

RESOLUTION 01-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA, AMENDING THE CITY'S PERSONNEL POLICIES AND PROCEDURES HANDBOOK AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Seminole desires to provide the most effective efficient services to its employees and to the public; and

WHEREAS, the City Manager, in consultation with the City's Human Resources Director and at the direction of the City Council, recommends that certain changes be made to the City's Personnel Policies and Procedures Handbook in order to reflect current conditions, trends, and goals, as well as the needs of the City; and

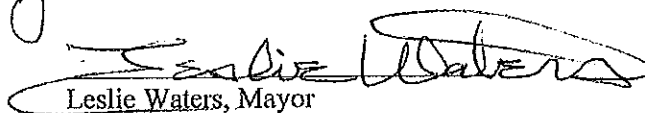
WHEREAS, the proposed amendment to the Personnel Policies and Procedures Handbook is attached herewith in strikethrough/underline format.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA, THAT:

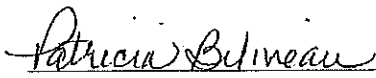
SECTION 1: The City's Personnel Policies and Procedures Handbook is hereby amended in accordance with the attached Exhibit A.

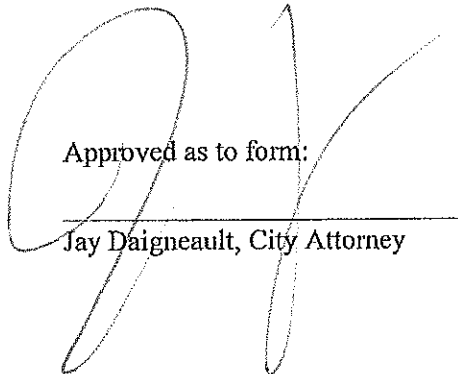
SECTION 2: This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA, THIS 12 DAY OF February, 2019.


Leslie Waters, Mayor

ATTEST:


Patricia Beliveau, City Clerk

Approved as to form:

Jay Daigneault, City Attorney

CITY OF SEMINOLE



Policies and Procedures

Adopted September 26, 1995

Revised February 12, 2019

CITY OF SEMINOLE
PERSONNEL POLICIES

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CHAPTER I

GENERAL PROVISIONS

1.01 PURPOSE

It is the intent of the City of Seminole, Florida to provide policies and procedures of personnel administration consistent with accepted personnel practices and to promote good employer/employee relations. This Personnel Policies and Procedures Manual contains information about the employment policies and practices of The City of Seminole. These policies reflect the City's values, and we expect each employee to read this manual carefully as it is a valuable reference for understanding your job and The City of Seminole.

This manual supersedes all previously issued Personnel Policies and Procedures Manuals and any inconsistent verbal or written policies, procedures, rules, or regulations, ~~policy statements made or issued before this manual.~~ Except for the policy of at-will employment, The City of Seminole reserves the right to revise, delete, and add to the provisions of this Personnel Policies and Procedure Manual. All such revisions, deletions, or additions must be in writing. No oral statements or representations can change the provisions of this manual.

None of our personnel documents and benefit plans, including this Personnel Policies and Procedures Manual, constitutes, or is intended to constitute, an express or implied contract guaranteeing continued employment for any employee. No manager or supervisor has any authority to enter into a contract of employment express or implied that changes or alters the at-will employment relationship. Only the City Manager or his or her authorized representative has the authority to enter into an employment agreement that alters the at-will employment relationship and any such agreement must be in writing signed by the City Manager or his or her authorized representative.

Not all of the City's policies and procedures are set forth in this Personnel Policies and Procedure Manual. We have summarized only some of the more important ones. If an employee has any questions or concerns about this Personnel Policies and Procedures Manual or any other policy or procedure, please ask your supervisor, your Human Resources Director, or another member of management.

Nothing in this manual or in any other document or policy is intended to violate any local, state or federal law. Nothing in this manual is intended to limit any concerted activities by employees relating to their wages, hours or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act. Furthermore, nothing in this handbook prohibits an employee from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission ("EEOC"), Florida Civil Rights Commission ("FCRC"), or any other federal, state or local agency charged with the enforcement of any laws.

1.02 SCOPE

This Personnel Policies and Procedure Manual covers all City employees unless specifically exempted through an employment contract.

1.03 ADMINISTRATION

- A. The City Manager shall be responsible for the administration and technical direction of these Rules and Regulations. The City Manager may, however, delegate tasks required to meet this responsibility to other members of the City staff.
- B. A summary of this manual will be issued to all employees. A full copy will be available in each Department for reference purposes.

1.04 AMENDMENT

These Personnel Policies and Procedures may be amended at any time, by Resolution, upon the recommendation of the City Manager with the approval by affirmative vote of City Council.

1.05 CHANGES

The information contained in these Personnel Policies and Procedures is intended as a general guide for employees. The policies and any procedures contained herein do not constitute any form of employment contract or guarantee of continued employment. The City may change policies and procedures with regard to matters covered herein and such changes shall be immediately incorporated into the original Personnel Policies and Procedures on file in the office of the City Clerk. Existing policies and procedures, as determined or modified from time to time by management, shall supersede any written information previously distributed.

1.06 EQUAL EMPLOYMENT OPPORTUNITY

The City shall not discriminate against any person in employment, employee development, or employment advancement, or any other personnel action because of race, color, religion, age, creed, sex, national origin, marital status, disability, or other non-merit factors, except where such factor is a bona fide occupational qualification or is required by State and/or Federal Law. The City will also make reasonable accommodation to any employee's known disability as required by law. Retaliation against an individual who complains of discrimination or harassment will not be tolerated.

1.07 DISCRIMINATION AND HARASSMENT PROHIBITED

The City of Seminole is committed to providing a work environment that is free of prohibited harassment and discrimination. As a result, the City maintains a strict policy prohibiting sexual harassment and harassment or discrimination against applicants and employees based on any legally-recognized status, including, but not limited to: race, color, religion, sex, pregnancy (including lactation, childbirth or related medical conditions), age (40 and over), national origin or disability, genetic information or any other status protected by federal, state or local law.

The City's anti-harassment policy applies to all persons involved in its operations, regardless of their position, and prohibits harassing conduct by any employee of The City of Seminole including supervisors, managers, Council Members, and nonsupervisory employees. This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, visitors, or temporary or seasonal workers.

Please refer to the City of Seminole's Anti-Discrimination and Anti-Harassment Policy for additional guidance on preventing, identifying, and reporting harassment or discrimination.

1.08 EMPLOYMENT AT-WILL

Employment with the City of Seminole is at-will, unless state law provides otherwise, or as otherwise defined by an approved and executed employment contract or collective bargaining agreement. This means that employment may be terminated for any or no reason, with or without cause or notice at any time by the employee or by the City of Seminole. Nothing in these policies or any oral statement shall limit the right to terminate at-will. This at-will employment policy is the sole and entire agreement between the employee and the City of Seminole as to the duration of employment and the circumstances under which employment may be terminated. No manager or supervisor has any authority to enter into a contract of employment express or implied that changes or alters the at-will employment relationship. Only the City Council, the City Manager or his or her authorized representative has the authority to enter into an employment agreement that alters the at-will employment relationship and any such agreement must be in writing approved by City Council, or signed by the City Manager.

1.09 PERSONNEL POLICIES AND PROCEDURES TO BE ON FILE

Copies of the approved Personnel Policies and Procedures are to be maintained on file with various City departments/divisions, the City Clerk (custodial copy), and City Manager's office. Each department/division of the City shall have no less than two (2) copies of the City's Personnel Policies and Procedures. One (1) copy shall be prominently "posted" for employee review and one (1) copy maintained by the Department/Division Head. Additionally, each City employee shall be provided with a copy of the approved Personnel Policies and Procedures and shall sign the following statement:

"I _____ hereby acknowledge receipt of the City of Seminole's Personnel Policies and Procedures and accept the responsibility of reading and understanding these Policies and Procedures."

Date

Employee's Signature

CHAPTER II

DEFINITION OF TERMS

2.01 TERMS

For the purpose of these Personnel Policies and Procedures, the following terms shall apply. Non-defined terms shall be given their ordinary and common meaning as determined by the City Manager.

ALLOCATION - The assignment of a position to its appropriate class in relation to duties performed.

ANNIVERSARY DATE - The calendar date on which an employee satisfactorily completes one year of employment, one year from date of promotion, or one year from date of transfer with a change in the employee's base rate of pay.

APPOINTING AUTHORITY - The City Manager, who under the City Charter, has the authority and discretion to appoint and remove employees at any time. Any change in appointing authority requires a City Charter change.

CITY MANAGER - The chief administrative officer of the City, or his/her designee. The City Manager shall be responsible to the Council for the administration of all City affairs placed in the City Manager's charge by or under the City Charter. The City Manager may delegate any or all duties.

COMPENSATION AND CLASSIFICATION PLAN - The act of grouping positions in classes with regard to: (1) duties and responsibilities, (2) requirements as to education, knowledge, experience, and ability; (3) tests of fitness, and (4) ranges of pay.

COMPENSATION - The standard rates of pay which have been established for the respective classes of work as set forth in the Compensation Plan.

COMPENSATION PLAN - The official schedule to pay assigning one (1) or more rates of pay to each class title.

DEMOTION - Assignment of an employee from one (1) class to another which has a lower minimum rate of pay.

DIRECTOR/DEPARTMENT HEAD - Employees of the City designated by the City Manager to be the head of a department.

DISMISSAL - Involuntary separation from City employment.

DRESS CODE - Regulations associated with employee attire and appearance. (See Chapter VII, Section 8.02)

EMPLOYEE - Any employee of the City covered by the provision of these Personnel Policies and Procedures.

- A. **Salaried Employees** - Those employees designated by the City Manager which meet the criteria for exempt status under the Fair Labor Standards Act (FLSA).
- B. **Full-Time Hourly Employee** - Any employee whose official performance of duty generally requires forty (40) working hours per week.
- C. **Part-Time Hourly Employee** - Any employee whose official performance of duty generally requires less than forty (40) working hour per week.
- D. **Temporary Employee** - An employee hired for a specific duration of employment, when regular employment for the position is not anticipated.

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

GRIEVANCE - Grievance is an alleged violation, misinterpretation, or misapplication with respect to one (1) or more employees of any provision of these policies and procedures which arises during the term of these Personnel Policies and Procedures.

GROUP - A number of positions which involves similar duties, responsibilities, and qualifications and is designated by a title indicative of the kind of work.

HUMAN RESOURCE OFFICER - An employee designated by the City Manager to be accountable for the personnel operations of the City.

IMMEDIATE FAMILY - Immediate family is defined as the employee's spouse, children and parents. Spouse means a husband or wife as defined or recognized under Florida State law for the purpose of marriage. Parent means a biological parent, foster parent, stepparent or legal guardian. Child means a biological child, adopted, foster, step or legal ward.

INITIAL TRAINING PERIOD - A working test period and an integral part of the evaluation testing and/or examination process during which the employee is required to demonstrate fitness for the position by satisfactory job performance of the duties of the position, by satisfactory conduct, attendance, and the ability to work with fellow employees as prior conditions to receiving regular employee status. The initial training period shall be six (6) months for non-exempt employees and twelve (12) months for exempt employees and Fire Rescue Department Emergency response personnel and inspectors. The initial training period will begin when a new employee has been hired, or when an employee has been transferred to a new position.

LAYOFF - Separation of an employee (as herein defined) from a position in the personnel system because of the reduction in work load available, lack of funds by the City, abolition of the position, alteration in the departmental/divisional organization, or for other related causes.

PERFORMANCE EVALUATION - The periodic evaluation or appraisal of an employee's work performance.

POSITION - Any office or employment, whether occupied or vacant, part time or full time, consisting of duties and responsibilities assigned to one (1) individual by competent authority.

POSITION CLASSIFICATION - The relative allocation of a position within the Compensation and Classification Plan based upon the duties, responsibilities, and general requirements of the position as compared to other positions within the Compensation and Classification Plan.

POSITION DESCRIPTION - A general outline describing the current duties, responsibilities, general requirements, and qualifications for a position.

PROBATIONARY EMPLOYEE - An employee who has been placed into probationary status as a result of disciplinary action.

PROMOTION - Assignment of an employee from one (1) class to another which has a higher range of pay. Promotions can take place within a department/division or between departments/ divisions.

RECLASSIFICATION - The action taken to officially change an existing position to a different appropriate group because of a change of duties, responsibilities, and/or requirements of the existing position or because of a revision to the Compensation and Classification Plan.

RESIGNATION - The voluntary termination of employment by an employee.

RETIREMENT - Shall be the age and tenure reached by an employee as specified in the employee's Retirement Plan offered by the City or as otherwise determined by City Council.

SUSPENSION - Enforced leave of absence, of an employee for a fixed period of time, with or without pay, as determined by the City Manager.

TRANSFER - Change of an employee from one (1) position to another position in a classification assigned to a pay range with the same minimum and maximum rate of pay.

VACANCY - An unfilled position described and contained in the Compensation and Classification Plan.

WORK PERIOD - An established and regularly recurring period of work.

CHAPTER III

SELECTION AND EMPLOYMENT

3.01 SELECTION AND APPOINTMENT

- A. The Department Director shall select the applicant whose qualifications most ideally meet the requirements of the vacant position. The Department Director shall recommend an appointment to the City Manager, through the Human Resources Director. Preference shall be granted to veterans or their spouses in accordance with State law.
- B. The City Manager or the Department Director may remove from further consideration at any time the application of any applicant who is not deemed to possess the minimum job related qualifications, or who has made false statements of any material fact or practiced deception in the application, or who fails any phase of the pre-employment process, or who fails to accept appointment or report for duty within the time prescribed in the offer.
- C. During the recruitment, selection, and hiring process, the City Manager shall have discretion to recognize like prior employment with regards to employment offers as it pertains to salaries and benefits as guided by the City's Personnel Policies and Procedures

3.02 MEDICAL EXAMINATIONS

Upon acceptance of a conditional offer of employment, a prospective employee will be required to undergo a medical examination as directed by the City, including tests for illegal substances through a City designated physician to determine if the employee meets accepted standards of health for the position. This examination shall be in addition to the medical history statement and shall be performed at the City's expense.

3.03 INITIAL TRAINING PERIOD

The initial training period is an integral part of the employee evaluation process. This is primarily an orientation and learning period in which the supervisor has an opportunity to determine whether the employee understands and has the ability and skills to perform the job assigned and is an appropriate fit for the department. Any newly-hired person completing their initial training period is subject to the rules and regulations except for the right to file grievances. An employee who is completing an initial training period following original appointment does not have a property interest in his or her employment. An employee removed during their initial training period has no right of appeal.

- A. For entrance and promotional appointments, the initial training period shall begin immediately upon appointment or promotion to a position and shall continue for a period of six (6) months for non-exempt employees or twelve (12) months for exempt employees and Fire Rescue Department emergency response personnel and inspectors.

- B. Circumstances may exist to warrant an extension of the initial training period for up to six additional months upon recommendation by a Department or Division Director, at the discretion of the City Manager. At the conclusion of the extended initial training period, a performance review shall be done.
- C. If an employee in their initial training period has been found to be unable or unwilling to perform the essential function of his/ her position with or without reasonable accommodation, unsuitable for the position, or has received disciplinary action, he/she may be dismissed or demoted upon the recommendation of the Department Director and approval by the City Manager. The Director or his/her designee must coordinate this action with the Human Resources Director. The employee does not have the right to file a grievance.
- D. If a recently promoted employee in their initial training period has been found to be unable to satisfactorily perform the duties of the higher position, the employee shall be returned to the position and status held immediately prior to the promotion, if the position is vacant. The Department Director shall coordinate the action with the Human Resources Director. If the position held immediately prior to the promotion is not vacant in the original department, the employee may be transferred to a vacant position in another department, providing they meet the qualifications for that position. The transfer shall be subject to the approval of both Department Directors and the City Manager. If no vacancy exists for the position held immediately prior to the promotion, the employee may be considered for any other vacant position for which he/she qualifies. If no vacancy is identified, the employee will be separated from employment.
- E. Absences of greater than thirty consecutive days will cause the initial training period, and anniversary date to be adjusted by an equal number of days by Human Resources.
- F. The supervisor and the Department Director shall evaluate the employee's performance. The Department Director or designee shall complete an initial performance evaluation and submit a final recommendation on the employee's status for review and approval by the City Manager. If approved by the City Manager, the employee shall be designated as a regular employee.
- G. Vacation and sick leave credit shall accrue during the initial training period, but ordinarily no such leave may be taken by newly hired employees without the approval of the City Manager. Sick leave is not available for use during the initial training period except in extraordinary circumstances and only with approval of the City Manager.

3.04 EMPLOYMENT RESTRICTIONS

The definition of relatives will be governed by the Florida State Statute (F.S. 112.3135). The employment, promotion or advancement of all city employees shall be consistent with the restrictions and practices set forth therein for agencies of the State of Florida and counties and cities throughout the State. It being the intent that the City of Seminole shall conduct its employment practices in a manner, which is no more restrictive and no less restrictive than is imposed upon the governmental agencies with which the City must compete for its employees. Furthermore, no relatives of the City Manager, City Attorney, Human Resources Director, Department/Division Director or Members of City Council shall be employed by the City of Seminole.

An employee shall not appoint, employ, promote or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position any individual who is related to the employee, either by affinity (marriage) or by consanguinity (blood). Such individual may not be appointed, employed, promoted, or advanced in or to a position if such appointment, employment, promotion, or advancement has been advocated by an employee who is related to the individual as aforesaid. Further, in order to avoid any potential conflict, no relative shall occupy a supervisory position in relation to another relative. If a conflicting relationship should occur subsequent to employment, the City Manager shall have the authority to take appropriate action to eliminate the conflict.

Current employees who marry or otherwise acquire the relationship of an immediate relative with another employee during the term of employment shall notify the City Manager/Human Resource Officer. The City Manager/Human Resource Officer shall make an effort to reassign one (1) of the employees so as not to have a conflict with this policy. The decision in which an employee is reassigned should be based on the qualifications of the employee and the availability of suitable positions within another department/division. If reassignment is not acceptable or available for resolving the conflict, one (1) of the employees shall be separated from employment.

CHAPTER IV

COMPENSATION AND CLASSIFICATION PLAN

4.01 COMPOSITION OF THE COMPENSATION AND CLASSIFICATION PLAN

The Compensation and Classification Plan includes the basic salary schedule as adopted by the City and subsequent amendments and the schedule of salary ranges consisting of minimum and maximum rates of pay for all classes of positions included in the Compensation and Classification Plan as adopted by the City and subsequent amendments.

Employees affected by the allocation or ~~relocation~~ reallocation of a position in the Compensation and Classification Plan shall be afforded a reasonable opportunity to be heard by the City Manager after filing a written request. The City Manager, after hearing the facts of the case, shall render his/her decision and such decision shall be reported to the employee and the Department/Division Head in writing. The City Manager's decision is final and may not be appealed under these Personnel Policies and Procedures.

CHAPTER V

FAMILY AND MEDICAL LEAVE

5.01 FAMILY AND MEDICAL LEAVE POLICY

The City has adopted a Family and Medical Leave Policy (FMLA). Leave under this policy shall run concurrently with all types of paid leave for which an employee qualifies. Eligible employees (as defined below) are allowed up to 12 weeks of leave in certain family and medical situations (which are also defined below) in a rolling twelve (12) month period. For example, an employee taking six (6) weeks of Family and Medical Leave on January 1, 2018, and an additional six (6) weeks Family Medical Leave on March 1, 2018, is not entitled to additional Family and Medical Leave until January 5, 2019, at which time the employee is eligible to request six (6) weeks leave and must wait until March 1, 2019 to request additional leave.

At the conclusion of an approved Family and Medical Leave, the employee will be reinstated to the same position which the employee occupied prior to the leave or to an equivalent position, subject to the exception for certain key employees discussed below. However, the taking of leave under this policy does not entitle the employee to any greater or lesser likelihood of being restored to the employee's position or an equivalent position, than the rights the employee otherwise would have had if leave were not taken.

If an employee is unable to return to his position once FMLA has been exhausted the employee will be offered other available positions within the City. The employee must meet the minimum qualifications of the offered position(s) and be able to perform the essential functions of the position with or without accommodation. The City will engage in an interactive process with the employee to determine what position, if any, the employee is able to perform with or without accommodations. If the employee is unable to return to any position within the City, his/her employment will be terminated.

- A. Any employee who has worked for the City for at least twelve (12) months and at least one thousand two hundred fifty (1,250) hours during the twelve (12) months prior to any requested leave may take up to twelve (12) weeks of leave per calendar year for the following reasons:
1. The birth of a child of an employee;
 2. The placement of a child with the employee through adoption or foster care;
 3. To care for an employee's spouse, child, or parent who has a serious health condition;
or
 4. A serious health condition of an employee, which renders him/her unable to perform the functions of his/her position.

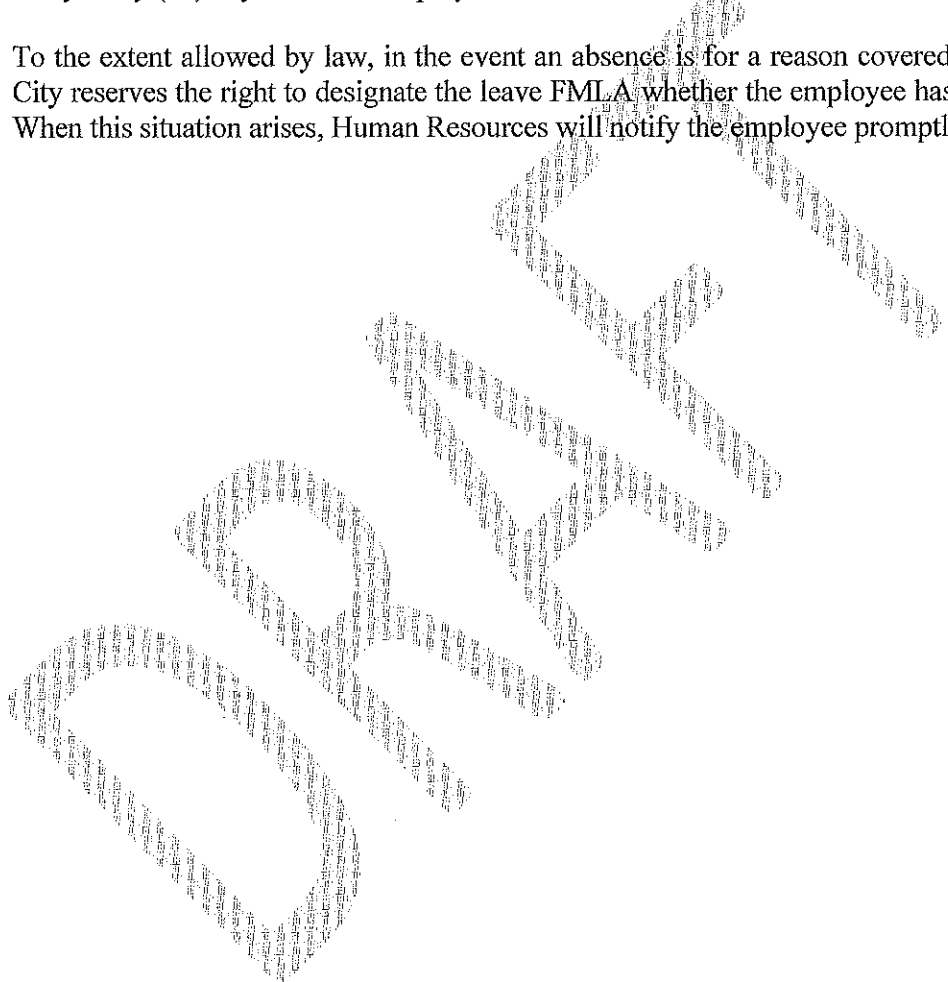
The City reserves the right to deny leave under this policy if all of the eligibility requirements set forth by law are not met.

- B. In the case of leave for an employee or family member's serious health condition, leave may be taken on an intermittent or reduced hours basis only if such leave is medically necessary. If

intermittent or reduced leave is medically necessary, the employee may be temporarily transferred to another position with equivalent pay and benefits, which better accommodates that type of leave. Employees are required to use accrued annual leave and sick leave prior to being placed in an unpaid leave status.

- C. If leave is requested for the birth, adoption, or placement of a child through foster care, intermittent, or reduced hours leave is not available. Employees are required to use accrued annual leave prior to being placed in an unpaid leave status. Entitlement to leave for the birth, adoption, or placement of a child in foster care expires twelve (12) months after the event.
- D. During a family leave of absence, the City will continue to pay its portion of the health insurance premiums up to a maximum of twelve (12) work weeks, regardless of whether the leave is paid through the use of accrued leave or unpaid. The employee must continue to pay his/her portion of the premiums; failure to do so may result in loss of coverage. Under certain circumstances, the City may recover from the employee insurance premiums paid on the employee's behalf.
- E. During any portion of an unpaid family or medical leave, employees shall not accrue employment benefits like annual or sick leave. Benefits accrued up to the day on which the family or medical leave of absence begins will not be lost except to the extent used by the employee to pay for such leave.
- F. An employee who returns to work from family or medical leave within or on the day following the expiration of the twelve (12) work weeks provided for in this policy will be reinstated to his/her job or an equivalent position without loss of pay or benefits. Every effort will be made to return employees who are granted leave in excess of twelve (12) work weeks to his/her job or an equivalent position without loss of pay or benefits.
- G. An employee who takes leave of thirty (30) calendar days or more in succession shall have his/her anniversary date adjusted by a like amount.
- H. If both spouses are employees of the City, their combined leaves of absence will not exceed twelve (12) work weeks if the leave is for reasons other than their own serious health conditions, a serious health condition of their spouse, or a serious health condition of their child.
- I. Applications for family or medical leaves of absence must be submitted in writing. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if a thirty (30) day notice cannot be given. Where an employee seeks to take leave for foreseeable medical treatment, the employee should make a reasonable effort to schedule treatment so as to not unduly disrupt the City's operations.
- J. Appropriate forms must be submitted to the City Manager to initiate a family or medical leave and to return the employee to active status.
- K. An employee requesting a family or medical leave of absence must furnish the appropriate medical certification.
- L. An employee unable to return from leave must also furnish medical certification of that fact.

- M. For leave due to an employee's serious health condition, a medical release from the employee's health care provider verifying the employee's fitness for duty must be presented to the Department/Division Head/Supervisor prior to the date the employee is scheduled to return to work.
- N. On leaves granted for medical reasons, the City has the right to secure a second opinion at its own expense.
- O. For leaves extending beyond thirty (30) calendar days, the employee must notify the City every thirty (30) days as to the employee's status and intent to return to work.
- P. To the extent allowed by law, in the event an absence is for a reason covered by FMLA, the City reserves the right to designate the leave FMLA whether the employee has applied or not. When this situation arises, Human Resources will notify the employee promptly in writing.



CHAPTER VI

OTHER PERSONNEL AND RELATED SUBJECTS

6.01 DRESS CODE

All City employees shall dress in attire appropriate to their position at all times. Office employees shall dress in professional manner (i.e., dresses, skirts, suits, dress slacks, collar shirts, ties) and shall refrain from denim, leisure clothing, clothing permitting overexposure, and, and undergarments shall not be visible through clothing. Jacket and tie may be required. Casual attire may be approved by the City Manager. City employees that are provided uniforms shall wear such attire as directed. All uniforms are the property of the City and shall be returned upon employment separation. Employees are prohibited from wearing issued uniforms for any purpose other than City employment functions. All clothing shall be clean, appropriately maintained, and worn in the manner intended. Department rules may further describe regulations regarding job specific attire.

6.02 EMPLOYEE EDUCATION/TRAINING

The City encourages its employees to avail themselves to job-related advanced education and training in their respective fields of work. The City will assist employees with education and training under four (4) guidelines:

- A. **Mandated Training/Education** - When the City requires an employee to participate in an education or training program, the City will bear the full cost of the employee's participation including per diem, hourly pay, tuition, books, travel cost, etc., as it applies.
- B. **Voluntary Training/Education** - When an employee voluntarily seeks to improve job-related skills within their current field of work, or a related field of work, or in anticipation of promotional requirements through an education or training program, outside regular work hours, the Department/Division Head may recommend, upon the satisfactory completion of the course, to the City Manager that the employee be reimbursed for all or part of the cost associated with participation in the program (tuition, books, supplies) in accordance with the City's administrative policy, up to the maximum budgeted amount, at a rate not to exceed:

<u>Grade</u>	<u>% Reimbursement</u>
A-B	100%
C	75%
D-F	0%
1-Audit	0%

- C. **Other** - When the Department/Division Head determines it is in the City's best interest to send an employee to training or educational program, the City may bear the entire cost associated with the course when it is approved in advance by the City Manager.

- D. Certifications required as a Condition of Employment shall be maintained by the employee. Related re-certification costs shall be reimbursed by the City provided that such costs are approved by the Department/Division Head and only when the employee successfully completes the certification requirements.

6.03 PERFORMANCE EVALUATION

It is the intention of the City to support ongoing performance management through the implementation of a performance evaluation process. Employee performance evaluations will be completed at intervals established by the City Manager to determine their merit and fitness to continue in their respective positions. The performance evaluation process is utilized to recognize the employees' areas of accomplishment and success in achieving established goals, to identify priorities and areas for future development, and to promote effective communication between supervisors and employees. The employee's performance evaluation score will also determine the employee's eligibility for merit pay increases if such funds are allocated by the City Council.

6.04 OUTSIDE EMPLOYMENT

Employment with the City of Seminole will be the employee's primary employment. Employees shall not be prohibited from engaging in any form of outside employment, including self-employment, that is not otherwise considered to be illegal under *Florida Statutes* or other prevailing laws that may exist and so long as such outside employment does not, in any way, interfere with their employment with the City. Employees who request to engage in any outside employment either on a permanent or temporary basis shall, prior to starting such employment, notify their Department/Division Head in writing. The Department/Division Head will then submit the request, using a city approved form, to the City Manager for approval/disapproval. Employees, who fail to notify their Department/Division Head as specified herein, may be subject to disciplinary action as determined by the City Manager.

Employees accepting outside employment will be responsible for informing their outside employer that they may be subject to being relieved from their outside duties if and when they are called for emergency service by the City. All employees who engage in outside employment shall agree that the city is their primary employer and shall respond immediately to any emergency call to duty by the City as determined by the City Manager or his/her designee. Outside employment may not, in any way, interfere with City employment. If at any time outside employment interferes with an employee's job requirement or performance for the City, the employee's resignation from his/her City employment, a modification in the conditions of the outside employment, or resignation from the outside employment may be required.

All injuries sustained as a result of outside employment must be reported to the employee's Department/Division Head prior to his/her next scheduled primary employment work shift. Employees will not be permitted to use the City's Workers' Compensation benefits or accrued sick leave for illness or injury resulting from outside employment.

No regular, full-time Department/Division Head or Assistant will engage in any outside activity for remuneration at any time when such an activity has any connection or relationship with his/her duties of a department/division without prior approval of the City Manager.

6.05 GROUP INSURANCE

The City shall provide eligible employees with the opportunity to enroll in group medical, dental, vision, life and accidental death, long-term disability and short-term disability insurance programs. Each eligible employee will receive a brochure, which outlines current benefits.

6.06 PUBLIC RELATIONS

Employees shall remember that they represent the City as a whole when servicing the public. They shall conduct themselves so as to project a desirable image of the City. Traits of a successful City employee include neat appearance, competency and efficiency, accuracy of information, professional demeanor, and consideration of feelings of others.

6.07 POLITICAL ACTIVITY

All employees are encouraged to register to vote and exercise this privilege. In the public interest, it is City policy and a governmental benefit to remove career employees from the arena of partisan political activity. *Florida Statutes* impose certain restrictions on the political activities of state, county, municipal officers, and employees. Also, those employees in positions supported in whole or in part by federal funds may be subject to restrictions contained in the Federal "Hatch Act." The following prohibitions shall apply to all City officers and employees:

- A. No person shall promise, attempt, or use political position, influence, or coercion in an effort to erode the merit system nature of the City's work force by patronage or favoritism for past or future political influences or services, either implied or actual.
- B. The City shall not permit the use of its equipment, property, facilities, or supplies for partisan political purposes.
- C. Employees shall not solicit, **during working hours**, for contributions or any sort of support or influence for any political party, office, or candidate.

Violations of any of these restrictions shall result in disciplinary action including discharge as determined by the provisions of Chapter X of these rules.

6.08 GRIEVANCE PROCEDURE

This grievance procedure is established to provide full opportunity to employees to bring to the attention of management complaints, grievances, or situations which the employee feels need either adjustment or information. It is the intent and desire of the City to adjust complaints or grievances informally. Both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after an appeal and review. The submission of a grievance by an employee shall in no way adversely affect the employee or his/her employment with the City.

A grievance is a complaint, a view or opinion pertaining to employment conditions, to relationships between employees and supervisors or to relationships with other employees. Disciplinary actions, dismissals, demotions, suspensions, reductions in pay or other financial matters, position classifications

and allocations, and performance appraisals shall not be subject to review as grievances. In order to assure every employee a method in which they may get their particular grievance considered rapidly, fairly, and without reprisal, the following steps are provided:

Step 1 An employee is expected to discuss any grievance initially with his/her immediate Supervisor within three (3) days of the alleged inequitable treatment.

Step 2 If the matter is not settled, the employee may submit a written grievance and relief sought to the Department/Division Head no later than seven (7) days of the alleged inequitable treatment. The Department/Division Head shall respond to the employee in writing within three (3) working days of receipt of the grievance. (Note: For Fire Rescue Department employees, Step 2 shall be to the District Chief/Assistant Chief before presentation to the Fire Chief).

Step 3 If the employee feels that the grievance has not been satisfactorily adjusted by the Department/Division Head, a written grievance may be submitted to the City Manager within fourteen (14) days of the alleged inequitable treatment. The City Manager may conduct hearings, investigations, and/or reviews necessary to determine the facts of the grievance or alleged inequitable treatment, and issue a written finding no later than twenty-one (21) days from the alleged inequitable treatment. The decision of the City Manager is final.

6.09 HOURS OF WORK

The normal work week of full-time employees will be forty (40) hours. The meal period is unpaid time and shall normally be one-half (1/2) hour.

6.10 DEPARTMENT RULES

Department/Division Heads are authorized to frame and promulgate rules, additional and supplemental to these rules, provided they are not in conflict with these rules. All such rules must be approved by the City Manager and are subject to amendment, and/or revocation by the City Manager.

6.11 PERSONNEL RECORDS

The City Manager shall direct the maintenance and location of personnel records of each employee to a single location. Such records shall include a personnel file for each employee giving basic vital statistics, disciplinary actions, employee appeals, and official acts involving the employee, any examination records, and any employment records. They shall be available for inspection and review insofar as such is permitted under the laws governing the Public Records Act.

6.12 PARTICIPATION IN EMPLOYEE ORGANIZATIONS

All employees have the right to organize, join, or participate in or to refuse to join or participate in any employee collective bargaining organization under procedures established by the State Statutes.

CHAPTER VII

SEPARATIONS

7.01 TYPES OF SEPARATION FROM CITY SERVICE

The employment relationship between the City and its employees is for no definite period of time and may be terminated at any time for any reason, by either the employee or the City, in compliance with the State of Florida's "Employment at Will" law. Separation and/or terminations from positions in City service shall be designated as one (1) of the following types:

A. **Resignation** - Resignation is the separation of an employee from the City's service through the submittal of a notice that he/she wishes to resign or by failure of an employee to report to duty for three (3) consecutive work periods without a justifiable reason. When a resignation is submitted, it will be accepted and may not be rescinded by the employee. The City reserves the right to modify the employee's offer to resign. It is the responsibility of an employee who plans to resign in good standing to notify his or her immediate supervisor in advance as follows:

1. At least two (2) calendar weeks for non-exempt employees. At least four (4) calendar weeks for exempt employees, unless approved by the City Manager.
2. At least five (5) business days for employees in temporary positions.
3. The City Manager may waive the notice requirement when it is in the best interest of the City.
4. Failure to resign in good standing will result in such employees being denied re-employment with the City. Furthermore, failure to resign in good standing as defined in this section shall result in the employee not being eligible for payment of any accrued sick leave.
5. The effective date of separation is either the close of business on the last day an employee reports for duty or the date specified in his/her written resignation.

The resigning employee is required to physically work all normally scheduled workdays assigned to the employee's position during the final two (2) weeks for non-exempt employees or final four (4) weeks for exempt employees, unless approved by the City Manager. Employee calling in sick will be required to provide a physician's note justifying the absence. Justified absences within the final weeks of employment will be deducted from annual/accrued vacation leave.

Unauthorized absences from work for a period of three (3) days may be considered as the employee's voluntary resignation by the Department Head.

- B. Retirement** - Whenever an employee meets the conditions set forth by the City of Seminole, that employee may elect to retire and receive all benefits earned under their respective Retirement Plan.
- C. Disability** - An employee may be separated for disability when he/she cannot perform the required duties because of a physical or mental impairment. In all cases it must be supported by medical evidence acceptable to the City Manager. The City may require an examination at its expense and performed by a physician of its choice.
- D. Death** - Separation shall be effective as of the date of death. All compensation due the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law, or as directed in executed forms in the employee's personnel folder.
- E. Layoff** - The City Manager or designee may lay off an employee or employees when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or for other material changes in the duties or organization, or for related reason which is outside the employee's control and which do not reflect discredit upon the service of employees. The duties performed by any employee laid off may be reassigned to other employees. Any employee who is laid off for any of the above reasons will be entitled to severance pay in the amount of two (2) weeks salary.
- F. Order of Layoff** - When it becomes necessary to reduce the number of employees within a given class in any department/division through lack of funds, work, or other cause, employees shall be laid off as follows:
1. Emergency, temporary, or provisional employees.
 2. Probationary employees (new or promotions).
 3. Classified employees.
 - a. When the need arises for laying off an employee serving a provisional or promotional period, such employee shall be returned to a position of the class from which he/she was promoted or advanced and layoff shall be made from said class in a manner herein provided.
 - b. Classified employee layoff preference will be based on the recommendations of the department management with the approval of the City Manager.
 - c. Classified employees laid off shall have preference for reinstatement in their classification over applicants on eligible lists for a period of six (6) months and shall have their tenure of service restored. If re-employed after six (6) months, the employee shall be treated as a new employee.

- d. The City will offer reinstatement to laid off employees by certified mail to the last known address.
- e. Reinstatement will be offered to laid off employees provided they are physically qualified to perform the duties of the job. A laid off employee, when offered reinstatement who is temporarily unable to accept due to medical reasons, may request a leave of absence not to exceed thirty (30) days.

G. **Dismissal or Discharge** – Employment may be terminated in accordance with the City's Progressive Disciplinary Plan. The City reserves the right at all times to terminate the employment of any employee with or without cause, for any lawful reason regardless of whether that reason is listed in the City's Progressive Disciplinary Plan, whenever the City determines such action to be in the best interests of the City.

7.02 EXIT INTERVIEWS

Each employee who resigns from the City will be requested to complete an exit interview in the office of the Human Resource Officer, prior to the last day of employment. The completed exit interview is to be used as a management tool. All exempt employees will be requested to have an exit interview with the City Manager.

7.03 CITY PROPERTIES

At the time of separation all city records, books, assets, uniforms, keys, tools, and other items of City property in the employee's custody shall be transferred to the department/division and certification to this effect shall be made by the Department/Division Head. Failure of an employee to return all of city properties at time of separation will cause the city to take a collection and/or legal action.

7.04 FINAL PAY

All final paychecks will be issued directly to the employee by the Finance Division.

CHAPTER VIII

DISCIPLINARY MEASURES

8.01 GUIDELINES FOR DISCIPLINARY ACTIONS

Employees of the City are and remain employees at will. The listing of offenses for which an employee may be disciplined or terminated is not intended to alter that status. The City reserves the right at all times to terminate the employment of any employee with or without cause, for any lawful reason regardless of whether that reason is listed in this section, whenever the City determines such action to be in the best interests of the City.

The City of Seminole's intent is to administer discipline as a means to correct improper behavior and to provide consistent pre-disciplinary procedures prior to assessing formal disciplinary actions. The City recognizes that each situation may differ in many respects from somewhat similar ones. Therefore the City reserves the right to treat each incident on an individual basis without creating a precedent for other incidents that may arise in the future. Each case is to be considered individually in the light of all available facts. Where applicable, Florida Statutes regarding firefighters will be followed.

~~The Fire Rescue Department employees shall be disciplined in accordance with Sections 4.2, 4.3 and 4.4 of the latest executed edition of the Fire Rescue Department's Rules and Regulations approved by the City Manager.~~

A. PROGRESSIVE DISCIPLINE

The level or severity of the discipline and the applicability of Progressive or Non-Progressive disciplinary actions will be determined by the gravity of the violation, the employee's record of prior disciplinary actions, and other mitigating factors. Incidents of employee misconduct or poor performance that use a progression of disciplinary measures may utilize the following as appropriate:

1. **Corrective Action** – Informal corrective action shall be intended to mean that which is educational rather than punitive in nature. Such measures shall include verbal counseling, retraining, or performance improvement plan.
2. **Oral Warning** – An oral warning consists of the supervisor verbally warning an employee in a private meeting concerning his/her behavior or work performance and counseling the employee of the expected standard of performance. The employee should be informed that the meeting will be deemed an oral warning however the Supervisor will document the meeting for future evaluation purposes. Documentation of numerous verbal counseling's may be used to justify more progressive discipline and lower evaluation marks.
3. **Written Reprimand** – A written reprimand is typically used when an oral warning has not resulted in satisfactory change in the employee's conduct or when an oral warning is deemed insufficient for the offense. A written reprimand in most cases shall be on the disciplinary

action form with the exception of the Fire Departments in accordance with departmental General Orders. The form shall include the following information:

- a. Reference to recent counseling, oral warnings, or written reprimands on any violation or conduct.
 - b. Specific incident of misconduct or poor performance.
 - c. Expected standard of conduct.
 - d. Course of action that will be implemented if employee fails to correct the deficiency and/or behavior in the future.
 - e. Warning that more severe disciplinary action shall follow.
4. **Suspension without pay** — ~~A suspension is typically used when less severe disciplinary measures have already been utilized and has not resulted in satisfactory conduct or when other forms of discipline do not adequately address the seriousness of the offense.~~ **with pay** — A suspension with pay may be appropriate in instances where an investigation is being conducted or pending a pre-determination hearing.
5. **Suspension with pay** — ~~A suspension with pay may be appropriate in instances where an investigation is being conducted or pending a pre-determination hearing.~~ **without pay** — A suspension is typically used when less severe disciplinary measures have already been utilized and has not resulted in satisfactory conduct or when other forms of discipline do not adequately address the seriousness of the offense.
6. **Recommendation for Termination** — A recommendation to the City Manager to terminate an employee is initiated when an incident constitutes serious misconduct, or all previous disciplinary actions have failed to produce satisfactory performance in the employee or when less severe disciplinary action does not adequately address the offense. The employee is formally notified of the Recommendation for Termination with the presentation of the Disciplinary Action Form and the Pre-Determination Hearing notice. The Pre-Determination Hearing process does not apply to temporary or probationary employees, City Manager, Assistant City Manager, Department Directors and any other management or at-will employee designated in writing by the City Manager.
7. **Pre-Determination Hearing** — If, based on the severity of the alleged misconduct, disciplinary action including suspension, demotion, or termination of employment is anticipated, the employee ~~An employee who has been recommended by his/her Department Director for termination will have the opportunity to participate in a Pre-Determination Hearing with the City Manager, or a designee. The employee is provided notice of the opportunity for a Pre-Determination Hearing when the Disciplinary Action Form is presented. The employee has the right to be accompanied, represented, and advised by legal counsel, or be self-represented. If the employee will be represented by counsel, the employee shall inform the City Manager of this in writing at least three (3) working days before the~~

hearing. The employee shall be responsible for his/her own attorney fees. The employee may also bring witnesses on his/her own behalf to the proceedings. The City may also bring legal representation as well as witnesses to support its action. If the employee fails to appear at the hearing, the hearing will be conducted in his/her absence. After the hearing the City Manager shall respond in writing with a decision on the recommendation. The decision of the City Manager shall be final and binding.

B. DISCIPLINARY ACTIONS

Disciplinary action should be taken in a timely manner and be issued no later than three (3) calendar days after the violation provided all necessary investigations or inquiries to substantiate the discipline have been completed. The Human Resources Director is responsible for monitoring all disciplinary action for City employees to ensure employee rights are protected and that appropriate and consistent action is taken with regard to the offense.

1. Examples of Misconduct which may begin at the Oral Warning/Written Reprimand level include, but are not limited to, the following:
 - a. Tardiness
 - b. Excessive absenteeism
 - c. Showing discourtesy to persons with whom the employee comes in contact while in the performance of duties.
 - d. Horseplay
 - e. Substandard performance
 - f. Misuse of City equipment
 - g. Smoking in a prohibited area
 - h. Creating or contributing to unsafe or unsanitary conditions or poor housekeeping.
 - i. Posting or removing any material on official bulletin boards or City property without authorization.
 - j. Failing to keep the department and the City notified of proper address and telephone number.
 - k. Criticizing orders, rules, policies or the competence of other employees unless constructively communicated to a supervisor in a civil manner.
2. Examples of Serious Misconduct which may warrant Non-Progressive Corrective action up to and including termination include, but are not limited to:

- a. Failure to immediately report an accident or personal injury in which the employee was involved while on the job.
- b. Being at-fault in an accident on the job that results in personal injury or injury to others.
- c. Reporting to work or working while unfit for duty, either medically, mentally or physically.
- d. Exhibiting inefficiency, incompetence, irresponsibility, substandard job performance, or continued rendering of such after instruction and/or counseling.
- e. Demonstrating gross neglect of duty or a specific serious failure to perform assigned duties.
- f. Failure to acquire or maintain competence or legal capacity to perform the duties required of the position, including but not limited to: maintaining the required driver license, registration, or certification required in the classification or the position description.
- g. Committing harassment, including but not limited to sexual harassment, discriminatory in nature, or other prohibited harassment, towards another employee, customer, vendor, citizen or any other person with whom the employee comes into contact as a result of employment.
- h. Disrupting, disturbing or in any way interfering with an investigation, including but not limited to knowingly making false allegations, statements or misrepresentations during the course of an investigation, spreading false information concerning an investigation, or having inappropriately influenced (or attempted to) witnesses, potential witnesses or investigator(s).
- i. Unlawful or improper conduct, or indecency, either on or off the job, which would tend to affect the employee's relationship to the job, fellow workers, reputation, or goodwill in the community.
- j. Theft, destruction/damage, neglect, or removal from City locations, without proper authorization, of any City property and equipment or property of any employee or citizen.
- k. Misappropriating City funds, property, services or personnel for his/her personal use, or illegally disposing of City property.
- l. Misappropriating City property, or illegally disposing of City property
- m. Misusing City purchasing or credit card.
- n. Incompetency, inefficiency, or negligence in the performance of duty.
- o. Insubordination, refusal to perform work assignments, or refusal to comply with written or verbal instructions of his/her supervisor except that which is deemed illegal or unsafe.

- p. Conviction of a criminal offense.
- q. Failure to immediately notify supervisor and/or management of arrests or convictions of a criminal offense, having been indicted by a Grand Jury, or incarcerated and/or charged with any unlawful act.
- r. Possession of alcoholic beverages in or on City property excluding unopened containers in personal vehicles. Drinking alcoholic beverages during the employee's work time.
- s. Illegal use, possession or sale of drugs or barbiturates including prescription drugs.
- t. Being found to have drugs and/or alcohol present in one's system or in violation of the Drug Free Workplace Policy.
- u. Any action or inaction, misconduct, or violation of City or departmental rules or policies not heretofore listed as deemed by the City Manager.

C. EMPLOYEE ASSISTANCE PROGRAM (EAP) USAGE

The City of Seminole offers an Employee Assistance Program (EAP) to all employees. The EAP should be considered as a resource and effective tool to assist an employee. All employees are encouraged to utilize this program and may self-refer. While administering discipline, supervisors should consider whether or not an EAP referral, either voluntary or employer mandated, is appropriate.

CHAPTER IX

SAFETY

9.01 ACCIDENT PREVENTION AND SAFETY

The development of safe working conditions, practices, habits, and thinking are principal objectives to a good safety program. Reaching these goals will result in benefits to employees and the City. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expenses, and improper and dangerous use of equipment are all operational problems which will be greatly improved by our joint efforts.

All Department/Division Heads must recognize their responsibilities for a successful Safety Program and will participate in a Safety Program designed to eliminate unnecessary accidents and needless expense. Inadequate safety training, improper equipment handling, or neglect will cause accidents, reduce available manpower and increase occupational costs. Each Department/Division Head is responsible for the safety training and education of departmental/divisional employees. The Department/Division Heads will enforce regulations which will ensure reaching all of the objectives of a good Safety Program.

Every employee, while driving or riding in a City vehicle or while in a private vehicle performing a City function, shall wear a seat belt.

9.02 ACCIDENT REPORTING

All employees shall be advised of their responsibility to report all injuries that occur on the job to their Department/Division Head and to the City Manager's office. Delay in reporting injury can cause complications of the injury, delay recovery, and may result in decrease in workers compensation benefits, and fines to the city.

Accident reports are the responsibility of the Department/Division Head on duty and should be submitted to the Human Resource Officer within twenty-four (24) hours after date of accident or the report of the injury. In the event the employee believes they have been injured on duty but do not discover or realize the injury until he/she has left work, the employee is responsible for calling the Department/Division Head immediately upon discovery of the injury. This also applies to first aid injuries as well as anyone injured in a vehicular accident. In the case of a vehicular accident, it may be necessary to submit a vehicular accident report. If the employee is injured, a report of injury to employee will also be required.

In case of serious injury or fatality, the Sheriff's Office and the employee's Department/Division Head should be notified immediately. The Sheriff's Office will, in turn, notify the City Manager regarding the accident.

9.03 STEPS TO TAKE IN CASE OF ACCIDENT

Refer to the City's most recently adopted Safety Policy and Procedural Manual.