, there have been three (3) instances of tardiness (i.e. 8-15 minutes late) over the last thirty (30) days. (Infraction ND-3 (See Table 1)).

<u>Example 2</u> – You were driving 35mph in a City vehicle in a 25 mph zone and as a result was issued a letter of warning. (Infraction ND-18 (See Table 1)).

Frequently asked questions specific to infractions regarding Letters of Warning

Q: When is a letter of warning appropriate?

A: When verbal feedback/counseling have not been effective.

Q: What is the timeframe in which a letter of warning remains valid?

A: Normally six (6) months up to one (1) year depending on circumstances, if over a year, a second letter of warning may be issued.

Q: After a letter of warning has been issued, what is the next step in progressive discipline?

A: Based on the infraction being similar or related to a previous letter of warning issued and the timeframe, the next step can be a written reprimand.

B. Formal Discipline

1.) Written Reprimand

A Written Reprimand is an admonishment given to the employee in writing, and is always placed in the official personnel file in Human Resources. This form of discipline is more serious than a Letter of Warning, but less serious than a Suspension. A Written Reprimand often serves as the type of discipline given for a repeated offense of minor violations or for the first offense of a moderately serious infraction. The Written Reprimand (See Form ER-2) will be coordinated with Human Resources in advance and completed by the Department Director. If a Letter of Warning or any other relevant disciplinary actions has been issued previously, a copy may be attached as supporting documentation. The Written Reprimand may be used to support further disciplinary actions for a period no longer than three (3) years from the date of receipt. At the end of three (3) years the Written Reprimand will be removed from the official personnel file and retained in the HR-Employee Relations file. The Director has the discretion of pulling the Written Reprimand prior to three (3) years if warranted.

Written Reprimand
(Form ER-2)

Employee Name: _____ Job Title: _____
Date of Hire: ____ Job Title: _____

Supervisor Name: ____ Job Title: _____
Department: ____

I. Disciplinary action is being taken for the following reason(s) (include date(s) of infraction and violation of any stated policy or work rule and any previous infractions/warnings:

II. Explanation (include date(s) and explanation of previous relevant discussions and/or discipline, reference any pertinent documentation):

Form ER-2

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
ND-13	Operating, or directing the operation, of a City of Pensacola vehicle or equipment without proper qualifications or supervision.	Neglect of Duty	W	S	Т	
ND-14	Failure to immediately, report any on- the-job accident to a supervisor or member of the chain-of-command.	Neglect of Duty	W	S	T	
EV-4	Violation of City of Pensacola policies relating to impartiality, use of public property, conflict of interest, disclosure or confidentiality.	Ethics Violation	W	S	T	

Examples of Infraction instances warranting Written Reprimands

Example 1 – Employee has been issued multiple written warning regarding attendance in the last twelve (12) month and the behavior has not been corrected. (Infraction ND-3 (See Table 1)).

Example 2 – Employee causes damage to a City vehicle and fails to report it to his/her supervisor. (Infraction ND-14 (See Table 1)).

Frequently asked questions specific to infractions regarding Written Reprimands

Q: Is it always necessary to proceed a written reprimand with a letter(s) of warning?

A: No, for more serious infractions, a written reprimand may be issued as the initial step in formal discipline.

Q: Once the written reprimand is removed from the employee's official personnel file is it still retained?

A: Yes, it is retained in a separate file in HR-Employee Relations in accordance with Florida Public Records Retention guidelines.

Q: Is a written reprimand grievable?

A: A written reprimand is the first step in the formal discipline process, yes it is grievable.

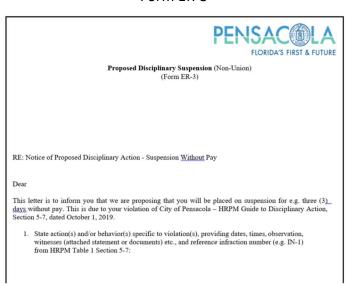
Q: Once a written reprimand is removed from an employee's official personnel file, can it be used to support future disciplinary action?

A: No, you may not use an expired or officially removed written reprimand to support any future disciplinary actions.

2.) Suspension With or Without Pay

A Suspension is the most severe form of discipline, short of demotion or termination, and normally involves time off with or without pay. It is used when a written reprimand has not corrected the inappropriate behavior or when an offense is more serious than that warranting a reprimand. A Suspension may last from one (1) to thirty (30) days depending on the seriousness of the infraction. Any Suspension shall utilize the Proposed Disciplinary Suspension Form and a Notice of Final Decision and must be coordinated with Human Resources in advance and completed by the Department Director prior to issuance to the employee. A final copy will be processed through the Human Resources for inclusion into the official personnel file (OPF).

Form ER-3



Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
EV-5	Conviction of a felony, a misdemeanor conviction involving moral turpitude, or any misdemeanor while in the performance of City of Pensacola duties.	Ethics Violation	S/T	Т		
EV-8	Attempting to coerce or influence a member of the public, fellow employees, subordinates or supervisor with gifts, services, loans or other consideration OR receipt of a fee, gift, or valuable item when such is given or accepted in the expectation of receiving a favor or preferential treatment.	Ethics Violation	S	T		
ND-9	Failure to maintain licenses, certifications and/or other professional credentials required for employment or failure to	Neglect of Duty	S/T	T		

Examples of Infraction instances warranting Suspension (With our Without Pay)

Example 1 - A second offense of insubordination, in which an employee refused to work overtime in an emergency situation. (Infraction IN-3 (See Table 1))

Example 2 - No call or no show for regularly scheduled work for two (2) consecutive days. (Infraction ND-7 (See Table 1))

Frequently asked questions specific to infractions regarding Suspension (With or Without Pay)

Q: Can a documented suspension letter be pulled from the employee's official personnel file?

A: No, unless ordered to do so by an authority such as the City Personnel Board (CPB) or arbitrator's decision or court action.

Q: How long can a suspension remain in the employee's official personnel file?

A: Indefinitely, this is a permanent part of the employee's official personnel file.

Q: Can a suspension be affected with or without pay?

A: Normally yes, however suspensions "with pay" are normally reserved for instances requiring a formal investigation.

Form ER-4

3.) Demotion With or Without a Pay Reduction

Conduct-Based Demotions

On rare occasions, an involuntary demotion may also occur based on poor or unacceptable conduct. With this type of demotion, a Performance Improvement plan is not necessary or required.

- 1. Unacceptable personal conduct violations are outlined in the violations and recommended disciplinary actions in Table I. These conduct violations may include but are not limited to: personal conduct that disrupts work or the work environment, jeopardizes the safety of persons or property, or creates other serious disruptions in the workforce.
- 2. There are circumstances in which unacceptable or bad conduct could warrant imposing disciplinary action that is more severe than suspension but less severe than termination. An acceptable alternative disciplinary action for this type of conduct can be demotion in lieu of termination.

Provided the employee is qualified, a funded vacancy exists, and the Department Director believes that demotion would be a more appropriate disciplinary action than separation/termination; the employee may be involuntarily demoted to another position which may be in a lower pay grade or transferred to another job within the employee's functional unit. In either case the demotion in pay and/or grade would require a minimum ten percent (10%) reduction in base pay, but may not exceed the top of the new pay scale. Prior to demotion, the proposed action must be reviewed and approved by the Director of Human Resources.

4.) Termination

Termination from employment is the most severe form of discipline. It is normally used when an employee has been disciplined repeatedly and commits yet another infraction. It may also be used when the employee has committed any infraction that falls outside normal progressive discipline guidelines, regardless of disciplinary history. The Notice of Proposed Termination of Employment (See Form ER-5) will be approved/disapproved by the Human Resources Director prior to issuance by the Department Director.

Form ER-5



Proposed Termination of Employment (Form ER-5)

Current Date:

Employee Name: Street Address City, State, Zip Code

RE: Notice of Proposed Disciplinary Action - Termination of Employment

Dear Mr. /Mrs. /Ms.: (Employees Last Name)

This letter is to inform you that we are proposing that your employment with the City of Pensacola be terminated. This is due to your violation of HRPM Guide to Disciplinary Action, Section 5-7, Table 1 dated October 1, 2019.

 State any previous conduct or infraction(s) forming the basis for this action (reference any previous reprimands or suspensions) if applicable.

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
ND-16	Possession or sale of alcohol or illicit drugs on City of Pensacola property (including vehicles).	Neglect of Duty	T			
ND-17	Working under the influence of alcohol or illicit drugs.	Neglect of Duty	Т			
EV-11	Engaged in outside employment activity while using PTO, workers compensation leave, or emergency leave.	Ethics Violation	T			

Examples of Infraction/instances that warrant Termination

Example 1 – Employee serving probationary rehabilitation for a previous offense of being under the influence of alcohol at work was tested showing a blood alcohol of 0.15 which is above the legal limit, and constitutes grounds for termination. (Infraction ND-10 (See Table 1))

Comment: An alternative, may be demotion to a lower level vacate position for which the person is qualified that does not require a CDL.

Example 2 – Suspension or revocation of a CDL which is a stated minimum qualification for a position is grounds for termination. (Infraction ND-17 (See Table 1))

Frequently asked questions specific to infractions regarding Termination

Q: Can a terminated employee file an appeal with the City Personnel Board?

A: Yes, if they are not a member of a bargaining unit or SES employee.

Q: Can a probationary employee file an appeal for a termination?

A: No, per the Human Resources Policy Manual in order to file an appeal, the employee must have satisfactorily completed the probationary period.

Q: Can an employee be terminated without going through the steps of progressive discipline?

A: Yes, if the infractions is sufficiently heinous or blatant and/or gross misconduct.

Form ER-6



Notice of Disciplinary Decision (Form ER- 6) (Termination)

Current Date:

Employee Name: Street Address City, State, Zip Code

REF: Notice of Proposed Disciplinary Action - Termination of Employment

Dear Mr. /Mrs. /Ms.: (Employees Last Name)

We have carefully considered all the evidence you have submitted and have decided to terminate your employment.

Conduct Based

A. Discipline Guidelines and Procedure

- 1. Suspensions (for any reason), terminations, and demotions are permanent actions and will be retained in the official personnel file indefinitely.
- 2. Any disciplinary action recommending a suspension, demotion, or termination must be in writing and coordinated Human Resources-Employee Relations (ER) prior to disciplinary action being imposed.
- 3. An effective discipline program is characterized by the uniform application of the principles of progressive discipline and rules and regulations. Generally, like offenses should result in similar disciplinary actions. At the same time, the supervisor administering the discipline may consider additional factors such as years of service and organizational consistency.
- 4. It is recognized that similar offenses may result in different disciplinary actions, depending on work history, circumstances, and the severity of the offense. For example, an employee who is charged with "absence without leave" (AWOL) for a two-week absence may be terminated while an employee who is charged with AWOL for a two-hour absence may only receive a one-day suspension. Both employees are charged with the same offense, but receive different disciplinary actions.
- 5. Other factors that may influence the severity of disciplinary action include, but are not limited to, the following: the length of the employee's service, the quality of the employee's service, the cost involved, and cooperation of the employee in the investigation of the specific incident. Ensuring that disciplinary actions are administered in a fair, consistent, and non- discriminatory manner is ultimately the responsibility of the Human Resources Director.
- 6. An employee may not be punished more than once for the same offense by any other management official of City of Pensacola. Previous offenses may, however, be taken into account when considering future discipline. Disciplinary actions by law enforcement or any other outside agency does not prohibit City of Pensacola from also taking disciplinary action. For example, if an employee is issued a citation by law enforcement during the investigation of an "at fault" accident, this does not prohibit the City of Pensacola from imposing disciplinary action as well.
- 7. In determining the proper level of disciplinary action, which would be suitable to a particular offense, refer to "Guidelines for Disciplinary Actions" (Table 1). This Table of Guidelines for Disciplinary Actions (Table 1) provides examples of misconduct but may not

be all-inclusive. City of Pensacola has the right to discipline an employee for offenses not specifically listed. If an act or violation is of a very serious nature, intermediate levels of progressive discipline may be bypassed with more severe penalties imposed.

8. In addition to a thorough narrative with any supporting evidence as necessary, supporting the reason(s) for the charges or offense in question, the Department Director should cite any applicable "Violation Reference" code found on the table of guidelines. More than one reference may be cited in making record of the disciplinary action. The specific action or punishment to be taken is at the discretion of the Department Director; particularly egregious violations may bypass the progressive discipline process.

<u>Note:</u> The City Personnel Board (CPB) shall consider only Appeals of Non-Union (NU) employees as it relates to suspensions, separations, demotions, or terminations. Decisions of the CPB may be overturned by the Mayor.

B. Discipline Procedures

1. Informal Discipline - Verbal or Written Warning

- Step 1: Document incident or performance shortfall
- Step 2: Schedule meeting with employee to discuss facts
- Step 3: Provide opportunity for employee to provide feedback and evidence pertinent to the issue at hand.
- Step 4: After consideration of employee response and all relevant information determine using progressive discipline guidelines appropriate means to correct behavior.
- Step 5: If warranted, consider verbal counseling or issue letter of warning to be filed in department administrative file.

2. <u>Formal Discipline – Written Reprimand</u>

- Step 1: Document Incident
- Step 2: Review past performance and conduct violations for recency is and relevance.
- Step 3: Schedule pre-meeting with employee to discuss the evidence and any relevant information
- Step 4: Allow employee to provide feedback
- Step 5: After consideration, and if warranted coordinate with Human Resources and issue a Written Reprimand
- Step 6: Provide original signed copy to employee official personnel file, where it will remain for up to three (3) years.

3. <u>Formal Discipline – Suspension (Without Pay)</u>

- Step 1: Document Incident to include any witnesses, records, or photographs.
- Step 2: Review past performance and conduct violations for recency and relevance.
- Step 3: Coordinate with the Human Resources Department (Employee Relations) regarding appropriate course of action.
- Step 4: Complete the Proposed Discipline Action form ER-3 and refer to Table 1 for appropriate charge.
- Step 5: Schedule meeting with employee and present proposed action, explain evidence and rationale for proposing said action.
- Step 6: Invite employee to rebut the evidence orally or in writing within five (5) working days of this meeting.
- Step 7: Schedule follow up meeting to listen and discuss employee's rebuttal, document meeting and have a witness there to take notes.
- Step 8: Provide written decision letter to employee within five (5) days of meeting.
- Step 9: Coordinate Final Decision Letter and determination of discipline with Human Resources (Employee Relations).
- Step 10: Issue Suspension letter form ER-4 specifying dates without pay to employee. Request signed receipt and submit originals to Human Resources with Personnel Action (PA) for processing.

4. Formal Discipline – Termination

- Step 1: Document Incident to include any witnesses, records, or photographs.
- Step 2: Review past performance and conduct violations for recency and relevance.
- Step 3: Coordinate with the Human Resources Department (Employee Relations) regarding appropriate course of action.
- Step 4: Complete the Proposed Discipline Action form ER-5 and refer to Table 1 for appropriate charge.
- Step 5: Schedule meeting with employee and present proposed action, explain evidence and rationale for proposing said action.
- Step 6: Invite employee to rebut the evidence orally or in writing within five (5) working days of this meeting.
- Step 7: Schedule follow up meeting to listen and discuss employee's rebuttal, document meeting and have a witness there to take notes.
- Step 8: Provide written decision letter to employee within five (5) days of meeting.

Step 9: Coordinate – Final Decision Letter and determination of discipline with Human Resources (Employee Relations).

Step 10: If appropriate and supported by the evidence, issue Termination Letter form ER-6 specifying termination date to employee. Request signed receipt and submit originals to Human Resources with Personnel Action (PA) for processing.

Section 2 - Employee Discipline - Performance Based

Exceptional leaders use performance management to help create a positive, productive, engaging workplace culture. Great leaders create environments in people put forth their best efforts, grow, thrive, and find a powerful sense of meaning in serving our community. Development of every employee into a true "High Performer" is not always possible, despite our best efforts. Coaching, counselling, mentoring, and providing every reasonable training and education assistance does not always prove to be successful. In cases where informal and documented feedback regarding the need for improvement has not been effective, taking the next step to correct or improve performance may involve progressive discipline.

The City of Pensacola generally follows a policy of progressive discipline for job performance based actions. Initially, ongoing performance conversations are expected of all employee-supervisory interactions to provide positive and constructive guidance for continuous growth and development. In cases where poor performers have been identified, a performance improvement plan (PIP) may be required as a final step to returning the employee to at least an acceptable level of competence for the position.

Performance Conversations

Performance conversations are those coaching conversations that are designed to meet the teammate where they are and offer specific direction based on the leader's assessment of their performance. Research conducted by Quint Studer and Studer Group indicate that about 34% of employees are High Performers, roughly 58% in the Middle/Solid Performer group and about 8% in the Low Performer category. Oddly enough, Dr. Deming made the same observation over 50 years ago.

The needs of each of these segments are different, let's review.

High Performer

The High Performer almost always exceeds expectations. Their work processes are standardized and executed in a consistent way. They are a role model for other employees. Your goal in High Performer conversations is to re-recruit them, let them know how valuable they are to the City and where they fit in the long-term outlook for City. High Performers want additional development opportunities, your conversation should invite them to identify opportunities for future growth and development and your goal as a leader is to provide those opportunities.

High Solid Performer

The High Solid meets expectations but their work is not consistently excellent. They are a solid member of your team and are likely someone you think has the capability of becoming a High Performer. For the High Solid, be sure and reinforce to them when you observe good work, letting them know what "right looks like." Ask their input on areas that they see need improvement and further growth. Remind them of their value to the City. Reinforce the values that they bring to the City.

Low Solid Performer

The Low Solid needs improvement, they rarely perform excellent work. The conversation with a Low Solid is much more directed by the leader, focusing on the skills that need improvement. Give them opportunity to practice new skills and receive specific feedback and coaching on these skills. Stress the need for improvement and the assistance you are willing to give to support this person.

Low Performer

The Low Performer's work is unsatisfactory, does not meet expectations. This conversation is focused on specific feedback and reviews the consequences if no improvement is demonstrated. Provide coaching and support specific to the Low Performer's shortcomings. Follow through in a specific timeframe to assess improvement and follow through with a Performance Improvement Plan (PIP) if no improvement is demonstrated.

Template for Performance Conversation with a Low Performer

These performance –based conversations should be documented by the supervisor using outline below and including any observations or relevant feedback in the notes section.

Name:	DATE

Low Performer Model	Discussion Notes
Direct: Be specific about the shortcomings you have observed and why it is not acceptable.	
Focus: Ask them for areas of improvement, be specific about what "right looks like."	
Practice: Be clear about the needed improvements, your expectations and what is to be done and by when.	
Feedback: Observe them over the time and provide feedback during your follow-up meeting.	
Reflect: In your follow-up meeting, have the employee explain what they have learned and which skills have improved.	
Follow-Up: If the employee makes sufficient progress, show your appreciation. If not, engage in a more specific conversation that may include goals and timelines.	

Observer Notes/Comments:

Low Performer Follow-up Conversation Guide and Observation Sheet

Name:	 Date	

Low Performer Model - DESK	Discussion Notes
Describe: Outline the unacceptable actions, use evidence.	
Evaluate: Be clear about how this behavior impacts the team, Department, and the City.	
Show: Show the expected actions.	
DO NOT use positives such as "I believe in you." Or, "You have been a good employee for the City."	
Know: Make sure the employee is clear about what is expected and when.	
Follow Up: Establish follow-up meeting time and follow through.	

Observer Notes/Comments:

Performance Improvement Plan (PIP)

Reference: HRPM Chapter 2-11

For Low Performers that have not responded positively to previous performance feedback, you provide may proceed on to development of a PIP if no significant improvement is observed. At this point in the process, the sub-standard performance will be tied in to the performance appraisal and review procedures outlined in the HRPM Ch 2-11.

Development of the Performance Improvement Plan (PIP)

As a general rule, PIPs are designed to address job performance issues and not conduct based employee behavior (see Section I for guidance on Conduct-Based Disciplinary actions).

The use of a performance improvement plan (PIP) can range from employees who may be new to a role and require further development of job skills, knowledge, or understanding or who are unclear on performance expectations to employees who are regularly falling short of meeting performance expectations.

The documentation in HR NEOGOV will be used to guide the process. It is a critical tool as it helps facilitate performance discussions, records areas of concern and ways to correct them, and serves as legal and decision-making documentation. The PIP should include the following components:

- Employee information;
- Relevant dates;
- Description of performance discrepancy/gap;
- Description of minimal level of competency;
- Description and numerical rating(s) of actualperformance;
- Description of consequences;
- Plan of action to correct performance, normally over the next ninety (90) days;
- Signatures of the manager and the employee acknowledging and documenting the extension of the rating process due to a PIP; and
- Evaluation of plan of action and overall performance improvement plan and specific date for completion;
- Providing a new summary performance rating is required at the end of the ninety (90) day PIP.

A statement regarding expectations for sustained or consistent performance should be included to ensure that true performance improvement has been attained. If successful completion of the PIP is part of the consideration for qualification for a merit increase, language in the document should specify that the employee will then be eligible for a merit increase, not to exceed 1%, retroactive to the original date when an increase would have been effected.

However, failure to improve or to meet expectations regarding "an acceptable level of competence" (i.e. overall rating of 2.5 or higher in the HR NEOGOV System) in the position indicates a failure to qualify for any merit increase. At the discretion of the supervisor, subsequent corrective disciplinary action may also be taken due to failure to meet minimum job performance requirements, e.g. reassignment, demotion, or termination.

Steps to Progressive Discipline - Performance Based

A. Informal Discipline

Letter of Warning

A letter(s) of warning should be issued citing the documentation already established from previous coaching, counselling, and performance reviews. Instances referred to may include any performance standard where the employee is not meeting minimal requirement for the position. The warning should recap previous attempts to identify performance shortfalls and any failure(s) to improve. Form ER-1 may be used to document this action.

Examples of performance-based infractions

<u>Example 1</u> – Employee receives customer service complaints and records by category and forwards to City department responsible for corrective action. In past 60 days employee miscoded 20% of incoming calls leading to time wasted in re-routing of actions. A letter of warning issued regarding high error rate.

<u>Corrective Action</u> – Supervisor meets with employee and reviews current process establishes performance standard of not to exceed 5% of mis-coding in each 30 day reporting period.

B. Formal Discipline

Employee has received several verbal and written warnings over the past 6 months but has failed to come up to standards.

<u>Example 1</u> – This mechanic has failed to meet shop standards, exceeding labor rate charges for repairs consistently by 30-35% each month. A written reprimand is issued for the substandard work performance.

<u>Corrective Action</u> – Direct employee to successfully complete ASE training in brakes and fuel systems in 90 days.

<u>Corrective Action - 90-Day Plan</u> (PIP) – Establish performance standard of not to exceed 10% variation over shop repair work guidelines for service charges. This will be calculated at the end of each month for the next 90 days for all repair jobs assigned.

Sample: Performance Improvement Plan Form SAMPLE: Performance Improvement Plan Form (Required for a principal placed on a Performance Improvement Plan) Principal: | Nchool: | Nchool Year: | | Nchool Year: | | Performance Deficiencies | Nchool Year: | Nchool

Performance Improvement Plan Form

Based on a failure to come up to a minimum of 2.5 or better on the annual performance appraisal or on the summary score after the end of the 90 day PIP period, supervisors may normally take the following actions:

1. **Demotion** to a vacant lower grade position for which the employees is fully qualified and capable of performing at an acceptable level of competence.

Performance-Based Demotion

An involuntary demotion may occur based on poor performance and is appropriate where:

- 1. The employee's inability to perform current job duties has been demonstrated and documented in the employee's file through one or more Performance Improvement Plans(PIP);
- 2. The employee's record is otherwise satisfactory and no other active rule violations exist, e.g. attendance, punctuality etc.;
- 3. The employee is qualified for the lower grade or alternative position;
- 4. The employee has the ability, is qualified, and a vacancy exists, the employee may be demoted to another position which may be in a lower pay grade or transferred to another job within the employee's functional unit;
- 5. The Director of Human Resources has provided final approval for a demotion.

Performance-Based Demotions with pay reductions may be considered in cases where moving the person out of their current position is more appropriate than termination.

2. **Separation** from employment following a failed PIP

<u>Example 1</u>: Joe is hired as an Auto/Equipment Mechanic I (AEMI) and successfully completes probation which is 6- months. After the six-month probationary period ends and within his second year in the position Joe earns a 3.52 merit rating and a 2% merit pay increase. Subsequently Joe applies for and is selected for the Auto/Equipment Mechanic II (AEMII) position. After a year in the new position Joe has failed to be certified and has two written warnings regarding failure to meet performance standards. The supervisor has given Joe a 2.32 performance rating and is considering next steps. What would you do?

<u>Corrective Action (Demotion)</u> – Contingent on their being a vacancy the supervisor with guidance from HR and approval from his department director may offer the option to demote the employee back to his previous position based on his high level of performance documented in that position.

<u>Corrective Action</u> (PIP) – Direct employee to successfully complete a 90 day performance improvement plan (PIP) which outlines, specific performance goals and timeframes for completion.

<u>Corrective Action (Separation)</u> – If the employee does not successfully complete the 90 day (PIP) and there is no vacant position that would allow for the demotion option, at the time the supervisor can move to separate employment.

Separation from Employment During Probationary Period

Although employees within the probationary period of employment (six-months) do not have access to the steps of progressive discipline we do require contact with Human Resources(Employee Relations) to discuss any infractions for both conduct or poor performance that have been observed by the employee's supervisor during the probationary period. Based on documented evidence of employee issues, an employee can be immediately separated from employment. This decision is made based on evidence presented by the supervisor and consultation with the Department Director and the Assistant Human Resources Director for Employee Relations.

**Separation from Employment During Probation

- Step 1: Supervisor documents employee infraction for both conduct and/or poor performance.
- Step 2: Supervisor informs chain of command within the department regarding the documented incidents and contacts Human Resources (Employee Relations).
- Step 3: Supervisor coordinates with the Human Resources Department (Employee Relations) regarding appropriate course of action.
- Step 4: Supervisor reviews performance and conduct violations with Human Resources (Employee Relations) and based on Human Resources recommendation supervisor completes a session with the employee in which issues are addressed through either a verbal warning, counseling and/or coaching session. Supervisor offers assistance to help address and correct the issue(s) mentioned.
- Step 5: If there is no resolution to the issues discussed, supervisor then has a discussion with Department Director and Human Resources (Employee Relations) regarding moving forward with separation.
- Step 6: Human Resources (Employee Relations) will provide a memo template for separation of employment during probation.
- Step 7: Supervisor will complete memo and forward to Human Resources (Employee Relations) for approval.
- Step 8: Upon approval of memo, supervisor will then schedule a meeting with employee and a witness.
- Step 9: Once the meeting is scheduled the supervisor will inform Human Resources (Employee Relations)
- Step 10: Human Resources (Employee Relations) will contact Human Resources Benefits and Finance Retirement to inform them of upcoming check out.

- Step11: Supervisor will complete final meeting of separation with employee and witness in which supervisor, witness and employee will sign the memo.
- Step 12: Upon completion of the separation meeting the supervisor will send employee to Human Resources (Benefits) for check out.
- Step 13: Supervisor will forward signed memo to Human Resources (Employee Relations).

Discipline Related Table and Forms

Letter of Warning (Form ER-1)

Written Reprimand (Form ER-2)

Proposed Disciplinary Suspension (Form ER-3)

Notice of Disciplinary Decision - Suspension (Form ER-4NU)

Notice of Disciplinary Decision - Suspension (Form ER-4U)

Proposed Termination of Employment (Form ER-5)

Notice of Disciplinary Decision - Termination (ER-6NU)

Notice of Disciplinary Decision - Termination (ER-6U)

Ninety –day (90) Performance Improvement Plan (PIP) (ER-7)

Notice of Disciplinary Decision - Demotion (Form ER-8NU)

Notice of Disciplinary Decision - Demotion (Form ER-8U)

Notice of Disciplinary Decision - Separation (Form ER-9NU)

Notice of Disciplinary Decision - Separation (Form ER-9U)

Proposed Letter of Separation (Form ER-10)

CITY OF PENSACOLA MEDICAL EXAMINATION PROGRAM MEDICAL STANDARDS

Revised 9/16/2024

City of Pensacola MEDICAL EXAMINATION PROGRAM

I. Authority

New employees in the classified and unclassified service of the City, including full time, part time, grant and other employees for whom the City is liable, are required to undergo a medical examination to determine physical and mental fitness for the essential job functions of the position for which they are appointed.

Physical and mental qualifications vary depending on the essential job functions. If a new employee receives a report of mental or physical unfitness, he/she may within five days of receiving notification in writing to the Human Resources Administrator his/her intention to question the physical or mental unfitness. The new employee may select a physician of his/her own choice and is responsible for obtaining and paying for the opinion. The final decision for physical and mental fitness lies with the physician contracted by the City and is the final authority. Employees determined to be physically or mentally unfit to perform the essential job functions of the position, with or without reasonable accommodation, are not considered for appointment.

Any employee of the City may be required to undergo a periodic medical examination to determine physical and/or mental fitness to perform the essential job functions for the position held, if such request is made by the Department Director or by written request of two co-workers. Such medical examinations are made at no expense to the employee. Determination of physical or mental fitness will be by the physician contracted by the City.

When an employee of the City is reported by the physician contracted by the City to be physically or mentally unfit to perform the essential job functions of the position, appropriate action will be taken. This includes, but is not limited to the following accommodations:

- 1. Worker's Compensation
- 2. Leave without pay
- 3. Personal Time-Off (PTO)
- 4. Family and Medical Leave
- 5. Restricted duty
- 6. Administrative leave
- 7. Demotion
- 8. Retirement
- 9. Separation from employment

The duration of these options will be predetermined in writing. Extensions will be granted only under extenuating circumstances, with the approval of the Mayor or Designee. If the employee receives a report of mental or physical unfitness, he/she may, within five days of receiving notification, indicate in writing to the Human Resources Director his/her intention to question the physical or mental unfitness. The employee may select a second physician of his/her own choice and is responsible for obtaining and paying for the opinion. If there is a difference of opinion between the physician contracted by the City and the employee's physician, a third physician will be designated by mutual agreement of the Physician contracted by the City and the employee's physician. The decision of the mutually designated physician shall be the final and binding as to the physical or mental fitness of the employee to perform essential job functions of the position held. The city will pay for the fees of the mutually designated physician.

An employee finally determined to be physically or mentally unfit to perform the essential functions of the job, with or without reasonable accommodation, based on the decision of the physician contracted by the City will be placed on PTO until such time has expired, Family Medical Leave, or placed on leave without pay, retired, transferred, demoted or separated from city service.

II. POLICY

- A. It is the policy of the City to provide a medical examination program which will:
 - 1. Ensure that employees can perform the essential job functions of the position effectively and safely.
 - 2. Provide up to date medical information on city employees necessary to effective personnel utilization.
 - 3. Adequately protects the health and safety of all City employees
 - 4. Afford equal access to all city employment for all qualified people by prohibiting discrimination because of disability. The City will work to ensure the elimination of all barriers to employment and make reasonable accommodation for an employee and / or applicant's disability, unless such accommodation imposes an undue financial and administrative burden on the conduct of the City's business.
- B. Medical examinations will be required, and the medical standards contained herein shall apply to the following groups:
 - 1. New Employees
 - a. New employees prior to starting to work.
 - b. Former employees seeking employment will be treated as new employees for medical purposes.

2. Employees

a. Employees may not return to duty following a prolonged absence of one week or more, due to illness or injury, until

the physician contracted by the City has determined them to be physically or mentally capable of performing the job duties.

C. <u>Medical Groups</u>

All positions are assigned specific medical standards and requirements based on the physical and mental demands of the job. Positions having similar physical and/or mental demands have been placed in numbered Medical Groups, which are generally defined as follows:

- 1. Medical group I-Positions, which require a high degree of physical and mental fitness. These positions may require extreme physical exertion and mental alertness under emergency conditions, including such activities as running, jumping, swimming, climbing, lifting, pulling and carrying heavy weights. These activities may be episodic, sustained and not within a predictable time interval. Special uncorrected vision and hearing requirements may be required. Included are positions such as uniformed fire and police personnel etc.
- 2. Medical Group II- Positions which require considerable physical labor and exertion include such activities as bending, stooping, twisting, lifting, carrying, pulling, pushing, climbing, crawling, extensive, and frequent walking. Most positions require good manual and or finger dexterity and good corrected vision. Included are positions requiring manual labor, equipment operators, automotive mechanics, recreation and inspector positions
- 3. Medical Group III- Positions requiring little physical exertion. Includes administrative and clerical positions.

III. GENERAL PROVISIONS

- A. A medical history evaluation and physical examination, to include such tests as are deemed appropriate by a health care provider which will be conducted to ensure medical suitability for employment. The medical standards listed in Section IV are the guidelines which will be used to determine the medical fitness of all City employees. The medical standards will be reviewed periodically and are not limited to all the listed conditions. Other physical and mental conditions will be addressed on a case-by-case basis.
- B. An individual who is found physically or mentally unfit to perform the essential job functions of the position will be disqualified for that position and the reasons stated by the city physician.
- C. Those employees with temporary or correctible conditions will be advised to return to the City Clinic for evaluation. When such temporary or correctible conditions have been resolved, the employee will be rescheduled for an employment examination with a health care provider. Failure to pursue a prescribed corrective program within the allocated time limit will be cause for withdrawal of employment offer.

IV. MEDICAL STANDARDS

A. General

1. Physique:

Weight- Weight will be reviewed on a case-by-case basis.

- 2. Miscellaneous Conditions:
 - a. Active tuberculosis of any degree is not acceptable for any medical group. May be accepted for employment of adequately treated and no longer communicable as determined by the physician contracted by the City.
 - b. Active venereal disease may be accepted for employment if adequately treated, as determined by the physician contracted by the City.
 - c. Severe cardiovascular disease is not acceptable if it interferes with performance of the essential job functions.
 - d. Uncontrolled or poorly controlled hypertension with evidence of end organ damage is not acceptable for any Medical Group
 - e. Any condition that the City Physician determines would interfere with performance of essential job functions is not acceptable.

B. Eyes

- 1. Distance Vision: Acuity will be tested under standard conditions of illumination and distance with standard eye charts. An individual who normally wears glasses or contact lenses is tested with glasses or contact lenses and without glasses or contact lenses. Vision is recorded in the form of a fraction; the numerator is 20 and the denominator is the value of the smallest test chart line read correctly without squinting.
- 2. Examinees for certain positions in Medical Group I must meet the requirements according to the following standards:

Medical Group I: Police, Officer/Police, Cadet/Crime Scene Analyst/Enforcement Officers and Supervisors- vision must be at least 20/100 in each eye without correction, 20/30 in each eye with correction Firefighter/Fire Cadet- uncorrected vision of 20/100 in each eye for wearers of hard contacts or glasses, no uncorrected criterion for successful long-term soft contact lens wearers. Vision must be at least 20/30 in each eye with contact lenses or glasses

3. Color Vision Requirements:

Free from color blindness for specific occupations (Police and Fire)

4. The following conditions are unacceptable:

- a. Impaired eyelids or chronic inflammation of the eyelids that interfere with vision or do not protect the eye from exposure and interfere with performance of essential job functions.
- b. Pterygium interfering with vision or encroaching on the pupil that interferes with performance of essential job functions.
- c. Corneal scars or ulcers that interfere with performance of essential job functions.
- d. Opacities of the lens that interfere with performance of essential job functions.
- e. Organic diseases of the eye such as untreated glaucoma, tumor, exophthalomos, and abnormal conditions of visual fields that interfere with performance of essential job functions.
- f. Any eye condition that results in the candidate not being able to safely perform one or more of the essential job tasks.

C. Ears, Nose, Mouth, Throat, Larynx, Teeth, Gums, Jaws:

- 1. Hearing or auditory acuity will be determined by audiometric testing. Each ear will be tested separately. Hearing losses found in audiometric testing will be considered for specific jobs on an individual basis.
- 2. Any ear condition (or hearing impairment) that results in the candidate not being able to safely perform one or more of the essential job tasks.
- 3. These conditions are unacceptable, except for those positions allowing less rigorous requirements as previously indicated by the Department Head and approved by the physician contracted by the city:
 - a. Acute or chronic suppurative otitis media interferes with performance of essential job functions.
 - b. Acute or chronic mastoiditis that interferes with performance of essential job functions.
 - c. Perforation of membrane tympani, if symptomatic, which interferes with the performance of essential job functions.
 - d. Absence of teeth or dental disease that interferes with performance of essential job functions.
 - e. Diseases of the jaws or associated tissues that may interfere with ability to perform essential job functions.

D. Lungs and Chest

- 1. The examination of the lungs and chest will include the history of present and past respiratory and chest diseases and may include a chest x-ray.
- 2. Temporary disqualifications:
 - a. Recent fracture of ribs that interferes with performance of essential job functions.
 - b. Acute bronchitis interferes with performance of essential job functions.

- c. Acute or sub acute pleurisy proved non-tuberculosis in origin that interferes with performance of essential job functions.
- d. Atypical or other slow healing pneumonitis that interferes with performance of essential job functions.

3. Unacceptable:

- a. Chronic obstructive pulmonary disease for Medical Groups I and II that interferes with performance of essential job functions.
- b. For firefighters and police officers (Medical Group I) any conditions that may be aggravated by smoke or running such as asthma, etc., that interferes with performance of essential job functions.

D. Heart and Blood Vessels

1. The examination of the heart and blood vessels will include a history, particularly for rheumatic fever, and reaction to effort and exertion. The examination may include special x-ray or EKG procedures. Blood pressure will always be recorded. Exercise tolerance will be determined as prescribed or when indicated.

2. Acceptable:

- a. Heart murmurs considered functional that do not interfere with performance of essential job functions. (Pulmonary systolic murmurs; also faint systolic murmur at apex varying in intensity with respiration and with change of position).
- b. Rapid pulse rate (over 100) not persistent and not true paroxysmal tachycardia that interferes with performance of essential job functions.

3. Unacceptable:

- Heart murmurs from disease or anomalies of valves or vessels that interferes with performance of essential job functions.
- b. Rapid heart rate persistently 100 or over, which interferes with performance of essential job functions on four (4) repeated observations. Further evaluation may be required for Medical Groups I and II.
- c. Angina pectoris that interferes with performance of essential iob performance.
- d. Circulatory failure evidenced by shortness of breath, pain, on exertion jugular vein distention, etc. which interferes with performance of job essentials.
- e. Any serious disturbance of rhythm that interferes with performance of job functions.
- f. Blood pressure, systolic over 150 and diastolic over 90 on repeated examinations. Uniformed fire employees under age 35 cannot have blood pressure that exceeds 140/90; and for uniformed fire employees over age 35 a blood pressure that exceeds 150/90.

- g. Thrombophlebitis, if persistent, or if there is evidence of circulatory obstruction in the involved vein which interferes with performance of essential job functions.
- h. Abnormalities of peripheral vessels such as varicose veins, advanced arteriosclerosis, aneurysm, thromboangitis which interferes with performance of essential job functions.
- i. Pacemaker or by-pass graft surgery for Medical Group I that interferes with performance of essential job functions.
- i. Long term use of blood thinners for Medical Group I and II.

E. Abdominal Organs and Walls:

1. The examination of the abdominal wall and organs will include a history directed toward revealing past or present peptic ulcer, operations, and other disorders not readily identified by vision and palpation.

2. Acceptable:

- a. Abdominal scars, surgical or accidental, that show no hernia defect, and which do not cause pain or other disability.
- b. Relaxed inguinal rings, without hernia sac.
- c. Small non-growing benign tumor of abdominal wall.
- d. Internal and external hemorrhoids, if mild, in degree.
- e. Pregnancy. (After delivery, miscarriage or abortion, an employee's return to work shall be determined by the City Clinic, based upon the written recommendation of the individual's physician and or the report of the City Physician.)

3. Unacceptable:

a. Hernia (inguinal, ventral, large umbilical or other) if not successfully repaired that interferes with essential job functions.

F. Genito- Urinary Organs:

1. The Genito-urinary examination will include history, and a laboratory examination of the urine. Male genitalia will be examined. No pelvic examination of women will be made.

2. Unacceptable:

- a. Must be free from deformities and marked varicocele and hydrocele, enlargement of the testicles, stricture or incontinence of urine that interferes with performance of essential job functions.
- b. Serious kidney disease that interferes with performance of essential job functions.

G. Metabolic, Endocrine or Hemic Disorders:

1. Unacceptable:

a. Untreated toxic goiter that interferes with performance of essential job functions.

- b. Simple goiter with symptoms of pressure on trachea and neck structures which interfere with performance of essential job functions.
- c. Pituitary disorders which interfere with the performance of essential job functions.
- d. Diabetes mellitus that is not controlled or that interferes with performance of essential job functions.

H. Neurological Disorders:

1. The examination will include past and present history designed to reveal conditions such as epilepsy, hysteria, multiple sclerosis, severe head injuries, etc.

2. Acceptable:

a. Paralysis that will not interfere with performance of essential job functions.

3. Unacceptable:

- a. Degenerative disorders that interfere with performance of essential job functions
- b. Residuals of nerve trauma that interferes with performance of essential job functions.
- c. Neurological conditions that are characterized by states of impaired consciousness, treated or untreated, that interfere with the performance of essential job functions.
- d. Migraine, if frequency and severity are sufficient to interfere with performance of essential job functions.

I. Personality Disorders:

1. Employees' classifications may be required to undergo personality testing to assist in determining employability.

J. Muscles, Bones, Joints, Extremities:

1. Unacceptable:

- a. Deviations of the spine that interfere with mobility and weight bearing capability which interfere with performance of essential job functions.
- b. Recent fractures of bones, vertebrae, pelvis, bones in extremities, etc. which do not show signs of proper healing and interfere with performance of essential job functions.
- c. Unhealed dislocations that interfere with performance of essential job functions
- d. Loss of limbs, fingers or toes, or portions thereof, that interferes with performance of essential job functions.
- e. Scars and deformities of extremities that interfere with performance of essential job functions
- f. Foot conditions which interfere with performance of essential job functions
- g. Recent history of knee injury or surgery that interferes with performance of essential job functions

- h. Injury or disease of hand, wrist, or elbow that interferes with performance of essential job functions
- i. Residuals of back injury or spinal surgery that interfere with performance of essential job functions

K. Skin:

- 1. Unacceptable:
 - a. Chronic skin disease that interferes with performance of essential job functions
 - b. Extensive deep scars that interfere with movement or show tendency to break sown and ulcerate which interfere with performance of essential job functions
 - c. Allergic dermatitis that interferes with performance of essential job functions
 - d. Cysts and tumors of the skin that interfere with performance of essential job functions.
 - e. Plantar warts that interfere with performance of essential job functions.



FAMILY AND MEDICAL LEAVE ACT (FMLA) HANDBOOK FOR EMPLOYEES/SUPERVISORS

City of Pensacola Human Resources Department

Family and Medical Leave Act (FMLA) Handbook for Employees/Supervisors

City of Pensacola Family and Medical Leave Policy

The Family and Medical Leave Act (FMLA) allows eligible employees to take up to twelve (12) work weeks of unpaid leave due to certain qualifying circumstances. Employees must provide verbal or written notice of their need for FMLA leave. The employee is required to provide enough information for the City Nurse to determine if the leave may be covered by the City's FMLA Policy. However, if an employee fails to provide advance notice or is incapable of doing so, or if the City subsequently learns that an employee has suffered a serious health condition or has been absent due to a FMLA qualifying event, then the City may, at its discretion, designate the absence(s) as FMLA and provide notice to the employee of this FMLA designation.

A. Who Can Use FMLA Leave

1. Eligibility Requirements

- a. Must have worked for the City twelve (12) months; and
- b. Must have worked at for at least 1250 hours in the last twelve (12) months immediately before leave would begin

B. When Can I Use FMLA Leave?

1. Serious Health Condition (Employee)

An illness, injury, impairment, or physical or mental condition that involves **Either**

- a. Inpatient Care Or
- **b.** Continuing Treatment by a Health Care Provide

2. Employee may take FMLA leave to care for the following:

a. Spouse: A husband or wife who are married to each other in accordance with the laws of the state where the employee resides.

- b. Son or Daughter or "Child": A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, , who is either under the age of eighteen (18) or over the age of (18) and incapable of self-care.
- c. "Parent": A biological, adoptive, step or foster father or mother, or any person who in loco parentis to the employee when the employee was a child.

The most common serious health conditions that qualify for FMLA leave are:

- a. conditions requiring an overnight stay in a hospital or other medical care facility;
- **b.** conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- c. chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
 d. pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).
- **If a person stands in loco parentis (he or she has no biological or legal relationship with the child but provides day to day care or support of a child) or takes care of someone who stood in loco parentis (provided day to day care or support for the employee when they were a child), they are also eligible for FMLA Leave. A child is defined as someone who is under the age of eighteen (18) or over the age of (18) and cannot provide self-care.

Examples:

- An uncle who cares for his sister's children while she serves on active military duty
- A person who is co-parenting a child with his or her same-sex partner

3. Military Family Leave

The FMLA also provides certain military family leave entitlements.

Military Exigency Leave

^{**}Note – The term parent does not include "in-laws."

- You may take FMLA leave for one of the specified reasons below related to n military deployments.
 - Counseling
 - Rest and Recuperation
 - Post-Deployment Activities
 - Additional Activities: Leave to address other events that arise out of a covered service member's call to duty.

Military Caregiver Leave

- Additionally, you may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered service member with a serious injury or illness. "Next of Kin of a Covered Service Member" Is the nearest blood relative other than the covered service member's spouse, parent, or child in the following order of priority:
 - Blood relatives who have been granted legal custody of the covered service member;
 - Brothers and sisters;
 - Grandparents;
 - Aunts and uncles; and First cousins

Military Family Leave qualifies for continuous FMLA leave as well as Intermittent FMLA leave.

4. Expanding your Family

- **a.** Birth of a child of the employee in order to care for the child.
- **b.** Placement of a child with the employee for adoption or fostercare.

C. What Can the FMLA Do for Me?

- 1. An employee who completes a period of FMLA leave will be returned to the same or an equivalent position.
- 2. FMLA leave will not result in the loss of any previously acquired benefit. FMLA leave is to be taken concurrently with all other types of allowable leave.
- 3. The employee may continue participation in the City's group health benefit program during the

^{**}FMLA leave may be taken for birth or placement of a child only within twelve (12) months of that birth or placement. When both spouses work for the same employer i.e. the City the twelve weeks of FMLA leave for "Expanding Your Family" is shared.

^{*}FMLA Parental Leave is Continuous

- employee's FMLA leave status; however, the employee is responsible for paying the employee's portion of the premium.
- 4. If the employee is unable to make payment while on FMLA leave, coverage shall cease within thirty (30) days of delinquent payment, unless the employee has made arrangements with Human Resources for an alternative payment schedule. Upon reinstatement from FMLA leave, the employee is eligible to reenroll in the City's group health benefit program as if newly employed.
- 5. If an employee does not return to work following the expiration of FMLA leave, the City will take action to recover from the employee any unpaid employee premiums, as well as the City's contributions to premiums.

D. Types of FMLA Leave

1. Eligible employees may take Continuous Leave:

Continuous Leave allows the employee up to 12 workweeks of leave in a 12-month period for any FMLA leave reason except military caregiver leave, and up to 26 workweeks of military caregiver leave during a single 12-month period.

Examples:

- Sheila works 32 hours a week. When Sheila needs to take FMLA leave for 12 weeks, she may use up to 32 hours of FMLA leave a week for 12 weeks.
- Chester works 40 hours a week as an administrative assistant. When Chester needs to take FMLA leave for 12 weeks, he may use up to 40 hours of FMLA leave a week for 12 weeks.

2. Eligible employees make take <u>Intermittent or Reduced Schedule Leave</u>.

Employees have the right to take FMLA leave all at once, or, when medically necessary, in separate blocks of time or by reducing the time they work each day or week. Intermittent or reduced schedule leave is also available for military family leave reasons. In certain instances, depending on employee's specific work environment, partial shifts may not be allowed, therefore requiring FMLA leave be used for the entire shift.

^{**}Parental Leave is the exception to intermittent leave and must be taken continuous.

Examples:

- Sheila has a daughter who serves in the Armed Forces and was seriously injured during deployment overseas. Sheila needs FMLA leave for one-half of her usual workweek (16 hours) over the next six months to assist with her daughter's care.
- Chester has a serious mental health condition that sometimes affects his ability to work.
 Occasionally, when Chester is unable to work because of his mental health, he takes
 FMLA leave, usually for one to three weeks at a time. Chester also takes FMLA leave
 every now and then for an hour or two when he has an appointment to see his doctor or attend therapy to treat his condition.

3. Paid Leave

FMLA is job-protected, unpaid leave. Per the City's policy an employee must use their paid leave concurrently with FMLA leave.

Examples:

- When Sheila takes 16 hours of FMLA leave because of her daughter's deployment with the Armed Forces to a foreign country, her employer pays her for her FMLA time off and deducts 16 hours from her PTO leave balance.
- When Chester needs FMLA leave for his own serious health condition, he uses paid leave that is part of his job benefits.

E. Communication with The City

1. Frequently asked Questions

- How is the 12-month period the City uses to keep track of FMLA usage defined.
 - Calendar year, 12 months from the first time you take leave
- Whether you will be required to provide medical certification from a health care provider
 - Yes. The only exceptions to providing a medical certification is Parental-FMLA and
 Military Leave FMLA (except caregiver)
- Your right to use paid leave.
 - FMLA is guaranteed unpaid leave, however the City grants employees permission to use paid leave.

- Whether your employer will require you to use your paid leave.
 - The use of unpaid leave is not a requirement of the City.
- Your right to maintain your health benefits and whether you will be required to make premium payments.
 - City employees are given the right to maintain health benefits, this right does require the employee to make premium payments.
- Your right to return to your job at the end of your FMLA leave.
 - In agreement with FMLA law the City states that an employee must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment upon their return from FMLA-protected leave. An equivalent position is one that is virtually identical to your former position in terms of pay, benefits and working conditions. A specific stipulation to be in accordance with the FMLA leave policy requires communication with the City Clinic and the employee's supervisor on a regular basis according to guidelines outlined on the FMLA Designation Memo Form.

F. Medical Certification

The City FMLA policy requires the employee to submit a medical certification (WH Form 380-E/WH Form 380-F) within fifteen (15) calendar days in most circumstances. Failure on the employee's part to return the requested medical certification form to the City Clinic may result in denial of FMLA leave.

The only exception to the medical certification requirement is Parental-FMLA and Military Leave-FMLA (except caregiver).

Required Information

The medical certification must include some specific information, including:

- **a.** contact information for the health care provider;
- **b.** when the serious health condition began;
- **C.** how long the condition is expected to last;
- **d.** appropriate medical facts about the condition (which may include information on symptoms, hospitalization, doctors' visits, and referrals for treatment);
- **e.** whether you are unable to work or your family member is in need of care; and

f. whether you need leave continuously or intermittently.

G. Return to Work

When you return to work, FMLA Law requires that the City returns employees to the same job that they left, or one that is nearly identical. If the employee is not returned to the exact same job, the new position must:

- involve the same or substantially similar duties, responsibilities, and status;
- **b.** include the same general level of skill, effort, responsibility and authority;
- c. offer identical pay, including equivalent premium pay, overtime and bonus opportunities;
- **d.** offer identical benefits (such as life insurance, health insurance, disability insurance, sick leave, vacation, educational benefits, pensions, etc.); and
- e. offer the same general work schedule and be at the same (or a nearby) location

H. Recertification

When an employer receives information casting doubt on the employee's stated reason for an absence or the continuing validity of the certification, recertification may be requested according to the guidelines stated below:

- > No more often than every thirty (30) days and with an absence
 - a. If the duration on the certification is greater than thirty (30) days, the employer must wait until the minimum duration expires
 - b. In all cases, may request every six (6) months with an absence
- More frequently than every thirty (30) days if:
 - a. The employee requests an extension of leave, or
 - b. Circumstances of the certification change significantly, or
 - c. Employer receives information that casts doubt on the reason for leave
- Consequences of failing to provide certification (or recertification)
 - a. Employer may deny FMLA until certification is received

I. How Do I Request FMLA Leave?

In order to requests FMLA leave the employee should contact the City Clinic. Requests for leave will be

^{**}Keep in mind that if you exhaust your FMLA leave entitlement and are unable to return to work, the City is not required to restore you to your position.

reviewed on a case-by-case basis. It is the obligation of the City of Pensacola to designate leave as FMLA qualifying to anyone who either expressly gives notice or information has been obtained of a qualifying condition.

- ➤ Upon the City Clinic's receipt of the FMLA Request the City Clinic will assign an electronic FMLA Request Memo (CC-381) in Neogov within five (5) days that includes the following information:
 - O Employee's Rights and Responsibilities
 - Contact Information
 - How to Maintain Benefits
 - Return-to-Work Process
 - ** Two attachments will be located at the bottom of the form
 - Medical Certification Form (WH-380E/WH-380F)
 - Job Description

^{**}Please reference City of FMLA Checklist Appendix A for Application Steps and Approval Process.

Definitions

Chronic Conditions: Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.

Conditions Requiring Multiple Treatments: Restorative surgery after an accident or other injury; or a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the patient did not receive the treatment.

Eligible employees: According to City of Pensacola FMLA Policy, employees are eligible if they work for the City for at least 12 months, have at least 1,250 hours of service with the City during the 12 months before their FMLA leave starts, and work at a location where the City has at least 50 employees within 75 miles.

Incapacity Plus Treatment: A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either:

- 1. Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity or,
- 2. At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.

In Loco Parentis: A person stands in loco parentis if that person provides day-to-day care or financial support for a child. Employees with no biological or legal relationship to a child can stand in loco parentis to that child, and are entitled to FMLA leave (for example, an uncle who cares for his sister's children while she serves on active military duty, or a person who is co-parenting a child with his or her same-sex partner). Also, an eligible employee is entitled to FMLA leave to care for a person who stood in loco parentis to that employee when the employee was a child.

Inpatient Care:

- 1. An overnight stay in a hospital, hospice, or residential medical care facility.
- 2. Inpatient care includes any period of incapacity or any subsequent treatment in connection with the overnight stay.

Parent: Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents-in-law.

Permanent Or Long-Term Conditions: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.

Pregnancy: Any period of incapacity due to pregnancy or for prenatal care.

Serious Health Condition: an illness, injury, impairment, or physical or mental condition that involves: 1) inpatient care in a hospital, hospice, or residential medical care facility, or 2) continuing treatment by a health care provider.

Son or Daughter: Son or daughter (or child) means a biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

Spouse: Spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law marriage or same-sex marriage.

Appendix A

FMLA CHECKLIST

Need to Request FMLA? Follow this checklist to make sure you don't skip a step.

- Employee Contacts City Clinic to request FMLA
- City Clinic verifies Eligibility, Type of FMLA and Amount of Time Off Requested
- City Clinic assigns an FMLA Request Memo (CC-381) in NEOGOV (FMLA Request Memo includes the following information:
 - * Employee's Rights and Responsibilities
 - * Contact Information
 - * How to Maintain Benefits
 - * Return-to-Work Process
- ⋄ Employee Must Print two (2) Attachments Located at Bottom of Memo
 - * Medical Certification Form (WH-380E or WH-380F)
 - * Job Description
- Employee must acknowledge receipt of FMLA Request Memo in NEOGOV
- A notification email from NEOGOV will be sent to the City Clinic and Department Head to verify employee received document.
- Upon Receipt by the City Clinic of the completed Medical Certification Form an FMLA Designation Memo (WH-382) will be sent to the employee via NEO-GOV.
- The Department Head, Department Administrative Assistant, Human Resources Department and Finance Department will be copied on the Designation Form as well in order to ensure proper processing for payroll.

^{**}Please Note Designation Form Does Not Contain Sensitive Information**

Appendix B

FMLA Forms

Form CC-381: FMLA Request Memo

Form WH 380-E: Certification of Health Care Provider for Employee's Serious Health Condition under the Family and Medical Leave Act

Form WH 380-F: Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act

Form WH 382: FMLA Designation Memo

Federal Motor Carrier Safety Administration (FMCSA) Summary

Controlled Substances and Alcohol Use and Testing 49 C.F.R. Part 40 & 382

Summary of Federal Motor Carrier Safety Administration (FMCSA)

Controlled Substances and Alcohol Use and Testing 49 C.F.R. Part 382

I - General

Applicability

The rules of Part 382 of the Federal Motor Carrier Safety Administration regulations apply to every person, and to all employers of such persons, who operate a commercial motor vehicle in commerce in any state, and who are subject to: (1) the commercial driver's license requirements of Part 383 of the FMCSA regulations; (2) Licencia Federal de Conductor (Mexico) requirements, or (3) Canadian National Safety Code commercial driver's license requirements.

For purposes of the drug and alcohol rules, an employer is any person, or entity employing one or more employees that is subject to the FMCSA regulations. The employer is the entity responsible for overall implementation of the drug and alcohol program requirements. It also included individuals employed by the employer who take personnel actions resulting from violations of the FMCSA regulations.

A commercial motor vehicle is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight rating of 26,001 or more pounds (inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds); (2) has a gross vehicle weight rating of 26,001 or more pounds; (3) is designed to transport 16 or more passengers, including the driver; or (4) is used to transport hazardous materials that require placarding under the FMCSA's Hazardous Materials Regulations.

Covered drivers are those who operate commercial motor vehicles, as defined by the regulations. This category includes regular, full-time drivers as well as casual, intermittent, volunteer or occasional drivers. It also includes both leased drivers and independent owner-operators who are either directly employed by, or are under lease to, an employer, and those who operate a commercial motor vehicle at the direction of or with the consent of an employer. The term also includes driver applicants, for the sole purpose of complying with pre-employment/pre-duty testing.

Testing Procedures

Employers must ensure that all alcohol or controlled substances testing conducted pursuant to the FMCSA regulations complies with the procedures set forth at 49 C.F.R. Part 40. Certified laboratories are required to test every DOT specimen for specimen validity (possible adulterants and urine substitutes) and follow DHHS protocols for doing so.

Notice Requirement

Before performing an alcohol or controlled substances test under the FMCSA rules, each employer shall notify a driver that the test is required by federal regulations.

Key Definitions

Commercial Driver's License Drug and Alcohol Clearinghouse

This is a secure online database that will give employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations. While Clearinghouse registration is not required for all drivers, a driver will need to be registered to view their own Clearinghouse record electronically, or to provide electronic consent for a current or prospective employer to conduct a "Full Query" (including a pre-employment query) in the Clearinghouse. "Annual Limited Queries" will also be performed by Employers. If a "Limited Query" returns that records were found, a "Full Query" must be conducted on a driver within 24 hours, or the driver must be removed from safety-sensitive functions. If the consent is "Refused" the query cannot be conducted and the driver is removed from safety sensitive functions.

Part 382.601 - The following personal information collected and maintained under this part shall be reported to the Clearinghouse:

- (i) A verified positive, adulterated, or substituted drug test result;
- (ii) An alcohol confirmation test with a concentration of 0.04 or higher;
- (iii) A refusal to submit to any test required by subpart C of this part;
- (iv) An employer's report of actual knowledge, as defined at §382.107:
- (A) On duty alcohol use pursuant to §382.205;
- (B) Pre-duty alcohol use pursuant to §382.207;
- (C) Alcohol use following an accident pursuant to §382.209; and
- (D) Controlled substance use pursuant to §382.213;
- (v) A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;
- (vi) A negative return-to-duty test; and
- (vii) An employer's report of completion of follow-up testing.

Designated employer representative (DER) Name.	is
designated by the company to be available to all drivers for the purpose of ans	wering any
questions about company's Substance Abuse and Alcohol Misuse Policy	, including
information about the availability of materials on substance abuse and alcohol	misuse.
This individual identified by the employer is able to receive communication	ns and test
results from service agents and who is authorized to take immediate actions	to remove
employees from safety-sensitive duties.	

Employee Stand Down

Employers are prohibited from standing employees down before the MRO has completed the verification process, except consistent with a waiver from the FMCSA.

Employee Admission of Alcohol and Controlled Substance Use

Employees who admit to alcohol misuse or controlled substance use are not subject to the FMCSA referral, evaluation, and treatment requirements, if: (1) the admission is in accordance with a written employer established voluntary self-identification program that meets the requirements of Section 382.121(b); (2) the driver does not self-identify in order to avoid a required test; (3) the driver makes the admission prior to performing a safety-sensitive function; and (4) the driver does not perform a safety-sensitive function until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment as required by the employer's program.

Pre-emption

Part 382 of the FMCSA regulations expressly states that it pre-empts any state or local law, rule, regulation, or order, except for state criminal laws.

Prior DOT Employer Checks for Drug and Alcohol Testing Records (49 C.F.R. 391.23/382.413/382.701(a)/40.25). As of January 6, 2020, employers subject to §382.701(a) must also use the Drug and Alcohol Clearinghouse to comply with the requirements of this section with respect to FMCSA-regulated employers. If a driver refuses to grant consent for the prospective motor carrier employer to query the Drug and Alcohol Clearinghouse the prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle. Upon written consent of driver-applicant, employers must request information from previous DOT employers concerning the participation in a controlled substance and alcohol program who have employed the employee during any period during the three (3) years before the date of the employee's application or transfer including refusals to test and positive tests. A good faith effort must be made to obtain by certified mail. Previous employers are required to forward their testing information immediately upon receiving the request. If the employer cannot obtain the testing information from a particular employer, they should document the facts and any related information and retain in files.

NOTE: January 6, 2023 - Once three years of violation data are stored in the Clearinghouse, employers are no longer required to also request information from the driver's previous FMCSA-regulated employers under 391.23(e); an employer's query of the Clearinghouse will satisfy that requirement.

Refusal to consent to a Limited or Full Clearinghouse Query: If a driver refuses to provide consent for their company to conduct a "Limited Query" of the Clearinghouse, the company must prohibit them from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations. If a "Limited Query" returns that records were found, a "Full Query" must be conducted on a driver within 24 hours or the driver must be removed from safety-sensitive functions. If the consent is "Refused" the query cannot be conducted and the driver is removed from safety sensitive functions.

Refusal for Prospective Motor Carrier - If a driver refuses to grant consent for a prospective motor carrier employer to query the Drug and Alcohol Clearinghouse the

prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle.

Refuse to submit (to an alcohol or controlled substances test) §382.107 Definition

means that a driver:(1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see §40.61(a) of this title); (2) Fail to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see §40.63(c) of this title) a pre-employment test is not deemed to have refused to test; (3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63(c) of this title) for a pre-employment test is not deemed to have refused to test; (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see §§40.67(1) and 40.69(g) of this title); (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2) of this title); (6) Fail or declines to take a second test the employer or collector has directed the driver to take; (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment; (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or (9) Is reported by the MRO as having a verified adulterated or substituted test result.

Refusal to take a DOT drug test, and what are the consequences? §40.191

- (a) As an employee, you have refused to take a drug test if you: (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see §40.61(a));
- (2) Fail to remain at the testing site until the testing process is complete; Provided, That an employee who leaves the testing site before the testing process commences (see §40.63 (c)) for a pre-employment test is not deemed to have refused to test;
- (3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; *Provided*, That an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63 (c)) for a pre-employment test is not deemed to have refused to test;

- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see §§40.67(l) and 40.69(g));
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2));
- (6) Fail or decline to take an additional drug test the employer or collector has directed you to take (see, for instance, §40.197(b));
- (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or
- (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- (9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- (10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- (11) Admit to the collector or MRO that you adulterated or substituted the specimen.
- (b) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- (c) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.
- (d) As a collector or an MRO, when an employee refuses to participate in the part of the testing process in which you are involved, you must terminate the portion of the testing process in which you are involved, document the refusal on the CCF (including, in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. As a referral physician (e.g., physician evaluating a "shy bladder" condition or a claim of a legitimate medical explanation in a validity testing situation), you must notify the MRO, who in turn will notify the DER.

- (1) As the collector, you must note the refusal in the "Remarks" line (Step 2), and sign and date the CCF.
- (2) As the MRO, you must note the refusal by checking the "Refusal to Test" box in Step 6 on Copy 2 of the CCF, checking whether the specimen was adulterated or substituted and, if adulterated, noting the adulterant/reason. If there was another reason for the refusal, check "Other" in Step 6 on Copy 2 of the CCF, and note the reason next to the "Other" box and on the "Remarks" lines, as needed. You must then sign and date the CCF.

Refusal to take an alcohol test, and what are the consequences? § 40.261

- (a) As an employee, you are considered to have refused to take an alcohol test if you:
- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see §40.241(a));
- (2) Fail to remain at the testing site until the testing process is complete; Provided, That an employee who leaves the testing site before the testing process commences (see §40.243(a)) for a pre-employment test is not deemed to have refused to test;
- (3) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; Provided, That an employee who does not provide an adequate amount of breath or saliva because he or she has left the testing site before the testing process commences (see §40.243(a)) for a pre-employment test is not deemed to have refused to test;
- (4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.265(c));
- (5) Fail to undergo a medical examination or evaluation, as directed by the employer as part of the insufficient breath procedures outlined at §40.265(c);
- (6) Fail to sign the certification at Step 2 of the ATF (see $\S 40.241(g)$ and 40.251(d)); or
- (7) Fail to cooperate with any part of the testing process.
- (b) As an employee, if you refuse to take an alcohol test, you incur the same consequences specified under DOT agency regulations for a violation of those DOT agency regulations.
- (c) As a BAT or an STT, or as the physician evaluating a "shy lung" situation, when an employee refuses to test as provided in paragraph (a) of this section, you must terminate the portion of the testing process in which you are involved, document the refusal on the

ATF (or in a separate document which you cause to be attached to the form), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures the refusal notification is immediately received. You must make this notification directly to the DER (not using a C/TPA as an intermediary).

Substance Abuse Professional (SAP) is a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC)] with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. A SAP is the person who evaluates employees who have violated a DOT drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. Before a SAP can report any information to the Clearinghouse, the SAP must be designated by a driver on the Clearinghouse. FMCSA noted a driver should establish a relationship with a SAP prior to designating them in the Clearinghouse. The SAP will have to accept the driver's request through the Clearinghouse. Per § 382.705(d), a SAP must report the following information about a driver's RTD process to the Clearinghouse: (1) the date of the initial SAP assessment, and (2) the date the SAP determines that the driver is eligible for RTD testing, due to completion of the education/treatment plan. SAPs do not upload the education/treatment plan, reports, or any other information to the Clearinghouse. This information must be provided to the driver's employer outside the Clearinghouse, using the same means as before January 6, 2020.

Safety-sensitive functions include: (1) all time waiting to be dispatched, unless the driver has been relieved from duty by the employer; (2) all time inspecting equipment or otherwise inspecting, servicing, or conditioning a commercial motor vehicle at any time; (3) all time spent at the driving controls of a commercial motor vehicle in operation; (4) all time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth; (5) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in the readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. A driver is considered to be performing a safety-sensitive function during any period in which he is **actually performing**, **ready** to perform, or immediately **available** to perform any safety-sensitive functions.

II - Prohibitions

Employers may not permit any driver to perform or continue to perform safety-sensitive functions if the employer has actual knowledge that the driver: (1) has an alcohol concentration of 0.04 or greater; (2) is using alcohol while performing safety-sensitive functions; (3) has used alcohol within four hours; (4) has used a controlled substance; (5) has tested positive for controlled substances; or (6) has adulterated or substituted a test specimen for controlled substances. See 382.201, 205, 207 & 213.

Employers may not permit drivers who refuse to submit to required alcohol or drug tests to perform or continue to perform safety-sensitive functions. Employer *may* require drivers to inform the employer of any therapeutic drug use.

III - Tests Required

Pre-employment Testing:

Drug Testing: You are required to: (1) Conduct a pre-employment drug test; and (2) Receive from the MRO a negative test result on the pre-employment drug test for a person prior to hiring or prior to using that person in a safety-sensitive position for the first time. This requirement also applies when a current employee is transferring from a non-safety sensitive position to a safety-sensitive job for the first time. You are required to conduct pre-employment tests each time a driver returns to work after a layoff period when the driver has not been subjected to random controlled substances testing for more than 30 days or has been employed by another entity.

Clearinghouse 382.701(a) Pre-employment query required. (1) Employers must not employ a driver subject to controlled substances and alcohol testing under this part to perform a safety-sensitive function without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge, as defined at §382.107, that the driver used alcohol on duty in violation of §382.205, used alcohol before duty in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a controlled substance, in violation of §382.213. (2) The employer must conduct a full query under this section, which releases information in the Clearinghouse to an employer and requires that the individual driver give specific consent.

Alcohol Testing for Pre-employment is optional. If an employer chooses to conduct pre-employment alcohol testing, it must: (1) conduct the test before the employee first performs safety-sensitive functions; (2) test all safety sensitive employees; and (3) conduct the test after making an offer of employment contingent on passing the test.

Post-Accident Testing

As soon as practicable following an accident involving a commercial motor vehicle, employers must test each surviving driver for alcohol and controlled substances: (1) if he or she was performing safety-sensitive functions with respect to the vehicle, and the act involved a fatality; or (2) if the driver receives a citation under state or local law for a moving traffic violation arising from the accident, and the accident involved either bodily injury requiring medical treatment away from the accident scene or disabling damage to one or more motor vehicles.

An alcohol test should be administered within 2 hours following the accident. If a required alcohol test is not administered within 2 hours the employer must prepare a

record stating the reasons why the test was not administered promptly. An alcohol test must be administered within 8 hours after the accident, if not, the employer should cease its efforts to administer the test, and prepare a record stating the reasons why the test was not administered promptly. If a required controlled substances test is not administered within 32 hours following the accident, the employer should cease attempts to administer the test and prepare a record stating the reason why the test was not administered promptly. These records may be requested by the FMCSA.

Employers must provide drivers with necessary post accident information, procedures, and instructions prior to the driver operating a commercial motor vehicle, so that they will be able to comply with the post-accident testing requirements of the regulations. Drivers are **prohibited** from using **alcohol** for **(8) eight hours** following an accident **or until** they have undergone a post-accident **alcohol test**. An employer may deem a driver who is subject to post-accident testing and does not remain readily available for such testing as having refused to submit to testing.

The results of a breath or blood test for alcohol or a urine test for controlled substances that is conducted by federal, states, or local officials having independent authority for the test shall be considered to meet the requirements of this section, provided that the tests conform to applicable federal, state, or local requirements, and the results are obtained by the employer.

Random Testing

Employers must randomly select a sufficient number of drivers for testing during each calendar year to equal not less than the minimum annual percentage rate for random alcohol and controlled substances testing determined by the FMCSA Administrator. The selection of drivers for random alcohol and controlled substances testing must be made by a scientifically valid method, and each driver must have an equal chance of being tested each time selections are made. Employers must require that each driver who is notified that he or she has been selected for random testing, **proceed to the test site immediately**.

The minimum annual testing rate for random **alcohol testing** is 10 percent (10%) of the number of drivers utilized by the employer during the selection period. The minimum annual testing rate for random **controlled substances testing** is fifty percent (50%) of the number of drivers utilized by the employer during the selection period. Employers must ensure that random alcohol and controlled substances tests are **unannounced**, and that the dates are spread reasonably throughout the calendar year.

A driver may be tested for alcohol use only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

Reasonable Suspicion Testing

Employers must require drivers to submit to alcohol tests whenever the employer has a reasonable suspicion to believe that the driver has violated the FMCSA's prohibitions on alcohol use. Employers must require drivers to submit to controlled substances tests

whenever the employer has reasonable suspicion to believe that the driver has violated prohibitions of the regulations concerning controlled substances. For purposes of complying with FMCSA regulations, an employer's "reasonable suspicion" must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors, of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. The required observations must be made by a supervisor or company official who is trained in accordance with the agency's regulations. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not conduct the alcohol test of the driver. A written record must be made of the observations leading to a controlled substances reasonable suspicion test within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

Alcohol testing is authorized *only* if the observations required are made during, just preceding or just after the period of the work day that the driver is required to be in compliance with this part. A driver may be directed to undergo reasonable suspicion testing *only while* the driver is performing safety-sensitive functions, just *before* the driver is to perform safety-sensitive functions, or just *after* the driver has ceased performing such functions. If a required **alcohol test** is not administered **within 2 hours** of the reasonable suspicion determination, the employer must prepare a record stating the reasons **why** the test was not administered promptly. If a requested **alcohol test** is not administered **within 8 hours** of the reasonable suspicion determination, the employer should cease its efforts to administer the test, and prepare a record stating the reasons **why** the test was not administered promptly.

Notwithstanding the absence of a reasonable suspicion alcohol test, no employer who reasonably believes a driver may be impaired may permit a driver to perform or continue to perform safety-sensitive functions, until: (1) an alcohol test is administered and the alcohol concentration is less than 0.02; or (2) 24 hours have elapsed following the reasonable suspicion determination.

The FMCSA rules provide that employers may not take any action against a driver under the authority of the regulations based solely on behavior or appearance, with respect to alcohol use, in the absence of an alcohol test. Nonetheless, the agency's rules note that this limitation does not prohibit an employer from acting on authority independent of the FMCSA regulations e.g. union contract language or company policy, so long as that action is otherwise consistent with the law.

Return-to-Duty Testing

Return-to-duty testing must be performed in accordance with 49 C.F.R. Part 40, Subpart O. DOT **Return-to-Duty collections must be directly observed** by the same gender as employee.

Each employer must ensure that before a covered employee returns to safety-sensitive employment after engaging in prohibited alcohol-related conduct, the employee undergoes a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02. Each employer must ensure that before a covered employee returns to

safety-sensitive employment after engaging in prohibited drug-related conduct, the employee undergoes a return-to-duty drug test with a negative result. The return-to-duty test cannot occur until after the Substance abuse Professional (SAP) has determined that the employee has successfully complied with the prescribed education and/or treatment.

Follow-up testing

Follow-up testing must be performed in accordance with 49 C.F.R. Part 40, Subpart O. DOT **Follow-up test collections must be directly observed** by the same gender as the employee.

Each Employer must ensure that an employee who engages in prohibited conduct is subject to unannounced follow-up testing as directed by the Substance Abuse Professional. The number of and frequency of tests shall be determined by the employer's SAP, but shall consist of at least six tests in the first 12 months following the employee's return to duty. Follow-up testing shall not continue for more than 60 months after the date the individual beings to perform or returns to the performance of a safety-sensitive function.

Handling of Test Results, Record Retention, and Confidentiality

Employers **must maintain records** of the alcohol misuse and controlled substances use prevention program as provided in the FMCSA regulations. The types of records, the periods of retention, and the location of records are specified in the agency's rules. Employers must prepare and maintain a summary of the results of their alcohol and controlled substances testing programs, when requested by the Secretary of Transportation, and DOT agency, or state or local officials with regulatory authority over the employer or any of its drivers. Employers must submit a report of the annual calendar year summary information to FMCSA by March 15 if the agency requests in January.

Employers may not release driver information that is contained in records required to be maintained under Part 382 except as required by law or expressly authorized by the FMCSA regulations. For example, an employer may disclose information required to be maintained under the regulations to the decision maker in a lawsuit, grievance or other proceeding initiated by the individual and arising from the results of an alcohol and/or controlled substances test administered under the regulations, or from the employer's determination that the driver engaged in conduct prohibited by the FMCSA rules. This includes a workers' compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver.

Employers must notify drivers of the results of pre-employment controlled substance tests, if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application. An employer must notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substances if the test results were verified as positive. The employer shall also inform the driver which controlled substances were detected and verified.

Period of Retention:

Five Years: Records of driver alcohol test results indication a concentration of 0.02 or greater; Records of driver verified positive controlled substances test results; Documentation of refusals to test; Driver evaluations and referrals; records related to the administration of the alcohol and substance abuse programs; the annual MIS report required by Sec. 382.403.

Three Years: Information from previous employers under §40.25 concerning drug and alcohol results.

Clearinghouse Records Three Years: Employers must retain records of drivers' limited consent for 3 years. This does not have to be retained in the driver qualification file, but the employer must be able to provide evidence upon request. A history of an employer's full and limited queries, including those conducted by a designated C/TPA, is maintained in the Clearinghouse. This includes records of the driver's response to consent requests for any full queries conducted or initiated.

Two Years: Records related to the alcohol and controlled substance collection process.

One Year: Records of negative and canceled controlled substance and alcohol test results (as defined in Part 40).

Indefinite Period: Records related to education and training of supervisors and drivers shall be maintained for two years after ceasing to perform those functions.

Consequences for Drivers Engaging in Substance Abuse-Related Conduct

An employer may not permit a driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if the employer determines that the driver has violated Part 382. The driver may not reassume safety-sensitive employment until the driver has met the requirements for referral, evaluation and treatment, and has taken and passed an observed return-to-duty test.

Employers may not permit a driver who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04 to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. However, employers *may not* take additional action against a driver based solely on test results showing an alcohol concentration that is less than 0.04. Nonetheless, the agency's rules note that this limitation does not prohibit an employer from acting on authority independent of the FMCSA regulations, so long as that action is otherwise consistent with the law.

Alcohol Misuse and Controlled Substances Use Information, Training and Referral Employers must provide drivers with educational materials that explain requirements of Part 382 of the FMCSA regulations and the employer's policies and procedures with respect to meeting these rules. The materials must include a detailed discussion of the topics listed in Section 382.601 (b). The materials may include information on additional employer policies with respect to the use of alcohol or controlled substances, but it must be clear that they are based on the employer's authority independent of the

FMCSA regulations. Employers must ensure that each driver signs a statement certifying receipt of these materials, and must maintain the original of the signed certificate.

Employers must ensure that all driver **supervisors** receive at least **60 minutes** of **training** on **alcohol** misuse and receive at least an additional **60 minutes** of **training** on **controlled substance** use in order **to make reasonable suspicion determinations**. The training must cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substance. Referral, evaluation, and treatment must be performed in accordance with 49 C.F.R. Part 40, Subpart O.

Clearinghouse Reporting:

MRO Reportable employee drug and alcohol violations: Medical Review Officers are required to report controlled substance violations to the Clearinghouse. Reporting includes verified positives and MRO Refusal to test determinations. MRO determinations of an adulterated or substituted test result will be reported as a Refusal to take a drug test. MRO submission of a violation will generate a notification to the driver. A violation will remain in the Clearinghouse for 5 years or until the RTD process is completed, whichever is later.

Employer Clearinghouse Reporting Requirements:

Controlled Substance

- ✓ Refusal to take a drug screen not requiring determination by the MRO as specified in 49 CFR 40.191.
- ✓ Actual knowledge of use of a controlled substance as defined in 49 CFR 382.107.
- ✓ Negative RTD test results for drugs and the successful completion of a driver's follow-up testing plan.

Alcohol

- ✓ Alcohol test results with a concentration of .04 or greater.
- ✓ Employer determinations of refusals to take an alcohol as specified in 49 CFR 40.261.
- ✓ Actual knowledge of use of alcohol as defined in 49 CFR 382.107.
- ✓ Negative RTD tests results for alcohol and the successful completion of a driver's follow-up testing plan.

For the full version of the FMCSA Controlled Substance and Alcohol Use and Testing Program see 49 C.F.R. Part 382 at www.fmcsa.dot.gov or Title 49 Part 40 for Procedures for Transportation Workplace Drug and Alcohol Testing programs at www.dot.gov/ost/dapc.

For more information on the Clearinghouse, please visit:

https://clearinghouse.fmcsa.dot.gov/ or https://clearinghouse.fmcsa.dot.gov/Learn

Download Resources for Drivers If you employ yourself as a CDL driver click on "Owner-Operators" for important information about how you will use the Clearinghouse. Not yet registered? Visit the Register page to download instructions and get started. Using the Clearinghouse How to Respond to Consent Requests (Drivers) The Return-to-Duty Process Learn About the Clearinghouse Watch the Clearinghouse Q&A session for Employers. CDL Drivers. and C/TPAs | Download the presentation Driver Brochure Clearinghouse Factsheet | Información General del Centro de Información User Roles Card | Las Funciones de los Usuarios

How do employers request consent?

How an employer requests your consent depends on the type of query the employer is conducting.

- For a limited query, general consent is provided outside the Clearinghouse. This consent covers a period of time and the frequency of the limited query, which is specified in the employer's request form. You can view a sample limited consent request form here.
- For a full query, specific consent is provided electronically in the Clearinghouse. This includes all pre-employment queries. See page 2 for details on this process.

For more information on the difference between limited and full queries, see the <u>Queries and Consent Requests</u> <u>Factsheet</u>. You can also review the <u>frequently asked questions</u>.

How will I receive a consent request?

CDL drivers will receive notification from FMCSA about employer requests for consent to full queries.

If you are registered for the Clearinghouse, the consent request notification will be sent via the method you selected as your preferred contact method, either email or U.S. Mail.

If you have not yet registered for the Clearinghouse, the consent request notification will be sent as a letter via U.S. Mail to the address of record associated with your commercial driver's license (CDL).

Note: Consent requests are time-sensitive. If you have selected U.S. Mail, or if you have not yet registered in the Clearinghouse, this may result in delays in receiving these notifications, which may impact your eligibility to perform safety-sensitive functions, including operating a commercial motor vehicle (CMV).

Responding To Consent Requests

What is a consent request?

A consent request is how an employer asks for a CDL driver's permission to view his or her information in the Drug and Alcohol Clearinghouse. This would include access to information regarding any drug and alcohol program violations in your record.





APPENDIX B

Kristy Wilson, City Nurse is designated by the company to be available to all employees for the purpose of answering any questions about company's Substance Abuse and Alcohol Misuse Plan, including information about the availability of materials on substance abuse and alcohol misuse.

APPENDIX C

Educational materials about the effects of substance abuse, including alcohol, are available to all company employees at the following locations:

- 1. City Clinic 4th floor City Hall in Human Resources Department Phone: 850.435.1726
- 2. Employee Assistance Program: EAP Lifestyles Management, LLC, Phone:

850.788.2077

3. www.cdac.info

NOTE:

A copy of the company Substance Abuse and Alcohol Misuse Plan is available to representatives of employee organizations. Specifically, this Appendix will serve as <u>written notification</u> to such representatives regarding the availability of educational materials for employees.

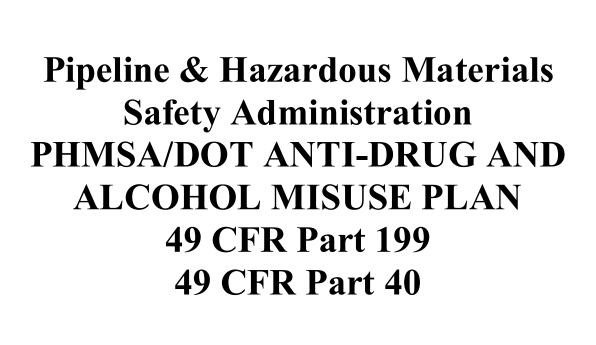
APPENDIX D

HELP FOR SUBSTANCE ABUSE PROBLEMS:

Employees who want help with a substance abuse problem (self <u>or</u> other) can begin the helping process by calling the following telephone numbers:

- * Employee Assistance Program: EAP Lifestyle Management LLC, Phone: 800.788.2077
- * Lakeview Center Phone: 850.469.3500
- * CDAC

Phone: 850.434.2724 1.888.994.9944



DOT DRUG AND ALCOHOL TESTING ANTI-DRUG AND ALCOHOL MISUSE PLAN Pipeline & Hazardous Material Safety Administration PHMSA 49 CFR Part 199

& 49 CFR Part 40

I. GENERAL

The City of Pensacola, also referred to as "the company" has a firm commitment to provide all employees with a safe and drug/alcohol-free work environment. In order to accomplish this goal, the company has implemented this anti-drug and alcohol misuse plan, which will provide the necessary guidelines and procedures to augment measures taken in the past to achieve a drug/alcohol-free workplace.

Within this context, a drug and alcohol testing program, designed to help prevent accidents and injuries resulting from the misuse of drugs and alcohol, will be inaugurated on the effective date of this anti-drug and alcohol misuse plan. All safety sensitive employees are subject to the provisions of this anti-drug and alcohol misuse plan and will be alcohol and drug tested, accordingly.

All employees (and applicants for employment) that perform duties covered by DOT regulations are covered by these policies and procedures IN ADDITION TO any and all other company policies and procedures related to alcohol and drug use.

Anti-Drug and Alcohol Plan

Each PHMSA employer is responsible for implementing a written anti-drug plan, to include: (1) methods and procedures for compliance with regulations, including the employee assistance program; (2) the name and address of each laboratory used to analyze specimens for dug testing; (3) the name and address of the Medical Review Officer and Substance Abuse Professional; and (4) procedures for notifying employees of the coverage and provisions of the plan.

§ 199.2 Applicability.

- (a) This part applies to pipeline operators only with respect to employees located within the territory of the United States, including those employees located within the limits of the "Outer Continental Shelf" as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).
- (b) This part does not apply to any person for whom compliance with this part would violate the domestic laws or policies of another country.
- (c) This part does not apply to covered functions performed on—
 - (1) Master meter systems, as defined in § 191.3 of this chapter; or
 - (2) Pipeline systems that transport only petroleum gas or petroleum gas/air mixtures.

Each employer that has a covered employee who performs multi-DOT agency functions (e.g., an employee performs pipeline maintenance duties and drives a commercial motor vehicle), count the employee only on the MIS report for the DOT agency under which he/she is randomly tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his/her duties. Employers may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

§ 199.3 Definitions.

Accident means an incident reportable under part 191 of this chapter involving gas pipeline facilities or LNG facilities, or an accident reportable under part 195 of this chapter involving hazardous liquid pipeline facilities.

Administrator means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

Covered employee, employee, or individual to be tested means a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors.

Covered function means an operations, maintenance, or emergency-response function regulated by part 192, 193, or 195 of this chapter that is performed on a pipeline or on an LNG facility.

DOT Procedures means the Procedures for Transportation Workplace Drug and Alcohol Testing Programs published by the Office of the Secretary of Transportation in part 40 of this title.

Fail a drug test means that the confirmation test result shows positive evidence of the presence under DOT Procedures of a prohibited drug in an employee's system.

Operator means a person who owns or operates pipeline facilities subject to part 192, 193, or 195 of this chapter.

Pass a drug test means that initial testing or confirmation testing under DOT Procedures does not show evidence of the presence of a prohibited drug in a person's system.

Performs a covered function includes actually performing, ready to perform, or immediately available to perform a covered function.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (*i.e.*, positives, negatives, and refusals) under this part.

Prohibited drug means any of the substances specified in 49 CFR part 40.

Refuse to submit, refuse, or refuse to take means behavior consistent with DOT Procedures concerning refusal to take a drug test or refusal to take an alcohol test.

State agency means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 et seq.)

§ 199.5 DOT procedures.

The anti-drug and alcohol programs mandated by these regulations must be conducted in accordance with the requirements outlined herein and the procedures established by the Department of Transportation (DOT). The terms and concepts employed in these regulations hold the same significance as defined in DOT Procedures. Any violations of DOT Procedures pertaining to the mandatory anti-drug and alcohol programs specified in these regulations shall be considered violations of these regulations.

§ 199.7 Stand-down waivers.

- (a) Each operator who seeks a waiver under § 40.21 of this title from the stand-down restriction must submit an application for waiver in duplicate to the Associate Administrator for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590–0001.
- (b) Each application must—
 - (1) Identify § 40.21 of this title as the rule from which the waiver is sought;
 - (2) Explain why the waiver is requested and describe the employees to be covered by the waiver:
 - (3) Contain the information required by § 40.21 of this title and any other information or arguments available to support the waiver requested; and
 - (4) Unless good cause is shown in the application, be submitted at least 60 days before the proposed effective date of the waiver.
- (c) No public hearing or other proceeding is held directly on an application before its disposition under this section. If the Associate Administrator determines that the application contains adequate justification, he or she grants the waiver. If the Associate Administrator determines that the application does not justify granting the waiver, he or she denies the application. The Associate Administrator notifies each applicant of the decision to grant or deny an application.

§ 199.9 Preemption of State and local laws.

- (a) Except as provided in <u>paragraph</u> (b) of this section, this part preempts any State or local law, rule, regulation, or order to the extent that:
 - (1) Compliance with both the State or local requirement and this part is not possible.
 - (2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part; or
 - (3) The State or local requirement is a pipeline safety standard applicable to interstate pipeline facilities.
- (b) This part shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§191.3 Definitions.

As used in this part and the PHMSA Forms referenced in this part—

Administrator means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

Confirmed Discovery means when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.

Gas means natural gas, flammable gas, or gas which is toxic or corrosive.

Incident means any of the following events:

- (1) An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility, liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:
 - (i) A death, or personal injury necessitating in-patient hospitalization.
 - (ii) Estimated property damage of \$50,000 or more, including loss to the operator and others, or both, but excluding cost of gas lost; or
 - (iii) Unintentional estimated gas loss of three million cubic feet or more.
- (2) An event that results in an emergency shutdown of an LNG facility or an underground natural gas storage facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident.
- (3) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2) of this definition.

LNG facility means a liquefied natural gas facility as defined in §193.2007 of part 193 of this chapter.

Master Meter System means a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents.

Municipality means a city, county, or any other political subdivision of a State.

Offshore means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

Operator means a person who engages in the transportation of gas.

Outer Continental Shelf means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in Section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Person means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

Pipeline or Pipeline System means all parts of those physical facilities through which gas moves in transportation, including, but not limited to, pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

State includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Transportation of gas means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas in or affecting interstate or foreign commerce.

Underground natural gas storage facility means an underground natural gas storage facility as defined in §192.3 of this chapter.

§195.50 Reporting accidents.

An accident report is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

- (a) Explosion or fire not intentionally set by the operator.
- (b) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is:
 - (1) Not otherwise reportable under this section.
 - (2) Not one described in §195.52(a)(4);
 - (3) Confined to company property or pipeline right-of-way; and
 - (4) Cleaned up promptly.
- (c) Death of any person.
- (d) Personal injury necessitating hospitalization.
- (e) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.

DOT Rule 49 CFR Part 40 Section 40.3 – Definitions

§ 40.3 What do the terms used in this part mean?

In this part, the terms listed in this section have the following meanings:

Adulterated specimen. A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Affiliate. Persons are affiliates of one another if, directly or indirectly, one controls or has the power to control the other, or a third-party controls or has the power to control both. Indicators of control include but are not limited to: interlocking management or ownership; shared interest among family members; shared facilities or equipment; or common use of employees. Following the issuance of a public interest exclusion, an organization having the same or similar management, ownership, or principal employees as the service agent concerning whom a public interest exclusion is in effect is regarded as an affiliate. This definition is used in connection with the public interest exclusion procedures of Subpart R of this part.

Air blank. In evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.

Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

Alcohol concentration. The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

Alcohol confirmation test. A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, provides quantitative data about the alcohol concentration.

Alcohol screening device (ASD). A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.

Alcohol screening test. An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol testing site. A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

Alcohol use. The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Aliquot. A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Alternate specimen. An authorized specimen, other than the type of specimen previously collected or attempted to be collected.

Breath Alcohol Technician (BAT). A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled test. A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

Chain of custody. The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF) as approved by the Office of Management and Budget.

Collection container. A container used to collect a specimen.

Collection site. A place selected by the employer where employees present themselves for the purpose of providing a specimen for a drug test.

Collector. A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the CCF.

Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse). A database, administered by the Federal Motor Carrier Safety Administration, containing records of commercial motor vehicle drivers' violations of controlled substances and alcohol testing program requirements, as set forth in part 382 of this title, as well as their return-to-duty status.

Confirmatory drug test. A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify a specific drug or drug metabolite.

Confirmatory validity test. A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Confirmed drug test. A confirmation test result received by an MRO from a laboratory.

Consortium/Third-party administrator (C/TPA). A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers" for purposes of this part.

Continuing education. Training for substance abuse professionals (SAPs) who have completed qualification training and are performing SAP functions, designed to keep SAPs current on changes and developments in the DOT drug and alcohol testing program.

Cutoff. The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

Designated employer representative (DER). An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.

Dilute specimen. A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

DOT, The Department, DOT Agency. These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of this part, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes only since the USCG regulation does not incorporate Part 40 for its alcohol testing program. These terms include any designee of a DOT agency.

Drugs. The drugs for which tests are required under this part and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids.

Employee. Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to preemployment testing. For purposes of drug testing under this part, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Employer. A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with this part. The

term includes an employer's officers, representatives, and management personnel. Service agents are not employers for the purposes of this part.

Error Correction Training. Training was provided to BATs, collectors, and screening test technicians (STTs) following an error that resulted in the cancellation of a drug or alcohol test. Error correction training must be provided in person or by a means that provides real-time observation and interaction between the instructor and trainee.

Evidential Breath Testing Device (EBT). A device that is approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

HHS. The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Initial drug test. The first test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial specimen validity test. The first test used to determine if a specimen is adulterated, diluted, substituted, or invalid.

Invalid result. The result reported by an HHS-certified in accordance with the criteria established by HHS when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory. Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards set by HHS; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD). The lowest concentration at which the analyte (e.g., drug or drug metabolite) can be identified.

Limit of Quantitation (LOQ). For quantitative assays, the lowest concentration at which the identity and concentration of the analyte (e.g., drug or drug metabolite) can be accurately established.

Medical Review Officer (MRO). A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Negative result. The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative specimen. A specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), or invalid.

Office of Drug and Alcohol Policy and Compliance (ODAPC). The office in the Office of the Secretary, DOT, that is responsible for coordinating drug and alcohol testing program matters within the Department and providing information concerning the implementation of this part.

Oral fluid specimen. A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of this part.

Oxidizing adulterant. A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

Primary specimen. In drug testing, the specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of specimen validity testing. The primary specimen is the portion of the donor's subdivided specimen designated as the primary ("A") specimen by the collector to distinguish it from the split ("B") specimen, as defined in this section.

Positive result. The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Qualification Training. The training required in order for a collector, BAT, MRO, SAP, or STT to be qualified to perform their functions in the DOT drug and alcohol testing program. Qualification training may be provided by any appropriate means (*e.g.*, classroom instruction, internet application, CD-ROM, video).

Reconfirmed. The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory corroborates the original result reported for the primary (Bottle A) specimen.

Refresher Training. The training required periodically for qualified collectors, BATs, and STTs to review basic requirements and provide instruction concerning changes in technology (e.g., new testing methods that may be authorized) and amendments, interpretations, guidance, and issues concerning this part and DOT agency drug and alcohol testing regulations. Refresher training can be provided by any appropriate means (e.g., classroom instruction, internet application, CD-ROM, video).

Rejected for testing. The result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.

Screening Test Technician (STT). A person who instructs and assists employees in the alcohol testing process and operates an ASD.

Secretary. The Secretary of Transportation or the Secretary's designee.

Service agent. Any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet DOT qualifications, if applicable. Service agents are not employers for purposes of this part.

Shipping container. A container that is used for transporting and protecting specimen bottles and associated documents from the collection site to the laboratory.

Specimen. Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

Specimen bottle. The bottle that, after being sealed and labeled according to the procedures in this part, is used to hold a primary ("A") or split ("B") specimen during transportation to the laboratory. In the context of oral fluid testing, it may be referred to as a "vial," "tube," or "bottle."

Split specimen. In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee's request following MRO verification of the primary specimen as positive, adulterated or substituted.

Split specimen collection. A collection in which the single specimen collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

SSN or Employee ID No. This number serves as a unique identifier that must be used on the Federal Drug Testing Custody and Control Form (CCF) or Alcohol Testing Form (ATF) for a donor, on the MRO's reports, on SAP reports, or on other documents that are required under this part. For all purposes of this part, this term means: only the Commercial Driver's License (CDL) Number and State of issuance for drivers tested under the authority of the Federal Motor Carrier Safety Administration (FMCSA); and, for all drivers and other safety-sensitive employees tested under the authority of the other DOT agencies, this can be the individual's actual Social Security Number, a unique identifier issued by the employer, a State-issued identification card number, a State-issued driver's license number (including a CDL number) or any other State-issued or federally-issued identification number.

Stand-down. The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional (SAP). A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted specimen. An employee's specimen not consistent with a normal human specimen, as determined by HHS (e.g., a urine specimen, with creatinine and specific gravity values that are so diminished, or so divergent that they are not consistent with normal human urine).

Undiluted (neat) oral fluid. An oral fluid specimen to which no other solid or liquid has been added. For example: A collection device that uses a diluent (or other component, process, or method that modifies the volume of the testable specimen) must collect at least 1 mL of undiluted (neat) oral fluid.

Urine specimen. Urine collected from an employee at the collection site for the purpose of a drug test.

Verified test. A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

Employee Stand Down:

Employers are prohibited from standing employees down before the MRO has completed the verification process, except with a waiver from the PHMSA.

§ 199.113 Employee assistance program.

- (a) Each operator shall provide an employee assistance program (EAP) for its employees and supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause. The operator may establish EAP as a part of its internal personnel services or the operator may contract with an entity that provides EAP services. Each EAP must include education and training on drug use. At the discretion of the operator, the EAP may include an opportunity for employee rehabilitation.
- (b) Education under each EAP must include at least the following elements: display and distribution of informational material; display and distribution of a community service hot-line telephone number for employee assistance; and display and distribution of the employer's policy regarding the use of prohibited drugs.
- (c) Training under each EAP for supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause must include one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use.

§ 199.241 Training for supervisors.

Each operator shall ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under § 199.225(b) receive at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Referral, Evaluation, and Treatment:

The PHMSA/DOT drug testing rules, following the Omnibus Act of 1991, require employees be provided with an opportunity for alcohol or drug abuse treatment. The rules, however, do not require that the employer pay for rehabilitation or hold a job open for an employee.

Specifically, the alcohol and drug ruling require:

- 1. That the employee who violates alcohol or drug prohibitions <u>be advised</u> of the resources available to evaluate and resolve the problem.
- 2. That the employee <u>be evaluated</u> by a substance abuse professional (SAP) to determine what assistance is necessary.
- 3. That before returning to safety-sensitive duties an employee must:
 - a. produces a return-to-duty alcohol test of 0.02 alcohol concentration or less if violation was alcohol related; and/or produce a verified negative return-to-duty drug test if the violation was drug related.
 - a. if assistance was recommended, the driver must be follow-up evaluated by a Substance Abuse Professional (SAP) to determine if treatment recommendations were followed.
 - b. be subject to a minimum of six (6) unannounced follow-up tests within the first year back to work.

NOTE: Follow-up testing can be required for up to five (5) years after return to work.

Contractor Employees

Operators utilizing contractor employees may provide the drug and alcohol testing, education and training requirements to be carried out by the contractor, but the operator remains responsible for ensuring the requirements of the rule are followed.

§ 199.245 Contractor employees.

- (a) With respect to those covered employees who are contractors or employed by a contractor, an operator may provide by contract that the alcohol testing, training and education required by this subpart be carried out by the contractor provided:
- (b) The operator remains responsible for ensuring that the requirements of this subpart and part 40 of this title are complied with; and
- (c) The contractor allows access to property and records by the operator, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, and, if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purposes of monitoring the operator's compliance with the requirements of this subpart and part 40 of this title.

§ 199.117 Recordkeeping.

- (a) Each operator shall keep the following records for the periods specified and permit access to the records as provided by <u>paragraph</u> (b) of this section:
- (1) Records that demonstrate the collection process conforms to this part must be kept for at least 3 years.
 - (2) Records of employee drug test that indicate a verified positive result, records that demonstrate compliance with the recommendations of a substance abuse professional, and MIS annual report data shall be maintained for a minimum of five years.
 - (3) Records of employee drug test results that show employees passed a drug test must be kept for at least 1 year.
 - (4) Records confirming that supervisors and employees have been trained as required by this part must be kept for at least 3 years.
 - (5) Records of decisions not to administer post-accident employee drug tests must be kept for at least 3 years.
- (b) Information regarding an individual's drug testing results or rehabilitation must be released upon the written consent of the individual and as provided by DOT Procedures. Statistical data related to drug testing and rehabilitation that is not name-specific and training records must be made available to the Administrator or the representative of a state agency upon request.

Management Information System (MIS)

Operators with more than 50 covered employees must submit a detailed MIS Report to PHMSA no later than March 15 for the prior calendar year. Operators with less than 50 must submit MIS Report upon written notice by PHMSA.

II. DRUG TESTING:

§ 199.100 Purpose.

The purpose of this subpart is to establish programs designed to help prevent accidents and injuries resulting from the use of prohibited drugs by employees who perform covered functions for operators of certain pipeline facilities subject to part 192, 193, or 195 of this chapter.

§ 199.101 Anti-drug plan.

- (a) Each operator shall maintain and follow a written anti-drug plan that conforms to the requirements of this part and the DOT Procedures. The plan must contain—
 - (1) Methods and procedures for compliance with all the requirements of this part, including the employee assistance program;
 - (2) The name and address of each laboratory that analyzes the specimens collected for drug testing;
 - (3) The name and address of the operator's Medical Review Officer, and Substance Abuse Professional: and
 - (4) Procedures for notifying employees of the coverage and provisions of the plan.
- (b) The Associate Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.206 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

Prohibitions:

§ 199.103 Use of persons who fail or refuse a drug test.

- (a) An operator may not knowingly use as an employee any person who—
 - (1) Fails a drug test required by this part and the medical review officer makes a determination under DOT Procedures; or
 - (2) Refuses to take a drug test required by this part.
- (b) Paragraph (a)(1) of this section does not apply to a person who has—
 - (1) Passed a drug test under DOT Procedures;
 - (2) Been considered by the medical review officer in accordance with DOT Procedures and been determined by a substance abuse professional to have successfully completed required education or treatment; and
 - (3) Not failed a drug test required by this part after returning to duty.

Drugs, Controlled Substances:

For purposes of this anti-drug and alcohol misuse plan, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning unless otherwise specified. The following five drugs or classes of drugs are in a DOT drug test. These terms refer to:

- * Marijuana (THC)
- * Cocaine
- * Opioids
- * Phencyclidine (PCP)
- * Amphetamines, including methamphetamine

§ 199.105 Drug tests required.

Each operator shall conduct the following drug tests for the presence of a prohibited drug:

- (a) **Pre-employment testing.** No operator may hire or contract for the use of any person as an employee unless that person passes a drug test or is covered by an anti-drug program that conforms to the requirements of this part.
- (b) Post-accident testing.

- (1) As soon as possible but no later than 32 hours after an accident, an operator must drug test each surviving covered employee whose performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. An operator may decide not to test under this paragraph, but such a decision must be based on specific information that the covered employee's performance had no role in the cause(s) or severity of the accident.
- (2) If a test required by this section is not administered within the 32 hours following the accident, the operator must prepare and maintain its decision stating the reasons why the test was not promptly administered. If a test required by <u>paragraph (b)(1)</u> of this section is not administered within 32 hours following the accident, the operator must cease attempts to administer a drug test and must state in the record the reasons for not administering the test.

(c) Random testing.

- (1) Except as provided in <u>paragraphs</u> (c)(2) through (4) of this section, the minimum annual percentage rate for random drug testing shall be 50 percent of covered employees.
- (2) The Administrator's decision to increase or decrease the minimum annual percentage rate for random drug testing is based on the reported positive rate for the entire industry. All information used for this determination is drawn from the drug MIS reports required by this subpart. In order to ensure reliability of the data, the Administrator considers the quality and completeness of the reported data, may obtain additional information or reports from operators, and may make appropriate modifications in calculating the industry positive rate. Each year, the Administrator will publish in the Federal Register the minimum annual percentage rate for random drug testing of covered employees. The new minimum annual percentage rate for random drug testing will be applicable starting January 1 of the calendar year following publication.
- (3) When the minimum annual percentage rate for random drug testing is 50 percent, the Administrator may lower this rate to 25 percent of all covered employees if the Administrator determines that the data received under the reporting requirements of § 199.119 for two consecutive calendar years indicate that the reported positive rate is less than 1.0 percent.
- (4) When the minimum annual percentage rate for random drug testing is 25 percent, and the data received under the reporting requirements of § 199.119 for any calendar year indicate that the reported positive rate is equal to or greater than 1.0 percent, the Administrator will increase the minimum annual percentage rate for random drug testing to 50 percent of all covered employees.
- (5) The selection of employees for random drug testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.
- (6) The operator shall randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random drug testing determined by the Administrator. If the operator conducts random drug testing through a consortium, the number of employees to be tested may be calculated for each individual operator or may be based on the total number of

covered employees covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under this subpart or any DOT drug testing rule.

- (7) Each operator shall ensure that random drug tests conducted under this subpart are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.
- (8) If a given covered employee is subject to random drug testing under the drug testing rules of more than one DOT agency for the same operator, the employee shall be subject to random drug testing at the percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the employee's function.
- (9) If an operator is required to conduct random drug testing under the drug testing rules of more than one DOT agency, the operator may—
 - (i) Establish separate pools for random selection, with each pool containing the covered employees who are subject to testing at the same required rate; or
 - (ii) Randomly select such employees for testing at the highest percentage rate established for the calendar year by any DOT agency to which the operator is subject.
- (d) *Testing based on reasonable cause.* Each operator shall drug test each employee when there is reasonable cause to believe the employee is using a prohibited drug. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use. At least two of the employee's supervisors, one of whom is trained in detection of the possible symptoms of drug use, shall substantiate and concur in the decision to test an employee. The concurrence between the two supervisors may be by telephone. However, in the case of operators with 50 or fewer employees subject to testing under this part, only one supervisor of the employees trained in detecting possible drug use symptoms shall substantiate the decision to test.
- (e) *Return-to-duty testing*. A covered employee who refuses to take or has a positive drug test may not return to duty in the covered function until the covered employee has complied with applicable provisions of DOT Procedures concerning substance abuse professionals and the return-to-duty process.
- (f) *Follow-up testing*. A covered employee who refuses to take or has a positive drug test shall be subject to unannounced follow-up drug tests administered by the operator following the covered employee's return to duty. The number and frequency of such follow-up testing shall be determined by a substance abuse professional but shall consist of at least six tests in the first 12 months following the covered employee's return to duty. In addition, follow-up testing may include testing for alcohol as directed by the substance abuse professional, to be performed in accordance with 49 CFR part 40. Follow-up testing shall not exceed 60 months from the date of the covered employee's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

Drug Testing Laboratory

Operators must use HHS-certified laboratories to perform drug tests pursuant to the DOT procedures. The laboratory must allow unannounced inspections by the Operator, the Administrator, and by state agency, if the Operator is subject to that state's jurisdiction.

Sample Retention and Additional Testing: Positive results are retained for one year, or longer if requested in writing by the employee or Operator. A split specimen must be tested if the employee makes a written request after notification of a positive result. The employee may request the original or another HHS certified laboratory to perform the test. The MRO will report the results of the second test to the employee and designated employer representative.

LabCorp of America #0082 1912 Alexander Drive Research Triangle Park, NC 27701 800-833-3984

§ 199.109 Review of drug testing results.

- (a) *MRO appointment.* Each operator shall designate or appoint a medical review officer (MRO). If an operator does not have a qualified individual on staff to serve as MRO, the operator may contract for the provision of MRO services as part of its anti-drug program.
- (b) *MRO qualifications*. Each MRO must be a licensed physician who has the qualifications required by DOT Procedures.
- (c) *MRO duties*. The MRO must perform functions for the operator as required by DOT Procedures.
- (d) *MRO reports*. The MRO must report all drug test results to the operator in accordance with DOT Procedures.
- (e) Evaluation and rehabilitation may be provided by the operator, by a substance abuse professional under contract with the operator, or by a substance abuse professional not affiliated with the operator. The choice of substance abuse professional and assignment of costs shall be made in accordance with the operator/employee agreements and operator/employee policies.
- (f) The operator shall ensure that a substance abuse professional, who determines that a covered employee requires assistance in resolving problems with drug abuse, does not refer the covered employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring a covered employee for assistance provided through:
 - (1) A public agency, such as a State, county, or municipality;
 - (2) The operator or a person under contract to provide treatment for drug problems on behalf of the operator;
 - (3) The sole source of therapeutically appropriate treatment under the employee's health insurance program; or
 - (4) The sole source of therapeutically appropriate treatment reasonably accessible to the employee.

MRO: Dr. Richard Weaver, M. D. AAMRO Drug Free Workplaces, LLC 4300 Bayou Blvd., Suite 13 Pensacola, FL 32503 800-430-3782

§ 40.33 What training requirements must a collector meet for urine collection?

To be permitted to act as a urine collector in the DOT drug testing program, you must meet each of the requirements of this section:

- (a) *Basic information*. You must be knowledgeable about this part, the current "DOT Urine Specimen Collection Procedures Guidelines," and DOT agency regulations applicable to the employers for whom you perform collections. DOT agency regulations, the DOT Urine Specimen Collection Procedures Guidelines, and other materials are available from ODAPC (Department of Transportation, 1200 New Jersey Avenue SE., Washington DC, 20590, 202–366–3784, or on the ODAPC Web site (https://www.transportation.gov/odapc). You must keep current on any changes to these materials. You must subscribe to the ODAPC list-serve at: https://www.transportation.gov/odapc/get-odapc-email-updates.
- (b) *Qualification training*. You must receive qualification training meeting the requirements of this paragraph. Qualification training must provide instruction on the following subjects:
 - (1) All steps necessary to complete a collection correctly and the proper completion and transmission of the CCF;
 - (2) "Problem" collections (*e.g.*, situations like "shy bladder" and attempts to tamper with a specimen);
 - (3) Fatal flaws, correctable flaws, and how to correct problems in collections; and
 - (4) The collector's responsibility for maintaining the integrity of the collection process, ensuring the privacy of employees being tested, ensuring the security of the specimen, and avoiding conduct or statements that could be viewed as offensive or inappropriate.
- (c) *Initial Proficiency Demonstration*. Following your completion of qualification training under <u>paragraph (b)</u> of this section, you must demonstrate proficiency in collections under this part by completing five consecutive error-free mock collections.
 - (1) The five mock collections must include two uneventful collection scenarios, one insufficient quantity of urine scenario, one temperature out of range scenario, and one scenario in which the employee refuses to sign the CCF and initial the specimen bottle tamper-evident seal.
 - (2) Another person must monitor and evaluate your performance, in person or by a means that provides real-time observation and interaction between the instructor and trainee, and attest in writing that the mock collections are "error-free." This person must be a qualified collector who has demonstrated necessary knowledge, skills, and abilities by—
 - (i) Regularly conducting DOT drug test collections for a period of at least a year;
 - (ii) Conducting collector training under this part for a year; or
 - (iii) Successfully completing a "train the trainer" course.
- (d) You must meet the requirements of <u>paragraphs</u> (b) and (c) of this section before you begin to perform collector functions.
- (e) *Refresher training*. No less frequently than every five years from the date on which you satisfactorily complete the requirements of <u>paragraphs</u> (b) and (c) of this section, you must complete refresher training that meets all the requirements of <u>paragraphs</u> (b) and (c) of this section.
- (f) *Error correction training*. If you make a mistake in the collection process that causes a test to be cancelled (*i.e.*, a fatal or uncorrected flaw), you must undergo error correction training. This training must occur within 30 days of the date you are notified of the error that led to the

need for retraining. Errors that cause cancellation but occur outside the collection process (*e.g.*, when a specimen is crushed or otherwise damaged during the transportation process, or is lost in transit), the cancellation would not be the result of an error by the collector during the collection process and does not require the collector to be retrained.

- (1) Error correction training must be provided and your proficiency documented in writing by a person who meets the requirements of paragraph(c)(2) of this section.
- (2) Error correction training is required to cover only the subject matter area(s) in which the error that caused the test to be cancelled occurred.
- (3) As part of the error correction training, you must demonstrate your proficiency in the collection procedures of this part by completing three consecutive error-free mock collections. The mock collections must include one uneventful scenario and two scenarios related to the area(s) in which your error(s) occurred. The person providing the training must monitor and evaluate your performance and attest in writing that the mock collections were "error-free."
- (g) *Documentation*. You must maintain documentation showing that you currently meet all requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are using or negotiating to use your services.

§ 40.35 What training requirements must a collector meet for oral fluid collection?

To be permitted to act as an oral fluid collector in the DOT drug testing program, you must meet each of the requirements of this section:

- (a) *Basic information*. You must be knowledgeable about this part, the current "DOT Oral Fluid Specimen Collection Procedures Guidelines," and DOT agency regulations applicable to the employers for whom you perform collections. DOT agency regulations, guidelines, and other materials are available from ODAPC (Department of Transportation, 1200 New Jersey Avenue SE, Washington DC, 20590, 202–366–3784, or on the ODAPC website (https://www.transportation.gov/odapc). You must keep current on any changes to these materials. You must subscribe to the ODAPC list-serve at: https://www.transportation.gov/odapc/get-odapc-email-updates.
- (b) *Qualification training*. You must receive qualification training meeting the requirements of this <u>paragraph</u> (b). Qualification training must provide instruction on the following subjects:
 - (1) Training on the testing procedures of this part;
 - (2) Training to proficiency in the operation of the particular oral fluid collection device(s) you will be using.
 - (3) All steps necessary to complete a collection correctly and the proper completion and transmission of the CCF;
 - (4) "Problem" collections (e.g., situations like "dry mouth" and attempts to tamper with a specimen);
 - (5) Fatal flaws, correctable flaws, and how to correct problems in collections; and
 - (6) The collector's responsibility for maintaining the integrity of the collection process, ensuring the privacy of employees being tested, ensuring the security of the specimen, and avoiding conduct or statements that could be viewed as offensive or inappropriate.
- (c) *Initial proficiency demonstration*. Following your completion of qualification training under <u>paragraph</u> (b) of this section, you must demonstrate proficiency in collections under this part by completing five consecutive error-free mock collections for each device you will use.
 - (1) The five mock collections for each device must include one uneventful collection scenario, one insufficient specimen quantity scenario; one scenario in which the employee

has something in their mouth that might interfere with the collection; one scenario in which the employee attempts to tamper with the specimen; and one scenario in which the employee refuses to sign the CCF. For each of the five mock collections, the collector must check the expiration date of the device, show it to the employee, and record the date on the CCF used. The collector must ensure, when applying the labels, they do not cover the expiration dates.

- (2) Another person must monitor and evaluate your performance, in person or by a means that provides real-time observation and interaction between you and the qualified collector, who must attest in writing that the mock collections are "error-free." This person must be a qualified collector who has demonstrated necessary knowledge, skills, and abilities by—
 - (i) Regularly conducting DOT drug test collections for a period of at least one year;
 - (ii) Conducting collector training under this part for at least one year; or
 - (iii) Successfully completing a "train the trainer" course.
- (d) Schedule for qualification training and initial proficiency demonstration. You must meet the requirements of paragraphs (b) and (c) of this section before you begin to perform collector functions.
- (e) **Refresher training.** No less frequently than every five years from the date on which you satisfactorily complete the requirements of <u>paragraphs</u> (b) and (c) of this section, you must complete refresher training that meets all the requirements of paragraphs (b) and (c).
- (f) *Error correction training*. If you make a mistake in the collection process that causes a test to be cancelled (*i.e.*, a fatal or uncorrected flaw), you must undergo error correction training. This training must occur within 30 days of the date you are notified of the error that led to the need for retraining.
 - (1) Error correction training must be provided and your proficiency documented in writing by a person who meets the requirements of paragraph(c)(2) of this section.
 - (2) Error correction training is required to cover only the subject matter area(s) in which the error that caused the test to be cancelled occurred.
 - (3) As part of the error correction training, you must demonstrate your proficiency in the collection procedures of this part by completing three consecutive error-free mock collections. The mock collections must include one uneventful scenario and two scenarios related to the area(s) in which your error(s) occurred. The person providing the training must monitor and evaluate your performance and attest in writing that the mock collections were "error-free."
- (g) *Documentation*. You must maintain documentation showing that you currently meet all the requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are using or negotiating to use your services.

§ 40.36 What information about the DER must employers provide to collectors?

As an employer, you must provide collectors with the name and telephone number of the appropriate DER (and C/TPA, where applicable) to contact them about any problems or issues that may arise during the testing process.

Drug Testing Procedures and Employee Safeguards

Chain of Custody (C.O.C.):

The company employee drug testing program will utilize a clear and well-documented procedure

for collection, shipment, and accession of urine specimens from the specimen collection site to the laboratory. For this purpose, a Federal Drug Testing Custody and Control Form (C.O.C.) will be used.

Definition of Chain of Custody (C.O.C.):

Federal regulations define "chain of custody" in the following way:

"Procedures to account for the integrity of each urine, blood or oral fluid specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen."

The C.O.C. Form:

The drug testing custody and control form (C.O.C.) is used to document the chain of custody to the laboratory. These forms are multiple-part carbonless forms to allow for copies to be retained by the laboratory, to be shared by the MRO, the employee, and the company designated representatives. These forms will be maintained as a permanent record on which all necessary identifying data and the collection process are retained.

Preparation for Urine Testing:

In addition to using a custody and control form, other safeguard procedures, in preparation of testing, include:

- 1. Use of clean, single use specimen kit.
- 2. Use of a tamper proof seal system.
- 3. Use of a shipping container that can be sealed and initialed after depositing both specimen and C.O.C. documentation.
- 4. Written procedures and instructions for collection site person.

Preparation for Oral Fluid Testing:

In addition to using a custody and control form, other safeguard procedures, in preparation of testing, include:

- 1. Use of clean, single use specimen device.
- 3. Use of a tamper proof seal system.
- 3. Use of a shipping container that can be sealed and initialed after depositing both specimen and C.O.C. documentation.
- 4. Written procedures and instructions for collection site person.

Written Procedures:

The written procedures for the collection site person emphasize that the collection site person is responsible for maintaining the integrity of the specimen collection and transfer process.

Unless it is impractical for any other individual to perform this function, a direct supervisor of an employee will not serve as the collection site persons for testing purposes.

In any case, where a collection is monitored or directly observed, the collection site person will be of the same gender as the employee/donor. If a same gender collector cannot be found or in circumstances of nonbinary or transgender employees:

- (i) If the employer has a standing order to allow oral fluid testing in such situations, the collector will follow that order;
- (ii) If there is no standing order from the employer, the collector must contact the DER and either conduct an oral fluid test if the collection site is able to do so or

send the employee to a collection site acceptable to the employer for the oral fluid test.

Specimen Collection: Security Procedures

The collection site will be in a secure location, closed to allow for maximum privacy. Security procedures require restricted access to collection materials and specimens. No unauthorized personnel will be permitted access to the collection site. No one other than the collection site person may handle specimens prior to their being placed securely in the mailing container.

To minimize the chance of error, the collection site person will collect only one specimen at any given time. The collection procedure for each specimen is completed when the specimen has been sealed and initialed, the custody and control form has been executed, and the employee has departed the collection site.

Laboratory Analysis:

§ 40.87 What validity tests must laboratories conduct on primary urine specimens?

As a laboratory, when you conduct validity testing under § 40.86, you must conduct it in accordance with the requirements of this section.

- (a) You must determine the creatinine concentration on each primary specimen. You must also determine its specific gravity if you find the creatinine concentration to be less than 20 mg/dL.
- (b) You must determine the pH of each primary specimen.
- (c) You must perform one or more validity tests for oxidizing adulterants on each primary specimen.
- (d) You must perform additional validity tests on the primary specimen when the following conditions are observed:
 - (1) Abnormal physical characteristics;
 - (2) Reactions or responses characteristic of an adulterant obtained during initial or confirmatory drug tests (e.g., non-recovery of internal standards, unusual response); or
 - (3) Possible unidentified interfering substance or adulterant.
- (e) If you determine that the specimen is invalid and HHS guidelines direct you to contact the MRO, you must contact the MRO and together decide if testing the primary specimen by another HHS certified laboratory would be useful in being able to report a positive or adulterated test result.

§ 40.93 What validity tests must laboratories conduct on primary oral fluid specimens?

As a laboratory, if you conduct validity testing under § 40.92, you must conduct it in accordance with the requirements of this section.

- (a) You may test for a biomarker such as albumin or immunoglobulin G (IgG) or a test for a specific adulterant.
- (b) You must follow the applicable HHS requirements for any additional validity testing.

NOTE: See Appendix A for more information on initial screening and confirmation testing.

Reporting of Results:

The certified laboratory, chosen by the company to analyze specimens of covered employees, will report the test results directly to the company designated Medical Review Officer (MRO). Both positive and negative results will be reported in a secure and confidential manner, and

never verbally.

The report, as certified by the responsible laboratory individual, will indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number signed by the company and the drug testing laboratory identification number. Only specimens confirmed by GC/MS testing as positive are reported as positive.

The laboratory will also transmit to the MRO the original or certified copy of the chain-of-custody and control form and will identify the individual at the laboratory responsible for the day-to-day management of the laboratory process.

Review of Results / MRO:

The Medical Review Officer (MRO), designated by the company to review drug test results, will be a fully licensed physician and possess knowledge of drug abuse disorders. It is the primary responsibility of the MRO to review and interpret positive results obtained from the laboratory. The MRO will assess and determine whether alternate medical explanations could account for the positive test results.

To accomplish this task, the MRO may conduct medical interviews of the individual, review the individual's medical history, and review any other relevant bio-medical factors. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications. The MRO will not consider any drug test results that arise from specimen collection or analysis which do not comport with DOT regulations.

The MRO will give the individual testing positive an opportunity to discuss the test results prior to making a final decision. After the final decision is made, the MRO will notify the company.

Testing of Split Sample:

The MRO will notify each employee who has a confirmed positive test that the employee has seventy-two (72) hours in which to request a test of the split specimen. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to another certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or unsuitable, the MRO will cancel the test and report cancellation and the reason for it to the DOT, the company, and the employee.

MRO Unable to Contact Employee:

If the company's designated MRO, after making and documenting all reasonable efforts is unable to contact a tested employee, the MRO will contact a designated management official of the company to arrange for the individual to contact the MRO prior to going on duty. The MRO may verify a positive test without having communicated with the employee about the results of the test if:

- 1. The employee expressly declines the opportunity to discuss the results of the test, or
- 2. Within five (5) days after a documented contact by a designated management official of the company instructing the employee to contact the MRO, and the employee has not done so.

III. ALCOHOL TESTING PROGRAM

§ 199.200 Purpose.

The purpose of this subpart is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol by employees who perform covered functions for operators of certain pipeline facilities subject to <u>parts 192</u>, <u>193</u>, or <u>195 of this chapter</u>.

§ 199.202 Alcohol misuse plan.

Each operator must maintain and follow a written alcohol misuse plan that conforms to the requirements of this part and DOT Procedures concerning alcohol testing programs. The plan shall contain methods and procedures for compliance with all the requirements of this subpart, including required testing, recordkeeping, reporting, education and training elements.

§ 199.209 Other requirements imposed by operators.

- (a) Except as expressly provided in this subpart, nothing in this subpart shall be construed to affect the authority of operators, or the rights of employees, with respect to the use or possession of alcohol, including authority and rights with respect to alcohol testing and rehabilitation.
- (b) Operators may, but are not required to, conduct pre-employment alcohol testing under this subpart. Each operator that conducts pre-employment alcohol testing must—
 - (1) Conduct a pre-employment alcohol test before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions);
 - (2) Treat all covered employees the same for the purpose of pre-employment alcohol testing (*i.e.*, you must not test some covered employees and not others);
 - (3) Conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test;
 - (4) Conduct all pre-employment alcohol tests using the alcohol testing procedures in DOT Procedures; and
 - (5) Not allow any covered employee to begin performing covered functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

§ 199.211 Requirement for notice.

Before performing an alcohol test under this subpart, each operator shall notify a covered employee that the alcohol test is required by this subpart. No operator shall falsely represent that a test is administered under this subpart.

§ 199.215 Alcohol concentration.

Each operator shall prohibit a covered employee from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. No operator having actual knowledge that a covered employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform covered functions.

§ 199.217 On-duty use.

Each operator shall prohibit a covered employee from using alcohol while performing covered functions. No operator having actual knowledge that a covered employee is using alcohol while performing covered functions shall permit the employee to perform or continue to perform covered functions.

§ 199.219 Pre-duty use.

Each operator shall prohibit a covered employee from using alcohol within four hours prior to performing covered functions, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty. No operator having actual knowledge that a covered employee has used alcohol within four hours prior to performing covered functions or within the time period after the employee has been notified to report for duty shall permit that covered employee to perform or continue to perform covered functions.

§ 199.221 Use following an accident.

Each operator shall prohibit a covered employee who has actual knowledge of an accident in which his or her performance of covered functions has not been discounted by the operator as a contributing factor to the accident from using alcohol for eight hours following the accident, unless he or she has been given a post-accident test under § 199.225(a), or the operator has determined that the employee's performance could not have contributed to the accident.

§ 199.223 Refusal to submit to a required alcohol test.

Each operator shall require a covered employee to submit to a post-accident alcohol test required under § 199.225(a), a reasonable suspicion alcohol test required under § 199.225(b), or a follow-up alcohol test required under § 199.225(d). No operator shall permit an employee who refuses to submit to such a test to perform or continue to perform covered functions.

§ 199.225 Alcohol tests required.

Each operator must conduct the following types of alcohol tests for the presence of alcohol:

(a) Post-accident.

- (1) As soon as practicable following an accident, each operator must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section must be based on specific information that the covered employee's performance had no role in the cause(s) or severity of the accident.
- (2)
 - (i) If a test required by this section is not administered within 2 hours following the accident, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by paragraph (a) is not administered within 8 hours following the accident, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.
 - (ii) [Reserved]
- (3) A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the operator or operator representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by the operator to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

(b) Reasonable suspicion testing.

- (1) Each operator shall require a covered employee to submit to an alcohol test when the operator has reasonable suspicion to believe that the employee has violated the prohibitions in this subpart.
- (2) The operator's determination that reasonable suspicion exists to require the covered employee to undergo an alcohol test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol misuse. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on that employee.
- (3) Alcohol testing is authorized by this section only if the observations required by paragraph (b)(2) of this section are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance with this subpart. A covered employee may be directed by the operator to undergo reasonable suspicion testing for alcohol only while the employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing covered functions.

(4)

- (i) If a test required by this section is not administered within 2 hours following the determination under <u>paragraph (b)(2)</u> of this section, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within 8 hours following the determination under <u>paragraph (b)(2)</u> of this section, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Records shall be submitted to PHMSA upon request of the Administrator.
- (ii) [Reserved]
- (iii) Notwithstanding the absence of a reasonable suspicion alcohol test under this section, an operator shall not permit a covered employee to report for duty or remain on duty requiring the performance of covered functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, nor shall an operator permit the covered employee to perform or continue to perform covered functions, until:
 - (A) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
 - (B) The start of the employee's next regularly scheduled duty period, but not less than 8 hours following the determination under <u>paragraph (b)(2)</u> of this section that there is reasonable suspicion to believe that the employee has violated the prohibitions in this subpart.
- (iv) Except as provided in paragraph (b)(4)(ii), no operator shall take any action under this subpart against a covered employee based solely on the employee's behavior and appearance in the absence of an alcohol test. This does not prohibit an operator with the authority independent of this subpart from taking any action otherwise consistent with law.
- (c) *Return-to-duty testing*. Each operator shall ensure that before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct prohibited by §§ 199.215 through 199.223, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

(d) Follow-up testing.

- (1) Following a determination under § 199.243(b) that a covered employee is in need of assistance in resolving problems associated with alcohol misuse, each operator shall ensure that the employee is subject to unannounced follow-up alcohol testing as directed by a substance abuse professional in accordance with the provisions of § 199.243(c)(2)(ii).
- (2) Follow-up testing shall be conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions.
- (e) Retesting of covered employees with an alcohol concentration of 0.02 or greater but less than 0.04. Each operator shall retest a covered employee to ensure compliance with the provisions of § 199.237, if an operator chooses to permit the employee to perform a covered function within 8 hours following the administration of an alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04.

Alcohol between 0.02 - 0.04: employees may not return to work within 8 hours or alcohol test of less than 0.02.

Recording and Reporting:

Operators must maintain alcohol program records for one to five years. Operators with more than 50 covered employees must submit the annual MIS Report to PHMSA no later than March 15 for the prior calendar year. Smaller Operators must submit reports upon written notice.

§ 199.231 Access to facilities and records.

- (a) Except as required by law or expressly authorized or required in this subpart, no employer shall release covered employee information that is contained in records required to be maintained in § 199.227.
- (b) A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his or her alcohol tests. The operator shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.
- (c) Each operator shall permit access to all facilities utilized in complying with the requirements of this subpart to the Secretary of Transportation, any DOT agency, or a representative of a state agency with regulatory authority over the operator.
- (d) Each operator shall make available copies of all results for employer alcohol testing conducted under this subpart and any other information pertaining to the operator's alcohol misuse prevention program, when requested by the Secretary of Transportation, any DOT agency with regulatory authority over the operator, or a representative of a state agency with regulatory authority over the operator. The information shall include name-specific alcohol test results, records, and reports.
- (e) When requested by the National Transportation Safety Board as part of an accident investigation, an operator shall disclose information related to the operator's administration of any post-accident alcohol tests administered following the accident under investigation.
- (f) An operator shall make records available to a subsequent employer upon receipt of the written request from the covered employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.

- (g) An operator may disclose information without employee consent as provided by DOT Procedures concerning certain legal proceedings.
- (h) An operator shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

§ 199.233 Removal from covered function.

Except as provided in <u>§§ 199.239</u> through <u>199.243</u>, no operator shall permit any covered employee to perform covered functions if the employee has engaged in conduct prohibited by <u>§§ 199.215</u> through <u>199.223</u> or an alcohol misuse rule of another DOT agency.

§ 199.235 Required evaluation and testing.

No operator shall permit a covered employee who has engaged in conduct prohibited by §§ 199.215 through 199.223 to perform covered functions unless the employee has met the requirements of § 199.243.

§ 199.239 Operator obligation to promulgate a policy on the misuse of alcohol.

- (a) *General requirements*. Each operator shall provide educational materials that explain these alcohol misuse requirements and the operator's policies and procedures with respect to meeting those requirements.
 - (1) The operator shall ensure that a copy of these materials is distributed to each covered employee prior to start of alcohol testing under this subpart, and to each person subsequently hired for or transferred to a covered position.
 - (2) Each operator shall provide written notice to representatives of employee organizations of the availability of this information.
- (b) *Required content.* The materials to be made available to covered employees shall include detailed discussion of at least the following:
 - (1) The identity of the person designated by the operator to answer covered employee questions about the materials.
 - (2) The categories of employees who are subject to the provisions of this subpart.
 - (3) Sufficient information about the covered functions performed by those employees to make clear what period of the workday the covered employee is required to be in compliance with this subpart.
 - (4) Specific information concerning covered employee conduct that is prohibited by this subpart.
 - (5) The circumstances under which a covered employee will be tested for alcohol under this subpart.
 - (6) The procedures that will be used to test for the presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.
 - (7) The requirement that a covered employee submit to alcohol tests administered in accordance with this subpart.
 - (8) An explanation of what constitutes a refusal to submit to an alcohol test and the attendant consequences.
 - (9) The consequences for covered employees found to have violated the prohibitions under this subpart, including the requirement that the employee be removed immediately from covered functions, and the procedures under § 199.243.

- (10) The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- (11) Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.
- (c) *Optional provisions*. The materials supplied to covered employees may also include information on additional operator policies with respect to the use or possession of alcohol, including any consequences for an employee found to have a specified alcohol level, that are based on the operator's authority independent of this subpart. Any such additional policies or consequences shall be clearly described as being based on independent authority.

Evidential Breath Testing (EBT) Device:

EBT's used to perform alcohol tests on the company employees are approved by the National Highway Traffic Safety Administration (NHTSA) and are placed on the "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

An EBT used for a screening test of a company employee will be capable of printing out results and numbering each result sequentially. A logbook may also be kept.

The EBT used will have a Quality Assurance Plan (QAP) developed by the manufacturer and approved by NHTSA. The company will remove from service any EBT that fails a calibration check as set forth in the QAP.

Breath Alcohol Testing Form/Logbook:

An alcohol testing form, published by the Department of Transportation (DOT) will be used to ensure the integrity of the test result, properly identify the employee with the test result, and serve as a documented record of the testing event.

The logbook, if used, will become additional documentation of the testing event by providing a sequential test number, date, name of BAT, location of test, quantified test result and initials of the employee each test.

Preparation for Testing:

Alcohol testing will be conducted in a location that affords, to the greatest extent practicable, visual, and aural privacy to the company employee being tested.

The employee is required to show positive identification (picture I.D.) to the BAT and may request the BAT to also show positive identification. The BAT must supervise only one employee's use of the EBT at a time and must not leave the testing site while the test is in progress.

Screening Test Procedure:

After the employee has been positively identified, the alcohol screening test procedure will be conducted, as follows:

- 1. The employee will provide the STT or BAT with identifying information and employer information to be entered on the Breath or Saliva Alcohol Testing Form The employee will be asked to certify, by signature, that the information provided is correct. A refusal by an employee to sign the certification will be regarded as a refusal to take the test.
- 2. An individually sealed mouthpiece will be opened in view of the employee and attached to the EBT or ASD.
- 3. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained.
- 4. After showing the employee the quantitative alcohol concentration results printed out by the EBT or ASD, the BAT will enter the results, test number, testing device, serial number of the EBT, time, and date on the proper section of the Breath or Saliva Alcohol Testing Form. The BAT may also record the test number, date, name of BAT, location, and quantified test result in the logbook. The employee will then initial the logbook.
- 5. Depending on whether the result is less than 0.02 or greater, the following procedures will be done:
 - a. If the result is less than 0.02, the BAT or STT will date the form and sign the certification to the effect that all procedures were followed as required by DOT regulations. No further testing is required. The BAT will transmit the result of less than 0.02 to the company designated official in a confidential manner, and the company official will receive and store the information so as to ensure that confidentiality is maintained. The employee will receive a copy of the alcohol form.
 - **NOTE:** Failure of the employee to sign the alcohol test form or initial the logbook <u>after</u> a test has been conducted will be noted by the BAT in the remarks section of the alcohol form.
 - **NOTE:** If a test result printed by the EBT does not match the displayed result, the BAT shall <u>note</u> the disparity in the remarks section, both BAT and employee will initial the remarks. The test result will be considered invalid, and the employee and the company will be so notified.
 - b. <u>If the result is 0.02 or greater</u>, a confirmation test will be performed. If the confirmation test will be performed by a different BAT, the BAT who conducted the screening test will complete and sign the form and logbook entry. The BAT will give the employee a copy of the alcohol form.

Confirmation Testing Procedures:

If a different BAT is conducting the confirmation test, the new BAT will require positive identification of the employee, explain the testing procedure, and initiate a new Breath Alcohol Testing Form, requiring a repetition of information and certification by signature. In addition, the following instructions must be followed:

- 1. The BAT will instruct the employee not to eat, drink, or put any object or substance in his or her mouth for at least fifteen (15) minutes. The BAT will explain that the reason for these instructions is to ensure against an artificially high reading. The BAT will note in the "Remarks" section of the form any non-compliance with instructions.
- 2. The confirmation test will be conducted within twenty (20) minutes of the completion of the screening test.
- 3. A new mouthpiece will be opened and used for the confirmation test.
- 4. Before the confirmation test is administered for each employee, the BAT will ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, after two attempts, that EBT will not be used for testing.

NOTE: Any EBT taken out of service because of failure to register 0.00 on an air blank will not be returned to service until an external calibration is conducted and the EBT is, once again, to be found within tolerance limits.

- 5. In the event that the screening and confirmation test results are not identical, the confirmation test result is to be deemed to be the final result upon which any action will be taken in compliance with federal rules or the company authority.
- 6. The BAT will affix the confirmation test printout to the alcohol test form using tamper-evident tape.
- 7. Following completion of the test, the BAT will date and sign the form. The employee will also sign the certification statement at the designated place.

NOTE: The refusal of the employee to sign the alcohol form will not defeat the test result but <u>will</u> be noted by the BAT in the "Remarks" section.

NOTE: Disparity between the displayed result and the printed result will be "noted", signed by employee and BAT, and will be considered an invalid test.

- 8. The BAT will conduct an air blank. If the reading is greater than 0.00, the test is invalid.
- 9. The BAT will transmit all results to the company in a confidential manner. The BAT will ensure immediate transmission to the company of results that require the company to prevent an employee from performing a safety-sensitive function.
- 10. The company will designate one or more representatives for the purpose of receiving and handling alcohol testing results in a confidential manner. All communications by BATs to the company concerning the alcohol testing results of employees will be to a designated company representative.

Employee Test Information:

The company will maintain employee test information records in a secure manner, so that disclosure of information to unauthorized persons does not occur. Employee test information will <u>only</u> be released as required by law or as expressly authorized. The release of employee test information is allowed in the following instances:

- 1. An employee will have access to any of his/her alcohol testing records upon written request.
- 2. The company will allow any DOT-authorized agency access to facilities and records in connection with the company alcohol misuse prevention program.
- 3. When requested, the company will disclose post-accident testing information to the National Transportation Safety Board (NTSB) as part of an accident investigation.
- 4. The company may disclose information to the employee or to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee.
- 5. The company will release information regarding an employee's alcohol testing records as directed by the specific, written consent of the employee authorizing release of the information to an identified person.

Saliva Alcohol Test (initial test only):

<u>In alcohol testing</u>: the Screening Test Technician may use the saliva ASD in the initial test, if positive, the confirmation must be a breath alcohol test.

Screening Test (initial test):

<u>In alcohol testing:</u> a procedure to determine if an employee has a prohibited concentration of alcohol in his or her system by a saliva ASD or a breath test.

PROHIBITIONS:

The Department of Transportation (DOT) defines the restrictions for the use of both alcohol and controlled substances.

A. Alcohol Use

Since alcohol is a legal substance, the prohibitions for its use are closely tied to the performance of safety-sensitive functions. The DOT regulations prohibit an employee with an alcohol concentration of 0.04 or greater to perform any safety-sensitive functions until the employee has been evaluated by a SAP, completed the counseling program, follow-up evaluation and has passed a return-to-duty test.

An employee with an alcohol concentration of 0.02 or greater but less than 0.04, must be removed from duty for 8 hours. If an alcohol testing device is unavailable, the employer is required to remove the employ from performing safety sensitive functions until 8 hours have elapsed. The employer is prohibited from taking additional action under PHMSA authority against an employee based solely on the employee's behavior and appearance. The company may have, however, additional policies under the company's own authority.

Prohibitions for Alcohol:

1. An employee may not report to duty or stay on safety-sensitive duty (a) with an alcohol concentration of 0.02 or greater, (b) while in possession of alcohol

- (c) if using alcohol; or (d) within four (4) hours of using alcohol.
- An employee may not perform a safety-sensitive function who has a concentration of 0.04 or greater for any DOT employer until an evaluation by a SAP and has completed the recommended treatment.
- 2. An employee who has had an accident may not use alcohol until post-accident testing is done or for a period of eight (8) hours, whichever comes first.
- 3. Employees cannot refuse to submit to alcohol testing. The company reserves the right to take disciplinary action against any employee who refuses to be tested.

B. <u>Drug Use</u>

The PHMSA bans the use of controlled substances by covered employees. Employees who use drugs are considered medically unqualified to perform safety-sensitive functions.

Prohibitions for drugs, controlled substances:

- 1. Employees may not report for duty or stay on safety-sensitive duty while using any controlled substance. The exception to this prohibition is if a physician has prescribed the substance and has advised the employee that it does not interfere the performance of safety-sensitive duties.
- 2. Employees may not report for duty or stay on safety-sensitive duty if they have tested positive for a controlled substance.
- 3. The company reserves the right to require employees to report the use of any therapeutic drugs. Also, the company reserves the right to remove employees from safety-sensitive duties until a physician's opinion can justify safe resumption of safety-sensitive functions.

Consequences:

An employee who has violated any of the prohibitions concerning alcohol misuse with a concentration of 0.04 or greater or a positive drug test, including a refusal to be tested, will be removed from any safety-sensitive function and will not be allowed to return to a safety-sensitive function with the company until an evaluation by a Substance Abuse Professional (SAP) has been done and any recommended treatment has been completed. The company reserves the right to take disciplinary action against an employee who violates these alcohol/drug prohibitions.

An employee found to have an alcohol concentration of 0.02, but less than 0.04, will not be allowed to return to a safety-sensitive position for 8 hours or the BAC retest is below 0.02.

Required Testing:

Each employer that has a covered employee who performs multi-DOT agency functions (e.g., an employee performs pipeline maintenance duties and drives a commercial motor vehicle), count the employee only on the MIS report for the DOT agency under which he or she is randomly tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. Employers may have to explain the testing data for these employees in the even of a DOT agency inspection or audit. A service agent, (e.g., Consortia/Third Party Administrator may prepare the MIS report. However, each report shall be certified by the employer's anti-drug manager or designated employee representative for accuracy and completeness.

199.225 Alcohol tests required. Each operator must conduct the following types of alcohol

Each operator must conduct the following types of alcohol tests for the presence of alcohol:

- (a) *Post-accident*. (1) As soon as practicable following an accident, each operator must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section must be based on specific information that the covered employee's performance had no role in the cause(s) or severity of the accident.
- (2)(i) If a test required by this section is not administered within 2 hours following the accident, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by paragraph (a) is not administered within 8 hours following the accident, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(ii) [Reserved]

- (3) A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the operator or operator representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by the operator to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
- (b) Reasonable suspicion testing. (1) Each operator shall require a covered employee to submit to an alcohol test when the operator has reasonable suspicion to believe that the employee has violated the prohibitions in this subpart.
- (2) The operator's determination that reasonable suspicion exists to require the covered employee to undergo an alcohol test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol misuse. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on that employee.
- (3) Alcohol testing is authorized by this section only if the observations required by paragraph (b)(2) of this section are made during, just preceding, or just after the period of the workday that the employee is required to be in compliance with this subpart. A covered employee may be directed by the operator to undergo reasonable suspicion testing for alcohol only while the employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing covered functions.
- (4)(i) If a test required by this section is not administered within 2 hours following the determination under paragraph (b)(2) of this section, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this

section is not administered within 8 hours following the determination under paragraph (b)(2) of this section, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Records shall be submitted to PHMSA upon request of the Administrator.

(ii) [Reserved]

- (iii) Notwithstanding the absence of a reasonable suspicion alcohol test under this section, an operator shall not permit a covered employee to report for duty or remain on duty requiring the performance of covered functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, nor shall an operator permit the covered employee to perform or continue to perform covered functions, until:
- (A) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
- (B) The start of the employee's next regularly scheduled duty period, but not less than 8 hours following the determination under paragraph (b)(2) of this section that there is reasonable suspicion to believe that the employee has violated the prohibitions in this subpart.
- (iv) Except as provided in paragraph (b)(4)(ii), no operator shall take any action under this subpart against a covered employee based solely on the employee's behavior and appearance in the absence of an alcohol test. This does not prohibit an operator with the authority independent of this subpart from taking any action otherwise consistent with law.
- (c) *Return-to-duty testing*. Each operator shall ensure that before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct prohibited by §§199.215 through 199.223, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
- (d) Follow-up testing. (1) Following a determination under §199.243(b) that a covered employee is in need of assistance in resolving problems associated with alcohol misuse, each operator shall ensure that the employee is subject to unannounced follow-up alcohol testing as directed by a substance abuse professional in accordance with the provisions of §199.243(c)(2)(ii).
- (2) Follow-up testing shall be conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions.
- (e) Retesting of covered employees with an alcohol concentration of 0.02 or greater but less than 0.04. Each operator shall retest a covered employee to ensure compliance with the provisions of §199.237, if an operator chooses to permit the employee to perform a covered function within 8 hours following the administration of an alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04.

[Amdt. 199-9, 59 FR 7430, Feb. 15, 1994, as amended at 59 FR 62239, 62246, Dec. 2, 1994; Redesignated by Amdt. 199-19, 66 FR 47119, Sept. 11, 2001; 70 FR 11140, March 8, 2005; Amdt. 199-27, 82 FR 8001, Jan. 23, 2017]

Refusal to Be Tested:

A refusal to be tested for alcohol or controlled substances constitutes a violation and the company reserves the right to take additional disciplinary action against an employee who refuses to be tested.

Alcohol Testing Procedures and Employee Safeguards Breath Alcohol Technician (BAT):

A "breath alcohol technician" is an individual who instructs and assists individuals in the alcohol testing process and operates an "evidentiary breath testing" device (EBT). The BAT is required to be properly trained, as follows:

- 1. Proficiency shall be demonstrated by successful completion of a course of instruction which, at a minimum, provides training in the principals of EBT methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required in this part for obtaining a breath sample, and interpreting and recording EBT results.
- 2. Only courses of instruction for operation of EBT's that are equivalent to the Department of Transportation (DOT) model course, as determined by the National Highway Traffic Safety Administration (NHTSA), may be used to train BATs to proficiency.
- 3. The course of instruction shall provide documentation that the BAT has demonstrated competence in the operation of the specific EBT(s) he/she will use.
- 4. Any BAT who will perform an external calibration check of an EBT shall be trained to proficiency in conducting the check on the particular model of EBT.
- 5. The BAT shall receive additional training, as needed, to ensure proficiency, concerning new or additional devices or changes in technology that he or she will use.
- 6. The company will establish documentation of the training and proficiency test of each BAT it uses to test the Company employees.

NOTE: A BAT-qualified supervisor of an employee may conduct the alcohol test for that employee only if another BAT is unavailable.

For a Full Version see: Title 14 Chapter I Subchapter G Part 120 Subpart R - Public Interest Exclusions

§ 40.361 What is the purpose of a public interest exclusion (PIE)?

- (a) To protect the public interest, including protecting transportation employers and employees from serious noncompliance with DOT drug and alcohol testing rules, the Department's policy is to ensure that employers conduct business only with responsible service agents.
- (b) The Department therefore uses PIEs to exclude from participation in DOT's drug and alcohol testing program any service agent who, by serious noncompliance with this part or other DOT agency drug and alcohol testing regulations, has shown that it is not currently acting in a responsible manner.
- (c) A PIE is a serious action that the Department takes only to protect the public interest. We intend to use PIEs only to remedy situations of serious noncompliance. PIEs are not used for the purpose of punishment.
- (d) Nothing in this subpart precludes a DOT agency or the Inspector General from taking other action authorized by its regulations with respect to service agents or employers that violate its regulations.

The Employer will not use the services of any service agent on the Federal Register listed under the Public Interest Exclusions and will stop using any services no later than 90 days after the Department has published the decision in the Federal Register.

APPENDIX A

§ 40.85 What are the cutoff concentrations for drug tests?

(a) As a laboratory, you must use the cutoff concentrations displayed in the following table for initial and confirmatory drug tests. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows:

CUTOFF CONCENTRATIONS FOR DRUG TESTS				
Initial test analyte	Initial test cutoff ¹	Confirmatory test analyte	Confirmatory test cutoff concentration	
Marijuana metabolites (THCA) ²	50 ng/mL ³	THCA	15 ng/mL.	
Cocaine metabolite (Benzoylecgonine)	150 ng/mL ³	Benzoylecgonine	100 ng/mL.	
Codeine/ Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL. 2000 ng/mL.	
Hydrocodone/ Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL. 100 ng/mL.	
Oxycodone/ Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL. 100 ng/mL.	
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL.	
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.	
Amphetamine/ Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL. 250 ng/mL.	
MDMA ⁴ /MDA ⁵	500 ng/mL	MDMA MDA	250 ng/mL. 250 ng/mL.	

¹For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

<u>Alternate technology</u>: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial test cutoff or, alternatively, the sum of the analytes present (i.e., equal to or greater than the laboratory's validated limit of quantification) must be equal to or greater than the initial test cutoff.

²An immunoassay must be calibrated with the target analyte, Δ -9-tetrahydrocannabinol-9-carboxylic acid (THCA).

- (b) On an initial drug test, you must report a result below the cutoff concentration as negative. If the result is at or above the cutoff concentration, you must conduct a confirmation test.
- (c) On a confirmation drug test, you must report a result below the cutoff concentration as negative and a result at or above the cutoff concentration as confirmed positive.
- (d) You must report quantitative values for morphine or codeine at 15,000 ng/mL or above. [65 FR 79526, Dec. 19, 2000, as amended at 75 FR 49862, August 16, 2010; 77 FR 26473, May 4, 2012; 82 FR 52244, November 13, 2017]

§ 40.91 What are the cutoff concentrations for oral fluid drug tests?

As a laboratory, you must use the cutoff concentrations displayed in the following table for initial and confirmatory drug tests for oral fluid specimens. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows:

Table 1 to § 40.91—Oral Fluid Testing Cutoff Concentrations

INITIAL TEST ANALYTE	INITIAL TEST CUTOFF ¹	CONFIRMATORY TEST ANALYTE	CONFIRMATORY TEST CUTOFF CONCENTRATION
Marijuana (THC) ²	4 ng/mL ³	THC	2 ng/mL.
Cocaine/Benzoylecgonine	15 ng/mL	Cocaine Benzoylecgonine	8 ng/mL. 8 ng/mL.
Codeine/Morphine	30 ng/mL	Codeine Morphine	15 ng/mL. 15 ng/mL.
Hydrocodone/Hydromorphone	30 ng/mL	Hydrocodone Hydromorphone	15 ng/mL. 15 ng/mL.
Oxycodone/Oxymorphone	30 ng/mL	Oxycodone Oxymorphone	15 ng/mL. 15 ng/mL.
6-Acetylmorphine	4 ng/mL ³	6-Acetylmorphine	2 ng/mL.
Phencyclidine	10 ng/mL	Phencyclidine	10 ng/mL.
Amphetamine/Methamphetamine	50 ng/mL	Amphetamine Methamphetamine	25 ng/mL. 25 ng/mL.
MDMA ⁴ /MDA ⁵	50 ng/mL	MDMA MDA	25 ng/mL. 25 ng/mL.

¹ For grouped analytes (*i.e.*, two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial

³<u>Alternate technology (THCA and Benzoylecgonine)</u>: When using an alternate technology initial test for the specific target analytes of THCA and Benzoylecgonine, the laboratory must use the same cutoff for the initial and confirmatory tests (i.e., 15 ng/mL for THCA and 100ng/mL for Benzoylecgonine).

⁴Methylenedioxymethamphetamine (MDMA).

⁵Methylenedioxyamphetamine (MDA).

test cutoff or, alternatively, the sum of the analytes present (*i.e.*, with concentrations equal to or greater than the laboratory's validated limit of quantification) must be equal to or greater than the initial test cutoff.

² An immunoassay must be calibrated with the target analyte.

³ Alternate technology (THC and 6-AM): The confirmatory test cutoff must be used for an alternate technology initial test that is specific for the target analyte (*i.e.*, 2 ng/mL for THC, 2 ng/mL for 6-AM).

⁴ Methylenedioxymethamphetamine (MDMA).

⁵ Methylenedioxyamphetamine (MDA).

APPENDIX B

Kristy Wilson, City Nurse is designated by the company to be available to all employees for the purpose of answering any questions about company's Substance Abuse and Alcohol Misuse Plan, including information about the availability of materials on substance abuse and alcohol misuse.

APPENDIX C

Educational materials about the effects of substance abuse, including alcohol, are available to all company employees at the following locations:

- 1. City Clinic 4th floor City Hall in Human Resources Department Phone: 850.435.1726
- 2. Employee Assistance Program: EAP Lifestyles Management, LLC, Phone:

850.788.2077

3. www.cdac.info

NOTE:

A copy of the company Substance Abuse and Alcohol Misuse Plan is available to representatives of employee organizations. Specifically, this Appendix will serve as <u>written notification</u> to such representatives regarding the availability of educational materials for employees.

APPENDIX D

HELP FOR SUBSTANCE ABUSE PROBLEMS:

Employees who want help with a substance abuse problem (self or other) can begin the helping process by calling the following telephone numbers:

- * Employee Assistance Program: EAP Lifestyle Management LLC, Phone: 800.788.2077
- * Lakeview Center Phone: 850.469.3500
- * CDAC

Phone: 850.434.2724 1.888.994.9944