

# City of Coral Gables



## PERSONNEL RULES AND REGULATIONS

*October 2007, as amended*

NOTE: The attached Rules and Regulations are for the exclusive use of the City of Coral Gables employees. Utilization of these guidelines by any other entity is solely as reference for professional application. The official version of these Rules and Regulations are found on-line at: [www.coralgables.com](http://www.coralgables.com), Human Resources page.

# WELCOME

Welcome to the City of Coral Gables, an exceptional community located in the heart of Miami-Dade County, considered as one of the best places to live, work and play because of its superior quality of life, excellent municipal services, and rich cultural heritage.

As an employee of the City you are a valuable and important asset in our mission of providing exceptional services to residents, business and visitors while preserving our heritage.

The following rules and regulations are an integral part of the employees of the City of Coral Gables, and have been established to provide guidelines in the delivery of exceptional services. Please read the rules carefully and follow these standards of excellence and courtesy.

If you are represented by a union, please consult the collective bargaining agreement that may supersede part(s) of this document.

These rules and regulations do not constitute a contract of employment, express or implied, and provide no guarantee of any kind. Further, the City reserves the right to change these rules and regulations from time to time in its sole discretion. It is your responsibility to understand and abide by the rules set forth in this manual to ensure professional business practices and behavior. The most current version of the rules and regulations can be found on-line at [www.coralgables.com](http://www.coralgables.com).

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## **1.0 - DEFINITIONS**

**1.1 - Affirmative Action** - Policies and initiatives designed to eliminate past and present discrimination as well as to promote and insure equal employment opportunity based on race, color, religion, sex, marital status, sexual orientation, national origin, age, veteran or disability status.

**1.2 - Adjusted Date of Hire** - The date of hire of an employee that is used for retirement purposes when the employee has been on a no-pay status for more than thirty (30) days, except when such leave is Family and Medical Leave, or when the employee buys back time.

**1.3- Allocation** - The assignment of an individual position to an appropriate classification on the basis of the type, difficulty, and responsibility of the work performed.

**1.4- Anniversary Date** - The anniversary date is originally set as the date of hire; however, the anniversary date may be adjusted upon promotion, demotion, or when an employee has been off the job for an extended period of time, such as leave of absence.

**1.5 - Classification** - One or more positions sufficiently similar in duties and responsibilities that the same descriptive title may be reasonably applied to each position, the same qualifications reasonably required, and within the same pay range.

**1.6 - Classification Plan** - An orderly plan under which positions are grouped into classifications based on duties and responsibilities. Discussed in RULE 3.

**1.7 - Collective Bargaining Agreement "CBA"** - A contract between the City of Coral Gables and one of its bargaining units. The three (3) current bargaining units are: Fraternal Order of Police - Lodge Number 7, International Association of Fire Fighters - Local 1210, and The City of Coral Gables Employees Association, Inc.

**1.8 - Commission** - The City Commission of the City of Coral Gables.

**1.9 - Compensation Plan** - Schedule of pay ranges including a minimum and maximum salary established for the classifications included in the Classification Plan. Discussed in RULE 4.

**1.10 - Contract Employee** - An individual working pursuant to a written agreement to perform a specific task for an established period of time.

**1.11 - Date of Hire** - The date of appointment of a new employee. The date of hire or adjusted date of hire (see 1.2 above) is generally used for retirement purposes.

**1.12 - Demotion** - A change in classification from one classification to another classification which has a lower pay grade and lower maximum salary. Discussed in RULE 8.

**1.13 - Department Head** - Employees of the City who are responsible, under the City Manager, for the operation of an established City department.

**1.14 - Excluded Employee** - An employee who is not eligible to join a collective bargaining unit.

**1.15 - Exempt Employee** - An employee who is not eligible to earn overtime (i.e., exempt from the provisions of the Fair Labor Standards Act).

**1.16 - Full Time Employee** - An employee who works 32 hours or more on a continuing basis and is eligible to receive all benefits and rights as provided for by the Personnel Rules and Regulations.

**1.17 - Grievance** - A grievance is a wrong action that an employee feels is grounds for complaint.

**1.18 - Job Description** - A narrative summary delineating the important functions of each classification listed in the Classification Plan.

**1.19 - Part Time Employee** - Part-time employees are employees who work less than 32 hours a week on a regular basis, and are not eligible to receive benefits as provided for by the Personnel Rules and Regulations.

**1.20 - Pay Range** - The minimum and maximum pay rates established for a classification.

**1.21 - Position** - A group of duties and responsibilities which require the regular full or part-time employment of one person.

**1.22 - Probationary Period** - A working test period during which a new or promoted employee is required to demonstrate an ability to satisfactorily perform the job duties of the position. Discussed in RULE 6.

**1.23 - Promotion** - A change in classification from one classification to another with a higher pay-grade and pay range. Generally, no more than a 5% increase will be granted. Discussed in RULE 5.

**1.24 - Raise Date** - The date a regular employee receives the annual performance evaluation and a merit increase, if eligible.

**1.25 - Reclassification** - The change in classification of an employee from one classification to a different classification which has been determined to more accurately describe the duties performed by the employee.

**1.26 - Rehire** - The re-employment of a former employee who resigned in good standing. RULE 6 addresses the probationary period for re-hired employees.

**1.27 - Recall** - The re-employment of an employee who has been laid-off. Discussed in RULE 9.5.5.

**1.28 - Reduction in Force** - The indefinite termination of employment because of lack of work or funds, or because of material changes in organization. Discussed in RULE 9.

**1.29 - Separation** - The termination of an employee from service with the City. Discussed in RULE 9.

**1.30 - Status** - All employees of the City shall be appointed and serve in one of the following categories:

**1.30.1 - Probationary** - An original appointment or promotion to any classification for the purpose of evaluating the employee's willingness and ability to perform the required duties, generally a period of six (6) months or longer.

**1.30.2 - Regular** - An appointment made to any classification following satisfactory completion of an original appointment or promotional probationary period.

**1.30.3 - Emergency** - Appointments made as the result of an extreme emergency which threatens life or property without regard to normal hiring procedures. Discussed in RULE 4.

**1.30.4 - Temporary** - An appointment made to any classification when the need is expected to be of short duration with no benefits. Discussed in RULE 4.

**1.31 - Suspension** - Temporary removal from duty for disciplinary purposes or pending investigation of charges made against an employee. Discussed in RULE 10.

**1.32 - Transfer** - The re-assignment of an employee from one position to another position in the same classification or to another position in a different classification having the same pay grade and pay range.

## **2.0 - GENERAL PROVISIONS**

**2.1 - Authority** - These Personnel Rules and Regulations are adopted in accordance with authority granted by Resolution 6866 passed and adopted by the City Commission on May 28, 1957.

**2.2 - Purpose** - These Rules and Regulations are established for the purpose of providing consistent and equitable personnel policies concerning employment by the City of Coral Gables and to establish workable guidelines for the implementation and administration of such policies.

**2.3 - Administrative Regulations** - The City Manager is authorized to issue detailed administrative regulations, not in conflict with these rules, for the purpose of clarification and to establish orderly administrative procedures.

**2.4 - Adoption and Amendment** - These rules shall become effective upon adoption by the City Manager. These rules may be amended from time to time by the City Manager.

**2.5 - Positions Covered** - These rules apply to all employees of the City except elected and appointed officials, members of the boards and committees appointed by the City Commission, consultants or employees providing services under contract to the City, temporary employees, emergency employees, interns and volunteers. Employees who are members of a bargaining unit shall be subject to the restrictions and benefits of their respective CBAs in all cases where the agreement provides different provisions from those set forth in these Rules and Regulations.

**2.6 - Equal Employment** - Discussed in RULE 27.

**2.7 - Violence in the Workplace** - The City will not tolerate violence in the workplace. Discussed in RULE 26.

**2.9 - Duties of the City Manager** - The City Manager, having responsibility for the proper and efficient operation of all City departments, is responsible for the maintenance and operation of an effective personnel program. The City Manager shall appoint the Human Resources Director who shall be responsible for the proper efficient administration of the personnel function.

**2.10 - Duties of the Human Resources Director** - The Human Resources Director, appointed by and reporting to the City Manager, is responsible for the proper and efficient operation and administration of these Personnel Rules and Regulations. The Human Resources Director shall recommend amendments to the City Manager when appropriate, and shall be responsible for the proper and efficient operation of the Human Resources Department. The Human Resources Director shall also perform such other related tasks as may be assigned by the City Manager.

**2.11 - Personnel Rules and Regulations** - The information contained in this manual is intended only as a general guide for employees. The City may change its rules and regulations from time to time. Such changes will be incorporated electronically in the manual and available on-line. This manual does not constitute a contract of employment, express or implied, and provides no guarantee of any kind.

### **3.0 - THE CLASSIFICATION PLAN**

**3.1 - Purpose** - The purpose of the Classification Plan is to provide an orderly inventory and appraisal of positions in the City service.

**3.2 - Development, Adoption and Amendment** - The City Manager shall approve a Classification Plan which provides a complete inventory of all positions in the service of the City. The Classification Plan shall be based upon an analysis of the duties and responsibilities of each position. The Plan will be approved and revised, as needed, by the City Manager. Each classification in the Plan will apply to one position or to several positions that perform duties requiring similar knowledge, skills, abilities and qualifications.

**3.3 - Administration of the Plan** - The City Manager may delegate the day-to-day administration of the plan to the Human Resources Director. Administration of the plan shall include allocation of all new and existing positions to appropriate classifications, preparation of recommendations for necessary amendments, and review of requests for reclassification of employees.

**3.4 - Use of the Plan** - The Classification Plan shall be used as follows:

**3.4.1** - Classification titles, as set forth in the Plan, shall be used in all personnel, accounting, budget and financial records of the City. This rule, however, is not intended to prevent use of "working titles" by departments to indicate areas of responsibility and authority.

**3.4.2** - Job descriptions are to be interpreted in entirety and in relation to others in the Classification Plan. Examples given of work performed are not intended to be inclusive of all duties or restrictive to the performance of duties not listed.

**3.4.3** - The job descriptions shall be used as a guide in recruitment efforts, in the preparation of any examinations that may be given to measure abilities needed to perform the work of a job classification, and to measure performance during probation/annual evaluation.

**3.4.4** - The Plan shall be used in determining lines of promotion and in developing employee training programs.

**3.4.5** - The Plan shall be used in conducting wage surveys and as a basis for determining the pay range for each classification.

**3.5 - Job Descriptions** - Job descriptions shall include the following components:

**3.5.1 - Job Title**

**3.5.2 - Classification and Pay Grade**

**3.5.3 - Summary of Major Function (s)**

**3.5.4 - Essential Duties & Responsibilities**

**3.5.5 - Physical Requirements**

**3.5.6 - Knowledge, Skills and Abilities**

**3.5.7 - Education and Experience Requirements**

**3.5.8 - Date Prepared/ Approved**

**3.6 - Allocation of Positions** - It shall be the responsibility of the Human Resources Director to allocate each position to an appropriate classification. When a new position is established, or the duties of an existing position are substantially changed, the following procedures shall be followed:

**3.6.1** - When a new position has been established, the Department Head shall submit, in writing, a detailed job description. The Human Resources Director shall be responsible for the review and determination if a new classification should be created or if the position can be allocated to an existing classification.

**3.6.2** - When a Department Head feels that the duties of an existing position have been substantially changed, the Department Head shall so notify the Human Resources Director. The Human Resources Director will determine if the existing job description should be revised, if a new classification should be proposed, or if a reclassification to an existing classification is warranted. The Human Resources Director will refer a recommendation to the City Manager for a final decision.

**3.6.3** - The Human Resources Director shall be responsible for the review of a position and proposed allocation each time an opening occurs prior to appointment of a new employee or promotion of an existing employee.

**3.7 - Maintenance of the Plan** - It is the responsibility of the City Manager to maintain the Classification Plan. These duties may be delegated to the Human Resources Director as follows:

**3.7.1**- Prepare position descriptions for new classifications or positions as necessary.

**3.7.2** - Prepare revised specifications for classifications when the duties or requirements have substantially changed.

**3.7.3** - Recommend deletion from the Plan of any classifications that are no longer needed.

**3.7.4** - Recommend any revisions or additions to the Plan.

**3.7.5** - Maintain current job descriptions.

#### **4.0 - THE COMPENSATION PLAN**

**4.1 - Purpose** - It is the purpose of the Compensation Plan to provide an orderly and fair means for the compensation of employees on the basis of work performed and the efficiency of performance.

**4.2 - Pay Ranges** - The Compensation Plan shall consist of a schedule of pay ranges for each classification indicating a minimum and maximum (and intermediate rates, if provided for in CBAs) for each classification. The Compensation Plan as adopted by the City Commission shall constitute the official schedule of salaries for all positions in the City service.

**4.3 - Administration of the Plan** - The Compensation Plan shall be administered by the City Manager in accordance with these rules as supplemented by administrative regulations. The following procedures, which the City Manager may delegate to the Human Resources Director, shall be followed for establishing the pay rate for individual employees:

**4.3.1 - New Employees** - New employees will generally be appointed at the minimum of the pay range established for each classification. However, upon recommendation of the Department Head and the Human Resources Director, new employees may be hired at a rate above the minimum when the employee has substantial qualifications in excess of the minimum requirements or when there is a shortage of qualified applicants available at the minimum rate.

**4.3.2 - Temporary & Emergency Employees** - Temporary and emergency employees shall generally be hired at the minimum of the pay range for the classification.

**4.3.3 - Pay Rate Upon Promotion** - When an employee is promoted to a position in a higher classification, the salary of the employee shall be increased at least to the minimum of the pay range for the new classification. An employee who has been working in a higher level classification and who has been receiving a 10% increase for such work, and who is promoted to that position, is eligible to retain the 10% increase. If the present salary of the employee to be promoted is at or above the minimum established for the promoted classification, the employee's salary shall be increased by an increment of 5% above the present salary so long as it remains within the pay range of the new classification or as approved by the City Manager. An employee who receives a 10% wage increase or more due to a promotion will have the next raise date changed to one year from the date of the increase due to promotion.

**4.3.3.1 - Technology Changes** - Equipment or technology upgrades do not necessarily change the employee's job description, and therefore, no salary adjustment will be granted.

**4.3.4- Pay Rates Upon Demotion** - When an employee is demoted to a position in a lower classification and the salary of the employee is higher than the maximum salary for the lower classification, the salary of the employee shall be decreased by 5% or to the maximum of the lower classification at the discretion of the City Manager.

## RULE 4

**4.3.5 - Pay Rates Upon Transfer** - When an employee is transferred from one position in a classification to another position in the same classification, the salary shall remain the same.

**4.3.6 - Pay Rates Upon Recall** - The salary for a recalled employee shall be within the salary range for the classification appointed. Generally, the employee will be recalled to the same classification and pay rate that was received at the time of separation.

**4.3.7 - Salary Increases** - Salary increases may be granted to employees in accordance with the following procedures. If covered by a CBA, that CBA supersedes.

**4.3.7.1** - A regular, full-time employee is eligible for a merit increase annually on the raise date upon receiving a satisfactory evaluation (those using the percentage scale must have a 2.5 rating or higher). All merit increases shall remain within the position pay range. Under no circumstances will the merit increase take the employee's salary beyond the maximum of the pay range of the employee's job classification.

The raise date is initially and generally the date of hire and is changed only upon promotion, demotion, when an employee has been on a No-Pay status for more than one month, except as provided for in RULE 12.10 Family Medical Leave Act, (FMLA) or when an employee evaluation has been deferred for re-evaluation in excess of six months.

**4.3.7.2** - Adjustments may be granted for exceptional employment conditions. The Department Head must justify the requested pay increase. The recommendation of the Human Resources Director and approval by the City Manager are required.

**4.4 - Maintenance of the Plan** - The City Manager is responsible for maintenance of the Compensation Plan. Maintenance of the plan may be delegated to the Human Resources Director and shall include the following:

**4.4.1 - Reviews** - Periodic reviews will be conducted of the factors affecting the level of pay ranges in the Compensation Plan. These factors may include cost of living data, the financial conditions of the City, the interrelationship of rates paid for similar classifications in other cities, and other factors the City deems appropriate. The City Manager will approve all changes to the Compensation Plan.

**4.4.2 - Amendments** - As new classifications are created during the fiscal year, the Compensation Plan may be amended upon recommendation of the Human Resources Director and approval of the City Manager.

## **5.0 RECRUITMENT, SELECTION, PROMOTION, AND APPOINTMENT**

**5.1 General Policy** - It is the policy of the City of Coral Gables:

**5.1.1** - To recruit, select, promote or appoint employees based on suitability for a given classification without regard to race, color, religion, age, sex, sexual orientation, marital status, national origin, veteran (please also see 5.1.4 below) or disability.

**5.1.2** - To attract and retain qualified employees who meet or exceed the minimum requirements for each position.

**5.1.3** - To support the concepts of affirmative action.

**5.1.4** - To comply with all state and federal laws for veterans. This includes laws prohibiting discrimination on the basis of veteran status and laws granting preferences to eligible veterans and spouses of veterans (see, e.g., Chapter 295, Florida Statutes).

**5.1.5** - To grant preference in initial employment to residents of Coral Gables, if all qualifications are generally equal to those of non-residents, after giving priority to policy statements 5.1.1 through 5.1.4.

**5.2 - Authorization to Fill Vacancies** - Before any vacant position is filled by a Department Head, the Human Resources Director must certify that a vacancy exists. The Human Resources Director, in coordination with the Department Head, will also determine that the position is properly classified and the method to be used in filling the vacancy. Vacancies may be filled by any of the following methods:

**5.2..1** - From an appropriate re-employment list containing the names of employees who have been laid-off.

**5.2..2** - By promotion or transfer of a present employee, who meets the requirements and qualifications necessary to adequately perform the duties of the position.

**5.2..3** - By hiring a person who is not presently employed by the City.

**5.3 - Announcement of Vacancies** - After it has been determined that a vacancy exists and can be filled, the Human Resources Director shall give notice of the vacancy.

**5.4 - Application** - Application shall be made on forms provided by the City.

**5.5 - Evaluation of Applicants** - All applications for employment, promotion or transfer shall be evaluated by, or under the direction of, the Human Resources Director.

**5.5.1 - Method of Evaluation** - Applicants who appear to possess the minimum qualifications for the classification may be further evaluated by any one or a combination of the following methods: job knowledge test, performance test, interview, evaluation of training and experience, suitability profile, polygraph examination, physical ability tests, work samples, medical examination, in-depth background check or other acceptable selection techniques that measure the ability to perform the job duties. Any method chosen shall evaluate only those criteria necessary to perform adequately in the classification.

**5.5.2 - Disqualifications** - Applicants may be disqualified from further consideration by the Human Resources Director for the following reasons:

**5.5.2.1** - Failure to possess the minimum qualifications necessary to perform the essential functions of the position.

**5.5.2.2** - Addiction to and/or currently using or abusing a controlled substance or alcohol.

**5.5.2.3** - False or misleading statements in the application or failure to provide information in a timely manner. (If discovered after hiring, this is grounds for discipline up to and including discharge).

**5.5.2.4** - Pled guilty or been found guilty of a felony or misdemeanor.

**5.6 - Selection of Appointee** - An offer of employment or promotion shall be made by the Human Resources Department. All selections of new employees, promotions or transfers shall be approved by the City Manager, or the Department Head if given such authority by the City Manager.

**5.7 - Medical Examination** - All applicants for employment or promotion may be required to take a medical examination, including a drug and/or alcohol test and/or a suitability profile, by a health care provider selected by the City. The health care provider shall certify that the applicant is physically and mentally able to perform the essential duties of the position with or without accommodation. Cost of such examination will be paid by the City.

**5.8 - Fingerprints and Photographs** - Applicants will be fingerprinted and photographed prior to hire.

**5.9 - Types of Appointments** - The following types of appointments will be made:

**5.9.1 - Probationary** - New employees hired to fill regular full-time vacancies are required to satisfactorily complete a probationary period. Length of probation varies. Refer to RULE 6.

**5.9.2 - Regular** - An appointment made to any classification following satisfactory completion of an original entrance or promotional probationary period.

**5.9.3 - Temporary** - When a vacancy is expected to be of short duration, the Human Resources Director, upon request of the Department Head and approval of the City Manager, may authorize use of a temporary employee. Such employee shall, when hired, be notified in writing of the expected duration of the temporary employment and will only be extended upon the recommendation of the Department Head, through the Human Resources Director and approval by City Manager. Temporary employees do not accrue any rights or benefits.

**5.9.4 - Promotional Probationary Employee** - An employee who has been promoted to a higher classification is required to satisfactorily complete a six (6) month promotional probationary period in the new classification before obtaining regular status in the higher classification. Refer to RULE 6.

**5.9.5 - Contract Employee** - An appointment made by written agreement to render service to the City for a specified period of time.

**5.9.6 - Emergency** - The City Manager may authorize the use of emergency employees. Such appointments must be reported immediately to the Human Resources Director and may not continue for longer than 30 days. Emergency employees accrue no rights or benefits.

**5.10 - Records** - It is the responsibility of the Human Resources Director to see that proper and complete records are maintained of all applications, examinations, and evaluations. Personnel records shall be maintained and provided in accordance with state and federal law.

The on-line version of the procedure is official. Therefore, all printed versions are unofficial copies.

**6.0 - THE PROBATIONARY PERIOD**

**6.1 - Purpose** - The probationary period is part of the evaluation process and shall be used by Department Heads to closely observe the work of an employee to secure the most effective adjustment of new and promoted employees to the new position and to screen out any employee whose performance does not meet work standards.

**6.2 - Duration** - The probationary period for new employees shall be for a period of six (6) months, except for Police Officers, Communication Operators and Firefighters (or any other position that has an extended term) who shall serve an extended term as defined in the respective CBAs. All employees who are promoted shall serve a six (6) month promotional probationary period, unless promoted to one of the above exceptions. A Department Head may request extensions of the probationary period for up to six (6) months. These requests must be submitted by the Department Head to the Human Resources Director prior to the conclusion of a probationary period. Upon recommendation of the Human Resources Director, the probationary period of an employee may be extended. The probationary period for re-hired employees shall be for six (6) months or for the period defined in the applicable CBA.

**6.3 - Absences During Probationary Period** - Any absence during the probationary period in excess of ten (10) work days will automatically extend the probationary period by the number of days absent regardless of whether the absence was with or without pay.

Floating holidays are the only compensated leave time that may be used during the probationary period. Use of this time is based on the following chart:

<u>Hire Date</u>	<u>Floating Holidays</u>
October 1 - January 31	3 days
February 1 - May 31	2 days
June 1 - September 30	1 day

In accordance with Rules and Regulations, Floating Holidays may only be taken with the prior approval of the Department Head and shall not be carried over to the succeeding fiscal year.

**6.4 - Evaluation of Performance** - All probationary employees will be periodically evaluated during the probationary period as specified in RULE 7, Performance Evaluation. The supervisor and Department Head will evaluate the employee in accordance with RULE 7.

**6.5 - Unsatisfactory Performance** - A probationary employee may be dismissed at any time during a probationary period by the Department Head, if in the opinion of the Department Head, the employee is unable or unwilling to perform the duties of the position satisfactorily or if the work habits of the employee and dependability do not merit continuance in the position.

An employee failing the probationary period after having been promoted, shall be reinstated to a position in the same classification or pay range held prior to the promotion. This only applies if the employee is not terminated from employment in accordance with applicable disciplinary procedures for cause.

**6.5.1** - The Department Head shall provide an evaluation for a probationary employee whose performance is deemed unsatisfactory, prior to the end of the probationary period. Failure to do so will result in the employee being automatically granted regular status.

**6.6 - Satisfactory Performance** - All probationary employees whose performance is overall satisfactory shall be evaluated prior to the end of the probationary period. The Department Head shall submit the evaluation with the completion of Probationary Period Memorandum to the Human Resources Department by the end of business day the evaluation is due. If the evaluation and probationary period memorandum are not received in the Human Resources Department as indicated, the employee will automatically be granted regular status.

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## **7.0 - PERFORMANCE EVALUATION**

**7.1 – Purpose** – To provide a means and a system for evaluating work performance, and the providing of service to Coral Gables' citizens as well as for encouraging professional growth and advancement.

**7.2 – Use of Performance Evaluation** – Performance evaluations shall be part of the procedures to determine personnel actions which include, but are not necessarily limited to the following: completion of probationary period, salary increases or decreases, special salary increases, promotions, demotions, transfers, awards, separations, or other personnel status changes.

**7.3 – Frequency of Evaluations** – All regular employees shall be evaluated at least annually, at the raise date. Probationary employees on a six (6) month probationary period shall be evaluated after three (3) months on the job and prior to the conclusion of the probationary period. Employees with one (1) year probationary periods will be reviewed at six (6) months on the job and prior to the conclusion of the probationary period. Additional evaluations may be made by the supervisor at any time due to employee behavior, work habits, or in accordance with departmental procedures.

**7.3.1 – Part-time Employees** – Shall be evaluated at least annually, but may not receive a merit increase.

**7.3.2 – Temporary Employees** – Will not receive an evaluation due to their short employment duration.

**7.4. – Method of Evaluation** – Each employee shall be evaluated annually by the immediate supervisor using evaluation forms. If an employee had more than one supervisor during a rating period, all concerned supervisors shall contribute to the evaluation. After the evaluation form has been completed and signed by the supervisor, the supervisor(s) and/or the Department Head shall meet with the employee to discuss the evaluation.

**7.5 – Employee Comments and Signatures** – At the conclusion of the meeting between the supervisor and the employee, the employee may write any comments in the spaces provided and should sign and date the evaluation form. The employee signature indicates that the evaluation has been received and the rating discussed, but not necessarily that the employee is in agreement with the evaluation of the supervisor. Once the evaluation is signed by the employee, it is then provided to the Department Head for signature and shall then be forwarded to the Human Resources Department for processing.

**7.6 – Maintenance of Evaluation Records** – Within 30 days after the end of a rating period for regular employees and prior to a probationary employee being granted regular status, it is the responsibility of the Department Head to submit to the Human Resources Director completed and signed evaluation forms. The original evaluation forms are maintained by the Human Resources Department in the employee's personnel file.

## **7.7 – Appeal**

**7.7.1 – Regular Full-Time Employees Except Excluded Employees** - A regular full-time employee may request an appeal of a performance evaluation only if the evaluation reflects unsatisfactory performance. The request for appeal must be sent, in writing, to the Human Resources Director within five (5) working days of the date the evaluation is presented to the employee.

## **RULE 7**

The Human Resources Director (or designee) will call for a three (3) person panel of Department Heads or higher who will hear the appeal. The Department Director of the employee making the appeal will not be eligible to serve on the panel. A Human Resources representative will act in an advisor capacity to the panel.

After hearing the appeal, the panel shall sustain or deny the appeal in writing. The decision of the panel is final.

In the event of a "satisfactory" evaluation deemed by the employee to be problematic, a letter with concerns may be forwarded to the Human Resources Director, whereupon it will be reviewed and placed in the employee's personnel file.

**7.7.2 – Excluded Employees** – Excluded employees may not appeal performance evaluations.

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## 8.0 - TRANSFERS, DEMOTIONS, AND REINSTATEMENT

### 8.1 - Transfers

**8.1.1 - Departmental Transfers** - The transfer of a regular employee from a position in one classification to another position in the same classification under another Department Head shall be called a departmental transfer. This transfer may be made with the consent of the Department Heads involved and the Human Resources Director or where the City Manager deems the action to be for the good of the service. Departmental transfers shall not be effective prior to the date the employee concerned is provided written notice from the Human Resources Director of the transfer.

**8.1.2 - Classification Transfers** - The transfer of a regular employee from a position in one classification to a position in another classification in the same pay grade, under the same Department Head, is called a classification transfer. This transfer may be made by a Department Head subject to the approval of the Human Resources Director, or where the City Manager deems the action to be for the good of the service. Classification transfers shall not be effective prior to the date the employee concerned is provided written notice of the transfer.

**8.2 - Demotion** - A transfer of a regular employee from a position in a higher classification to a position in a lower classification shall be called a demotion.

**8.2.1 - Voluntary Demotion** - Any regular employee may, upon written request, be demoted to a lower classification provided the employee is qualified and a vacancy exists. Such request is subject to the approval of the receiving Department Head and the Human Resources Director.

**8.2.2 - Involuntary Demotion** - Any regular employee may be demoted to a lower classification provided the employee is qualified. Such a request is made by the Department Head, with the approval of the Human Resources Director and the City Manager. Reasons for effecting a demotion include, but are not limited to, the following: when the employee would otherwise be laid off due to reduction in force or when another employee on authorized leave returns to work (limited time only); when the employee is not performing the duties of the classification; or for disciplinary purposes. Demotion as a result of disciplinary action is subject to the provisions of RULE 10, Disciplinary Action and Appeal.

**8.3 - Recall** - Any regular employee who has been separated due to a reduction in force shall, for a period of two (2) years following separation, be eligible for recall in the same classification or other classifications as the Human Resources Director deems appropriate. In no case, however, may an employee be recalled in a higher classification than that from which the employee was separated. All recalls are subject to a medical examination and any other examinations that may be required for the position with the approval of the Human Resources Director.

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**9.0 -SEPARATION FROM SERVICE**

**Types of Separations** - The following are types of separation of employment from the City.

**9.1 - Resignation - Voluntary Separation from City Service**

**9.1.1** - An employee who wishes to resign may do so by submitting a written resignation to the Department Head with a copy to Human Resources as far in advance as possible of the last working day.

**9.1.2** - An employee who has been absent without notification to the City and without approved leave for a period of three, (3) or more work days may be considered as having resigned.

**9.2 - Retirement** - An employee who retires from the City in accordance with the Retirement Ordinance will be considered as having separated from employment with the City as of the date of retirement. Employees who retire in a Deferred Retirement Option Plan (DROP) will separate as of the last day of work.

**9.3 - Death** - Separation shall be effective as of the date of death.

**9.4 - Disciplinary Separation** - An employee may be suspended or dismissed for disciplinary reason(s) in accordance with the provisions of RULE 10, Disciplinary Action and Appeal, and the respective CBA if appropriate.

**9.5 - Reduction in Force**

**9.5.1 - Excluded Employees:** Any Department Head, subject to approval of the Human Resources Director, may reduce the number of employees in any classification, division or department, whenever it is deemed necessary.

**9.5.2 - Employees covered under collective bargaining agreements:** Any Department Head, subject to approval of the City Manager, may reduce the number of employees in any classification, division or department, whenever it is deemed necessary due to material changes in the duties, the organization, work scheduling or funds.

**9.5.2.1** - The City Manager will decide whether the employees of only the affected department will be considered in making the reduction or whether the entire City as a whole will be considered. Reductions will be made in accordance with existing CBAs, if applicable.

**9.5.2.2** - In conformance with the decision of the City Manager, the Department Head(s) shall be informed as to which employees shall be separated.

**9.5.2.3** - In determining the order of reduction, all temporary and emergency employees in a classification or department shall be separated first, followed by

## **RULE 9**

probationary employees and, finally, regular employees. Employees will be removed or reduced in classification or department, in accordance with length of service and ability to perform the work available, as determined by the two most recent evaluations. If two (2) or more employees have equal scores based on seniority and evaluation ratings, the employee with the most recent date of hire will be separated first.

**9.5.2.4** - The Human Resources Director may require that the employees in a lower classification be separated when employees in a higher classification, who would otherwise have to be separated, are willing and qualified to perform the work of the lower classification.

**9.5.2.5** - The names of employees who have been separated due to reduction in force shall be placed on a re-employment list which shall expire two (2) years from the date of separation. As openings occur, employees shall be recalled in the inverse order of separation. If an employee does not respond within ten (10) calendar days after the mailing of a written notice of recall, the name of the employee will be removed from the re-employment list. It is the responsibility of the employee to keep the Human Resources Department advised of a current mailing address at all times.

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**10.0 - DISCIPLINARY ACTION AND APPEAL**

**10.1 - Purpose** - The City of Coral Gables has established a discipline program to provide employees and supervisors with channels of communication and procedures to effectively manage job performance and monitor on-the-job behavior. It is, therefore, necessary that all employees familiarize themselves with these rules and regulations.

**10.2 - Types of Disciplinary Action** - Any employee who violates these rules and regulations, or who otherwise violates reasonable standards of conduct, is subject to discipline up to and including dismissal from employment. The disciplinary alternatives used by the City include, but are in no way limited to, the following:

**10.2.1 - Counseling** - A counseling, verbal or written, is to notify an employee that continued violation of certain departmental or general rules will not be permitted and that the employee must take corrective action or disciplinary action will be taken. In the instance of counseling for sworn members of the Coral Gables Police Department, such counseling is considered “corrective” and outside of the disciplinary process.

**10.2.2 - Written Reprimand** - The written reprimand (in the form of a memorandum or letter) is intended to document an offense involving general or departmental rules and regulations. Its main purpose is to put the employee on notice that continuation of the actions will not be permitted. Reprimands shall be approved and signed by the Department Head of the employee. A copy will be furnished to the employee and a copy will be placed in the personnel file maintained by the Human Resources Department.

**10.2.3 - Suspension** - A suspension is the temporary separation, with or without pay, of an employee from employment with the City.

**10.2.4 - Reduction in Pay** - A reduction in pay of an employee shall be no lower than the minimum salary established for the classification.

**10.2.5 - Reduction in Classification (Demotion)** - A demotion is a change from a higher to a lower classification and involves a change in duties, job title, and perhaps pay.

**10.2.6 - Dismissal** - A dismissal is the permanent separation of an employee from employment with the City.

**10.3 - Procedures** - The following procedure shall apply only in cases involving suspension without pay, reduction in classification/demotion, reduction in pay, or dismissal. These procedures will not be available to probationary employees. Under normal circumstances, an employee shall receive written notification of the possible disciplinary action, together with sufficient facts and reasons to provide an explanation and/or defense to the proposed discipline.

## RULE 10

An employee, who contests the proposed disciplinary action in accordance with the appropriate procedure, as described in RULE 11, shall usually be continued in pay status until a final decision is rendered by the City. However, nothing herein shall preclude the City from immediately suspending an employee with pay without advance notice, where it is believed by management that giving such notice would result in damage to City property, would be detrimental to the interest of the City, or would result in injury to the employee, another employee, or the general public. In these circumstances, the employee will be given reasons for the disciplinary action after it has taken effect and, thereafter, will be entitled to utilize the appropriate procedure set forth in RULE 11.

**10.4 - Reasons for Discipline** - Although disciplinary action may be based on other reasons, any employee shall be subject to discipline according to the nature and severity of the offense, for any of the following reasons:

**10.4.1** - Incompetence, negligence, or inefficiency in the performance of duty.

**10.4.2** - Conviction of a criminal offense or of a misdemeanor involving moral turpitude.

**10.4.3** - Violation or disobedience of any regulation, order or directive.

**10.4.4** - Offensive, profane or abusive conduct or language toward the public, supervisors or employees.

**10.4.5** - Insubordination or disrespect toward supervisors.

**10.4.6** - Attempting to induce any officer or employee of the City to commit an act in violation of any of these rules and regulations.

**10.4.7** - Being antagonistic toward superiors or fellow employees, criticizing orders, rules or policies, or other conduct which interferes with the proper cooperation of the employees of the City.

**10.4.8** - Participation in strikes, work stoppages, slow downs, boycotts, job actions, or refusal to perform assigned work by any individual or group of employees.

**10.4.9** - Excessive absences, tardiness or abuse of leave privileges.

**10.4.10** - Reporting for work under the influence or being at work under the influence of alcohol, illegal, or controlled substances. Being in possession of alcohol, illegal or controlled substances during working hours and/or sale or use of same during working hours and/or on City property.

**10.4.11** - Careless or negligent use of City property.

**10.4.12** - Theft, misplacement, or misuse of equipment, material, property or money of the City, the public, or of other employees.

## **RULE 10**

**10.4.13** - Falsification of official documents.

**10.4.14** - Failure to report for duty after a leave of absence has expired.

**10.4.15** - Use, threat to use, or attempt to use political influence in securing promotion, leave of absence, transfer, or change of classification, pay, kind of work, or other preferential treatment.

**10.4.16** - Abandonment of position. (See RULE 9.1.2)

**10.4.17** - Unauthorized release of confidential information.

**10.4.18** - Fighting or threatening to fight with a member of the public or other employees, unless the fighting is fully within the course and scope of job duties (i.e., Police Officers).

**10.4.19** - Gambling or engaging in any other game of chance during working hours and/or on City property at any time or in City uniform at any time.

**10.4.20** - Violating safety rules or accepted safe practices, or involvement in an excessive number of chargeable accidents resulting in injury to person or damage to property or equipment.

**10.4.21** - Possession of weapons or firearms during working hours and/or on City property at any time, unless fully within the course and scope of job duties (i.e., Police Officers).

**10.4.22** - Violation of any of the provisions of these rules and regulations, including the Work Rules and Departmental Rules, or the commission of or attempt to commit any act or acts intended to nullify or mitigate any of the provisions hereof.

**10.4.23** - Unexcused absence during the City's declared emergencies.

**10.4.24** - Unauthorized removal of City's equipment machines or tools.

**10.4.25** - Unauthorized use of City's equipment, tools and supplies for own business.

**10.4.26** - Engaging in any other actions which are determined by the City Manager to be sufficient cause for disciplinary action.

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## 11.0 - GRIEVANCES

**11.1 - Who May File a Grievance** - A regular full-time employee of the City may file a grievance. Probationary employees are not eligible to file a grievance, nor to utilize any procedure or remedy provided for in this rule.

**11.2 - Bargaining Unit Employees** - Appeals of disciplinary actions and other grievances shall be governed by the applicable CBA.

**11.3 - Non-Bargaining Unit (Excluded) Employees** - A regular employee not included in a collective bargaining unit may file a grievance to register a complaint, solve a problem, redress an alleged wrong, or modify or erase a disciplinary action. The grievance, if not resolved at a lower level, can be heard by the City Manager. Grievances involving suspension, demotion or termination can be heard under the Trial Board procedures for resolution. The employee may select one of the two available procedures for pursuing such a grievance. The employee is, however, precluded from pursuing the same grievance through both procedures.

Under this rule, grievances shall be processed in accordance with the following procedure:

**11.3.1 - Step 1** - The aggrieved employee shall, within five (5) working days of the incident giving rise to the grievance, discuss the grievance with the immediate supervisor. The immediate supervisor will attempt to resolve the matter and will respond to the employee with a decision within five (5) working days after meeting with the employee.

**11.3.2 - Step 2** - If the employee feels the matter has not been settled at Step 1, the employee may submit the grievance, in writing, explaining fully the perceived violation, to the Department Head within five (5) working days after receiving the Step 1 answer. The Department Head will meet with the employee and others who may have knowledge of the incident and give the employee a written response within seven (7) working days following receipt of the written grievance.

**11.3.3 - Step 3** - If the grievance is not resolved by the Department Head at Step 2, the employee may submit the grievance in writing to the City Manager within five (5) working days after receiving the Step 2 answer. The City Manager, or designee, will meet with the employee, Department Head, and other persons having knowledge of the matter and issue a decision in writing within ten (10) working days of the meeting. The decision of the City Manager or designee shall be final.

## **12.0 - LEAVE POLICIES**

**12.1 - Purpose** - Leave is credited to employees of the City for the purpose of rest and relaxation, for necessary absence due to illness or injury of the employee or a member of the immediate family, for military duty, for death in the immediate family of an employee, and for the purpose of securing training and education. Requests for leave may be obtained by all regular, probationary, non-exempt, and exempt employees of the City, by submitting a completed Leave Slip Application to their immediate supervisor.

### **12.2 - Types of Leave**

**12.2.1** - Pre-approved Sick - accepted by supervisor and agreed.

**12.2.2** - Non-pre-approved Sick - not agreed previously, however, hours will be paid to employee provided that the employee has Sick accrued hours.

**12.2.3** - Pre-approved Annual - accepted by supervisor and agreed; reason not required.

**12.2.4** - Non-pre-approved Annual - not agreed previously, however, hours will be paid to employee provided that the employee has Annual accrued hours.

**12.2.5** - Floating Holiday - reason not required.

**12.2.6** - Pre-approved Comp Time - reason not required.

**12.2.7** - Non pre-approved Comp Time - not agreed previously, however, hours will be paid to employee provided that there is evidence to believe that the employee accrued the compensatory time.

**12.2.8** - Administrative - see Rule 12.9.

**12.2.9** - Supervisory Training - see Rule 12.9.1.

**12.2.10** - Military - see Rule 12.8.

**12.2.11** - No Pay - see Rule 12.10.

**12.2.12** - Disability - see Rule 14.4.3.

**12.2.13** - Bereavement - see Rule 12.6.

**12.2.14** - Jury Duty - see Rule 12.7.

**12.3 - Annual Leave** - is credited to each employee annual leave account as accrued.

**12.3.1 Annual Leave Earned** - Employees accrue annual leave based on years of service with the City. For non-exempt employees, annual leave is accrued for compensable hours only. For exempt employees, annual leave is accrued for compensable leave days and working days. An employee who leaves the service of the City and later returns to work, will be treated as a new employee until such time that any prior service is restored under the provisions of the City retirement plan. Leave is granted to full time employees, reduced proportionally for those non-exempt employees who regularly work less than 40 hours per week.

Annual leave is accrued by all regular, probationary, and exempt employees of the City and is credited to individual annual leave accounts as accrued.

Bargaining unit employees will accrue annual leave in accordance with schedules specified in the applicable CBA.

Employees excluded from bargaining units will accrue annual leave as follows: 93 hours in the first year of employment, increasing up to 210 hours after 25 years, or as amended by the City Manager.

Exempt employees shall accrue and use leave on a daily basis rather than on hourly basis. Thus for the purposes of applying the provisions of Rule 12 to exempt employees and simplifying leave calculations, 8 hours of leave shall be equivalent to one day and 40 hours of leave shall be equivalent to one week regardless of the actual number of hours worked per day and/or per week by the exempt employee. Exceptions will be addressed by the Department Head through the Human Resources Director.

**12.3.2 - Accumulation of Annual Leave** - Since the purpose of annual leave is to provide a period of rest and relaxation, it is intended that annual leave be used each year and not accumulated. Therefore, the following restrictions are placed on accumulation of annual leave:

**12.3.2.1** - Employees must use at least one (1) week of annual leave each year, except for new employees during the first year of employment. If the required one (1) week of annual leave is not used prior to the end of the last full pay period ending in September of each year, at the Department Head's discretion, the employee will be ordered to take annual leave within the next thirty (30) calendar days. Longer extensions may be granted by the Human Resources Director at the request of the Department Head.

**12.3.2.2** - The maximum accrual of annual leave for employees excluded from bargaining units is 300 hours. The maximum accrual of annual leave for bargaining unit employees shall be in accordance with the CBAs. Calculation of hours shall be completed before any transfer of sick leave to annual leave takes place. (See RULE 12.3.2). The restriction in number of hours that may be accumulated does not apply to excluded employees who have reached normal retirement age and are eligible to retire.

**12.3.3 - Payment for Annual Leave**

**12.3.3.1** - Employees excluded from bargaining units may request payment of accrued annual leave, up to a maximum of 120 hours, one (1) time per year, at the employee rate of pay at time of request. Refer to CBAs for bargaining unit employees.

**12.3.3.2** - Employees excluded from bargaining units may request payment of up to 160 hours of annual leave, one time increase in 40 hours in the actual year of retirement.

**12.3.3.3** - Upon retirement, resignation, or dismissal, an employee will receive payment for unused accumulated annual leave at the rate of pay in effect at time of separation. Upon death of an employee, payment will be made to the beneficiary or to the estate.

**12.3.4 - Use of Annual Leave** - Annual leave is accrued from the commencement of employment; however, no annual leave may be used until the employee has completed a minimum of six months' continuous employment. Leave may be taken to the extent that it is earned or credited to the employee for the current fiscal year only with the prior approval of the Department Head, upon written application by the employee. No annual leave may be taken that will not be earned in the current fiscal year unless advance annual leave is recommended by the Department Head and approved by the Human Resources Director.

**12.3.4.1 - Annual Leave Charge** - The normal minimum annual leave charge for non-exempt employees is one-half hour. The normal minimum annual leave charge for exempt employees is one day (8 hours). The above provision for exempt employees can be waived at the discretion of the Department Head and one-half day (4 hours) may be taken when an exempt employee works less than four (4) hours in one day. No charge shall be made for holidays occurring during an absence of an employee on approved annual leave.

**12.4 - Sick Leave** - Sick leave is accrued by all regular, probationary, non-exempt and exempt employees of the City and is credited to individual sick leave accounts as accrued.

**12.4.1 - Sick Leave Earned Excluded Non-exempt** - Excluded non-exempt employees will accrue sick leave, on an hourly basis. This applies only to compensable hours. Employees who come in to work and leave home sick at any time during the workday will be charged for sick hours.

**12.4.2 - Sick Leave Earned Exempt** - Exempt employees will accrue sick leave on a daily basis, for working days only and may take it in half day increments. Employees who come in to work and leave home sick before the first four (4) working hours will be charged for four (4) sick hours. Employees who come in to work and leave home sick after four (4) worked hours will be paid the full day as if worked.

**12.4.3 - Transfer of Sick Leave to Annual Leave** - An employee who has more than 96 hours (12 days in the case of an exempt employee) of sick leave accrued at the end of a fiscal year, may transfer that portion of the first 64 hours (7 days in the case of an exempt employee) of sick leave to annual leave, accrued and unused during the year. This transfer will not be made if by so doing the balance of sick leave account would be reduced to less than 88 hours (11 days in the case of an exempt employee). The transfers will be effective on the last day of the last full pay period ending in September of each year.

**12.4.4 - Accumulation of Sick Leave** - Sick leave may be accumulated in each sick leave account to a maximum of 512 hours (64 days). Sick leave credits in each account will be reduced to the maximum at the end of the last full pay period ending in September of each year. Employees included in bargaining units will accumulate sick leave in accordance with the appropriate CBA.

**12.4.5 - Sick Leave in Excess of Maximum Accumulation** - That portion of sick leave in excess of the maximum permitted in each sick leave account will be transferred to and deposited in the Sick Leave Trust Fund. These deposits will be made at the end of the last full pay period ending in September of each year and will be credited in dollar amounts based upon the rate of earnings of the employee as of the date transferred and deposited in the Sick Leave Trust Fund. Funds deposited in the Trust Fund earn no interest and can be withdrawn only under the following circumstances.

**12.4.5.1** - Upon retirement from the City in accordance with provisions of the Coral Gables Retirement System, the employee will be paid the sum of money credited to the Sick Leave Trust Fund.

**12.4.5.2** - Upon death of an employee, while actively employed or on approved leave of absence, the named beneficiary of an employee or estate will be paid the sum of money credited to the Sick Leave Trust Fund.

**12.4.5.3** - Where an employee has exhausted all sick leave and is still unable to return to work because of sickness or injury, as certified by a physician, the employee may draw upon funds in the Sick Leave Trust Fund account of the employee upon recommendation of the Department Head, the Human Resources Director and approval of the City Manager. These withdrawals shall be at a rate not to exceed the normal rate of pay of the employee, and amounts withdrawn may not be repaid to the fund by the employee.

**12.4.6 - Advanced Sick Leave** - Advanced sick leave will not be authorized.

**12.4.7 - Leave Donation** - Regular employees will have the opportunity to donate accrued leave time to a designated employee whenever extraordinary circumstances require the designated employee to be absent from work due to an extended, non-work related illness or injury, that is of a life threatening nature and when the designated employee has exhausted all earned leave. Once leave is donated to an employee, the leave belongs to the recipient and should be used either paid as salary or in final payout. For bargaining unit employees, leave donation requests shall be in accordance with the applicable CBA.

**12.4.8 - Payment for Sick Leave at Time of Separation** - There will be no payment, regardless of circumstances, for unused sick leave in a sick leave account at time of separation for reasons other than death or retirement.

Upon death or retirement of an employee, the employee or beneficiary, as applicable, will receive payment for the hours remaining in the individual's sick leave account of unused sick leave in accordance with the appropriate formula. The formulas for bargaining unit employees are outlined in the applicable CBA. Excluded employees will use the following formula:

Less than 6 years of credited service . . . . .	0%
6 through 10 years of credited service . . . . .	25%
Over 10 years of credited service . . . . .	100%

Payment shall be made at the rate earned by the employee at the time of death or retirement.

**12.4.9 - Use of Sick Leave** - Sick leave is provided so that employees will have economic security when prevented from working because of illness or accident. Sick leave should not be used until the employee has completed a minimum of six month's continuous employment. It is not an automatic entitlement to days off with pay. The minimum charge for sick leave for non-exempt employees shall be one-half (1/2) leave hour. Exempt employees may take sick leave only in a minimum of one half day (4 hours) increments. Sick leave may be used for:

**12.4.9.1** - Illness, injury, incapacitation, or quarantine of the employee except as the result of a service connected injury or accident.

**12.4.9.2** - Routine medical, dental, or optical examinations which cannot be scheduled at any time other than during working hours.

**12.4.9.3** - Illness or injury of a member of the immediate household of an employee requiring the personal care and attention of the employee may be used at the approval of the Human Resources Director in accordance with the provisions of the Family Medical Leave Act.

**12.4.10 - Request or Advisement of Sick Leave** - Any employee who wishes to use sick leave in advance must advise the Department Head or designated representative no later than 4 or more hours before the end of the shift prior to the requested day of leave. The employee shall furnish the reason for the absence, expected duration, and location during the absence.

**12.4.11- Investigation of Use of Sick Leave**

**12.4.11.1** - The City may take any reasonable measures to strictly administer and enforce the sick leave policies in a manner as to eliminate abuse of the sick leave privilege.

**12.4.11.2**- Medical certificates shall accompany written requests for sick leave in excess of three (3) work days. However, in the event that the Human Resources Director or the Department Head determines that there is reason to believe that an employee requesting sick leave for an absence of less than four (4) days is abusing the privilege of sick leave, the Human Resources Director or the Department Head shall have the right to require acceptable proof of illness for the period of absence. Proof must be in the nature of a medical certificate. In cases where proof of illness is required, failure to provide the proof may result in the sick leave request being denied and the period of absence being considered non-compensable time.

**12.5- Records of Annual and Sick Leave** - All records of annual and sick leave earned, used, and accumulated balances shall be maintained under the supervision of the Finance Director. It is the responsibility of each Department Head to report the use of leave at such time and on such forms as may be required by the Finance Director and the Human Resources Director. No employee may receive annual or sick leave with pay unless the Finance Director, Human Resources Director or designated representative certifies that the employee is eligible to receive such leave.

**12.6- Bereavement Leave** - Regular employees excluded from the bargaining units may be allowed up to ten (10) work days of bereavement leave with pay in the event of the death of the current legal spouse, mother, father or the son or daughter of the employee, whether natural, adopted or step. Up to five (5) work days shall be allowed for the death of any other immediate family members or any other relative living in the same household.

Immediate family is defined as mother, father, sister, brother, grandmother, grandfather, mother-in-law, father-in-law, sister-in-law and brother-in-law, latter two categories defined as sibling of spouse only or other relative living in the employee household. This maximum leave is to apply whether the funeral is held in or outside the State of Florida. Proof of the death shall be required. Annual leave or compensatory time may be used upon the death of a relative not listed or if the employee needs additional time off. All bereavement leave is to be taken on consecutive work days and must start no later than five (5) days after the death occurs.

**12.7 - Jury Duty Leave** - Employees who are summoned to jury duty by a court of competent jurisdiction will be granted time off with pay. Any employee who is released from jury duty and has a half a day or more of regularly scheduled work time remaining shall report to work as soon as possible. Proof of time served on jury duty shall be required.

**12.8 - Military Leave** - Employees shall be granted military leave in accordance with the following provisions:

**12.8.1.** - Employees who are called to active duty for training with a unit of the United States Armed Forces will receive military leave with pay for up to 17 work days every calendar year.

**12.8.2** - Employees shall be granted military leave to perform active military service, as that term is defined in Florida Statutes Section 115.08. The first 30 days of any period of military leave for active military service shall be with pay and the remainder of the period shall be without pay.

**12.8.3** - Employees who perform service in the uniformed services, as defined in the United States Uniformed Services Employment and Re-employment Rights Act, will receive all rights and benefits for which eligible under the Act.

**12.9 - Administrative Leave** - Employees may be granted administrative leave with pay for the following purposes:

**12.9.1** - Attendance at training programs, seminars, meetings or conventions where such are determined to be in the best interest of the City as recommended by the Department Head, subject to approval of the City Manager.

**12.9.2** - Appearance in court as a witness on behalf of the City, with or without a subpoena. Court appearances or subpoenas received by the employee other than on behalf of the City, are not eligible for administrative leave.

**12.9.3** – Employees covered by the CGEA, and excluded personnel who have not used sick leave, leave without pay, or have not lost time due to an on-the-job injury for a specified 6-month period are entitled to eight (8) hours of administrative leave to be used by a specific date announced by the Human Resources Director.

**12.9.4** – Employees covered by the FOP who have not used sick leave for a specified 6-month period are entitled to eight (8) hours of administrative leave to be used by a specific date announced by the Human Resources Director.

**12.10 - Leave Without Pay**

**12.10.1** - Any employee may be granted up to two weeks' leave without pay by the Department Head for any acceptable reason.

**12.10.2** - Any regular or exempt employee may be granted up to six months' leave for the following:

**12.10.2.1** - For the purpose of training or education which will be of benefit to the department.

**12.10.2.2** - For a purpose in accordance with and pursuant to the City's Family and Medical Leave policy.

**12.10.2.3** - For the betterment of the City.

**12.10.3** - Leave without pay taken for extended illness or personal disability can only be taken when an employee has exhausted all accrued sick and annual leave if deemed appropriate by the Human Resources Director.

**12.10.4** – Procedures for requesting a Leave Without Pay include the completion of a Leave of Absence Form or any other forms as may be required by the Human Resources Director. Documentation is required.

**12.10.4.1** - For illness or disability, a physician statement is required, stating the nature of the illness or disability, the approximate beginning and ending dates of the illness or disability, and knowledge of the duties of the employee. (Refer to RULES 12.10 for further information).

**12.10.4.2** - For training or education, a course schedule is required.

**12.10.4.3** - Approvals are required from the Department Head, the Human Resources Director and the City Manager for all leaves without pay in excess of two weeks.

**12.10.5 - Return to Work Procedures** - After an extended illness, proper clearances from the employee's physician are required which verify that the employee is medically able to work and perform the regular duties of the employee. The City reserves the right to send the employee, at any time, to a physician of its choice to request a second opinion. The opinion of the City physician shall be controlling.

**12.10.6** - Employees on a No Pay Status shall not accrue Sick Leave or Annual Leave and are not eligible for holidays.

**12.10.7** - Employees on no pay status shall not accrue seniority. (Except employees on a no pay military leave of absence, or who are on leave pursuant to the Family Medical Leave Act).

**12.10.8** - When an employee is on a no-pay status for more than thirty (30) days, the anniversary date of the employee will be adjusted, except for employees who are on leave pursuant to the FMLA or military leave.

**12.11 - Family and Medical Leave** - The terms of this family/medical policy shall be interpreted and governed by the Family and Medical Leave Act of 1993 and/or the Dade County Family Leave Ordinance.

**12.11.1** - All employees who have been employed with the City of Coral Gables for twelve (12) months, and have actually worked at least 1,250 hours in the past twelve (12) months are eligible for twelve (12) weeks unpaid leave in a rolling twelve (12) month period (measured previously from the date upon which family/medical leave is taken) for any of the following reasons:

**12.11.1.1** - To care for the employee's child after birth, or after placement for adoption or foster care;

**12.11.1.2** - To care for the employee's spouse, son or daughter under age 18 or over age 18 if physically or mentally disabled, or parent (not parent-in-law), who has a serious health condition; or for grandparent for whom the employee has financial responsibilities.

**12.11.1.3** - For a serious health condition that makes the employee unable to perform the job.

**12.11.2** - For family/medical leaves related to medical conditions, all accrued annual and sick leave must be applied.

**12.11.3** - For family/medical leaves related to care for newborn, adopted or foster children, accrued annual leave must be applied. Use of accrued sick leave for this type of family/medical leave is not a requirement, but may be allowed if the employee chooses to do so. Employees will be entitled to a maximum of one hundred and eighty (180) days of maternity leave, which shall run concurrently with FMLA.

**12.11.4** - Employees requesting family/medical leave must provide to the Department Head a detailed explanation of the need for the leave in writing and complete the appropriate forms as may be required by the Human Resources Director. At least thirty (30) days advance notice of intent to take family/medical leave is required where the leave is foreseeable (e.g., pregnancy, adoption, planned surgery). If the need for family leave is not foreseeable, notice of needed leave must be reported to the Department Head within 48 hours from the date the employee is aware that family/medical leave is necessary.

**12.11.5** - Employees requiring leave for treatment of a serious health condition, or to care for a parent, spouse, child or grandparent with a serious health condition, may be required to obtain medical certification of the condition, and may be subject to a second (or third) opinion at the City's expense. Employees on family/medical leave because of a personal serious health condition will be required to produce a fitness for duty report from the employee's treating physician before returning to work.

**12.11.6** - Health care coverage will be continued for employees on family/medical leave, provided the employee continues to make premium contributions as required under normal circumstances.

**12.11.7** - Employees returning from a family/medical leave of absence will be returned to original or an equivalent position as provided under the Family and Medical Leave Act of 1993 and/or the Dade County Family Leave Ordinance.

**13.0 - ORIENTATION**

**13.1 - Working for the City** - The Human Resources Director may prepare and present general orientation programs concerning City employment.

**13.2 - Orientation of New Employees** - All new employees shall attend orientation on the first day of employment. New employees will be provided with useful information about the City's mission, vision and values and will receive the necessary tools to follow their respective responsibilities and methods of competence.

**13.2.1** - New employees will be oriented with respect to benefits, safety, worker's compensation, performance review, customer relations and rules and regulations.

**13.2.2** - A copy of the Personnel Rules and Regulations will be distributed to new employees during orientation. It will be the employee's responsibility to read and abide by the Personnel Rules and Regulations and to keep abreast of any changes posted on-line.

**13.2.3** - New employees will sign a new-hire information checklist as indication of all material presented by the Human Resources Department. This checklist will be placed in the employee's personnel file.

**13.3 - Working for the Department** - Each Department Head will provide orientation for new employees with specific information related to the department, policies, objectives, departmental rules and job responsibilities.

<p>The on-line version of the procedure is official. Therefore, all printed versions are unofficial copies.</p>
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## 14.0 - SAFETY, ACCIDENT PREVENTION AND DISABILITY LEAVE

**14.1 - Safety and Accident Prevention** - The development and implementation of safe working conditions, practices, habits and thinking are the principal objectives of 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, medical expenses, improper and dangerous use of equipment are all operational problems which will be greatly improved by the joint effort of employees, supervisors, Department Heads, and the City Administration.

**14.1.1 - Responsibility of the Risk Management Division** - The Risk Management Division will provide general safety programs, and will assist Department Heads in developing specific safety programs and investigating accidents and injuries in the departments.

**14.2 - Accident Reporting** - If an accident or injury does occur, it shall be reported immediately to the supervisor of the employee who will see that proper medical attention is provided, if necessary. The supervisor will be responsible for completion of necessary preliminary forms and reports. In case of vehicle accidents, it is also necessary to immediately notify the Police Department and the Risk Management Administrator. All required reports must be submitted to the Human Resources Department within three (3) work days following occurrence of the accident.

**14.3 - Workers' Compensation** - Payment of Workers' Compensation to employees who are incapacitated because of an injury arising out of, and in the course of performing City duties, will be governed by the Florida State Workers' Compensation Law.

### **14.4 - Disability Leave Pay Program**

**14.4.1** - The Disability Leave Pay Program shall be administered in accordance with the disability rules and regulations as defined below.

**14.4.2** - The Human Resources Director is authorized to issue detailed regulations to provide for administration of the Disability Leave Pay Program, and to set forth guidelines to be used when considering approval or disapproval of requests for disability leave pay.

**14.4.3 - Disability Leave** - Disability leave shall be defined as leave granted to an employee for personal disability resulting in incapacitation while performing the duties of the City.

#### **14.4.4 - Eligibility**

**14.4.4.1** - The Human Resources Director will be solely responsible for the decision to grant disability leave pay and the duration of the leave pay.

**14.4.4.2** - An employee must be a regular full-time employee, as defined in the City Personnel Rules and Regulations, to be eligible for disability leave pay.

**14.4.4.3** - An employee must be eligible for Workers' Compensation under the Florida Law.

**14.4.4.4** - City employees may be eligible for disability leave for injuries or illness incurred outside of regular working hours, if the injury or illness is deemed to have occurred while the employee was acting within the scope and responsibilities of a City employee. This leave may be extended to include injuries incurred while the employee is in route to or from work.

**14.4.5 - Benefits**

**14.4.5.1** - Disability leave pay shall be computed on the basis of the difference between the regular straight time earnings of the employee and the benefits paid under the Florida Workers' Compensation law.

**14.4.5.2** - If an injured employee is incapable of returning to duty on the day of the injury, full pay for the balance of the scheduled work day will be received.

**14.4.6 - Restrictions**

**14.4.6.1** - No employee shall engage in any form of outside employment while on disability leave.

**14.4.6.2** - An employee will accrue annual leave and/or sick leave if approved for disability leave pay. An employee that is eligible for Workers' Compensation, but is denied disability leave pay, will not accrue annual leave or sick leave.

**14.4.7 - Application for Disability Benefits:**

**14.4.7.1** - An employee must report an injury or incident immediately to the supervisor and/or foreman. It will be the responsibility of the injured employee to see that a Notice of Injury is processed. The Notice of Injury must be presented to the Risk Management Division within three (3) work days after the injury.

**14.4.7.2** - A City employee who suffers an on-the-job injury requiring emergency medical treatment is authorized to go to the nearest hospital and must contact the City's designated managed care provider.

For non-life threatening injuries, medical services must be coordinated and authorized by the City's designated provider prior to engaging the services of a physician and/or hospital.

Following this initial emergency treatment, it is required that, if the employee needs further follow-up treatment for the injury, authorization for the doctor and/or hospital must be obtained from the City's designated provider prior to engaging the services of a physician and/or hospital. Failure to comply will result in the employee being personally responsible for payment of the medical service.

**14.4.7.3** - An employee wishing to apply and be considered for disability leave must complete a leave application, accompanied by a statement from the attending physician. The statement must indicate the nature of the injury and cover the period of absence of the employee. The leave application and the physician statement must be submitted within twenty-one (21) calendar days after the date of accident. Bargaining unit employees should follow the provisions of the applicable CBA.

**14.4.7.4** - If an injured employee is required to be absent from work for an on the job injury, the employee may temporarily be placed on disability leave pending final review by the Human Resources Director. If the Human Resources Director approves disability leave pay for the employee, the employee shall receive disability leave pay from the City as long as the Human Resources Director approves the entitlement to leave. If disability leave pay is not approved, the Human Resources Director shall have the authority to charge off previously paid disability leave (i.e., disability leave paid on a conditional basis) against the sick leave and/or annual leave account of the employee, which has already been accrued, or will be accrued in the future.

**14.4.8 - Denial of Disability Leave Pay** - As noted in RULE 14.4.4.1 above, the decision to grant or not to grant disability leave pay and the duration of disability leave pay, shall be within the sole discretion of the Human Resources Director.

**14.4.9 - Return to Work** - The employee must submit a doctor's written release before being permitted to resume work.

**14.4.10 - Medical Appointments** - The City will allow up to four (4) hours maximum for any appointment, unless otherwise requested by the physician. Employees must notify supervisors of appointments and must document the appointment in writing in a leave form under "MA" (Medical Appointment).

**14.4.11 - When Disability Leave is Denied** - Upon denial of disability leave pay, the employee will be paid only the total amount issued by Workers' Compensation.

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## 15.0 - HOURS OF WORK, OVERTIME, AND OUT OF CLASSIFICATION WORK

**15.1 - Hours of Work** - The standard work week for all employees of the City is 40 hours, except for those Fire personnel whose hours are set by the CBA. Department Heads shall establish normal operating hours for respective departments, subject to approval of the City Manager.

**15.1.1 - Exempt Employees** - As per provisions of the Fair Labor Standards Act, (FLSA) exempt employees are not entitled to overtime pay; and are paid a full salary for the workweek. However, exempt employees exercise a high level of discretion and independent judgment.

**15.1.2 - Non-exempt Employees** - As provided in the FLSA, non-exempt employees must be paid for every hour of overtime worked over 40 hours per week. Overtime work shall be authorized in advance by the employee's immediate supervisor.

**15.2 - Call Back Pay** - If an employee, other than an exempt employee, is called back to work during off duty hours because of an emergency or other urgent situation, the employee shall be paid for the actual time worked, or a minimum of two hours pay, whichever is greater. All payments will be made in accordance with the FLSA and/or appropriate CBA.

**15.3 - Employees Working in a Higher Classification** - Employees temporarily working in a higher classification, at the request of the Department Head, will be compensated in accordance with the following procedures:

**15.3.1** - No compensation shall be received for working in a higher classification for a period of less than four (4) hours per day.

**15.3.2** - An employee working four (4) hours or more per day in a higher classification will be compensated an additional 5% for all hours worked. An employee who serves for a period of four (4) hours or more per day in a higher classification of two (2) pay-grades or more, will be compensated at 10% for all hours worked. This additional compensation will not apply to Assistant Directors when acting as Department Heads while Directors are out on any type of leave.

**15.3.3** - An Assistant Department Head serving as an Acting Department Head for at least thirty (30) days may receive additional compensation at the discretion of the City Manager, retroactive to the first day of the Acting Department Head temporary assignment.

**15.3.4** - Under no circumstances shall the total additional compensation exceed the regular pay rate of the position being filled.

**15.4 - Assignment** - A regular employee may be assigned to perform the duties of a higher classification when there is a temporary vacancy due to an employee being on extended leave of absence, extended sick leave, or other temporary reason. All assignments are subject to the approval of the Human Resources Director and may continue for no longer than six (6) months, unless extended upon recommendation of the Department Head, the Human Resources Director and approval of the City Manager.

Assigned employees will be compensated an additional 5%, or 10% if the position is two (2) pay-grades or more, within the range of the classification to which the employees are assigned, but accrue no other benefits or rights in the higher classification.

**15.5 - Overtime and Compensatory Time for Non-Exempt Employees** - Overtime shall be authorized by the Department Head (or designee) prior to being worked. Overtime and compensatory time will be paid and/or administered pursuant to the FLSA and/or, if applicable, the appropriate CBA. Department Heads are responsible for the reporting of overtime and compensatory time.

**15.5.1 - Overtime Pay** - Overtime must be reported to the Finance Department on the bi-weekly payroll attendance reports during the applicable payroll period that the time was actually worked.

**15.5.2 - Compensatory Time** - Compensatory time earned for overtime worked is reported to the Finance Department on the form "Request for Compensatory Credit for Overtime Worked". This form must be submitted with the bi-weekly payroll attendance report during the payroll period that the time was earned.

**15.5.2.1** - The use of earned compensatory time must be reported on the payroll attendance report and on a Leave Application form.

**15.5.2.2** - At the time of separation, accumulated compensatory time will be paid to the employee and will be calculated in accordance with the provisions of the FLSA.

**15.5.2.3** - Employees excluded from bargaining units may accumulate compensatory time to a maximum of 120 hours.

**16.0 - HOLIDAYS**

**16.1 - Holidays with Pay** - The following, and any other days as the City Commission may authorize, are holidays for all regular full time excluded employees:

NEW YEAR'S DAY	VETERAN'S DAY
MARTIN LUTHER KING DAY	THANKSGIVING DAY
PRESIDENT'S DAY	DAY AFTER THANKSGIVING
MEMORIAL DAY	DAY BEFORE CHRISTMAS
INDEPENDENCE DAY	CHRISTMAS DAY
LABOR DAY	(3) FLOATING HOLIDAYS

Holidays for employees covered by a collective bargaining agreement will be governed by that CBA. The use of Floating Holidays during the employee's probationary period is addressed in Rule 6.3.

**16.2 - Holiday on Scheduled Work Day** - Non-exempt employees who are required to work on an observed holiday shall be granted either an alternate day off or be paid for the time worked at holiday rate (at straight time) and subject to the approval of the Department Head.

**16.3 - Holidays for Part-time Employees** - Regular part-time employees shall be paid for working on observed holidays, but only for the number of hours actually worked. No holiday pay will be received.

**16.4 - Procedure for Observance of a Weekend Holiday**

**16.4.1** - When one of the above holidays falls on a Saturday, the Friday immediately preceding that Saturday may be observed as the holiday, if Saturday is not a regular work day of the Department. If Saturday is a regular work day for the Department, then Saturday will be observed as the holiday.

**16.4.2** - When one of the holidays falls on a Sunday, the Monday immediately following that Sunday may be observed as the holiday, if Sunday is not a regular work day of the Department. If Sunday is a regular work day for the Department, the Sunday will be observed as the holiday.

**16.4.3** - Exceptions to this rule may be made by the City Manager.

**16.5 - Holiday Occurring within Period of Leave** - When a holiday falls within the leave time of the employee, it is to be considered as a holiday and not a day of leave and will be shown as a holiday on the attendance report. The only exception to this rule will be Administrative Leave for an employee who is on City business. In this case, the employee will receive straight time for the holiday plus straight time for the Administrative Leave.

**16.6 - Non-Payment while on "No Pay" Leave** - The City policy in connection with holidays occurring while an employee is on leave without pay is as follows:

**16.6.1** - If the employee is granted leave without pay for the workday immediately preceding and the workday immediately following the holiday, the employee will not be paid for the holiday.

**16.6.2** - If the employee is granted leave without pay for the workday immediately preceding the holiday, but returns to work on the first full workday after the holiday, the employee will be paid for the holiday.

**16.6.3** - If the employee works the full workday immediately preceding the holiday, but is granted leave without pay on the workday immediately following the holiday, the employee will be paid for the holiday.

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**17.0 CUSTOMER SERVICE AND WORK RULES**

**17.1 - Purpose** - In order to provide courteous and efficient service to the citizens of Coral Gables, the following general work rules are established. In addition, each Department may have special departmental rules due to the type of service provided. Departmental rules must be reviewed by the Human Resources Director and approved by the City Manager.

**17.2 - Customer Service** - Employees of the City of Coral Gables are expected to maintain courteous relationships with other employees, City officials, and the general public at all times.

**17.3 - Work Rules**

**17.3.1** - Punctuality in reporting for scheduled work is vitally important to provide quality service to the community and achieve the goal of excellence.

**17.3.2** - Personal activities including visitors, phone calls, and conversation shall be kept to a minimum. City operations shall be conducted in a business-like manner.

**17.3.3** - Personal appearance and cleanliness are the responsibility of each individual and are particularly important when dealing with the public. Clerical and administrative employees are expected to dress in business-like attire suitable for dealing with the public. Where uniforms are provided, it is expected that the uniform will be worn and will be clean and in good repair.

**17.3.3.1** - Employees who are in positions which require uniforms as the standard of dress, shall wear the complete uniform at all times, as prescribed by the Department. At the beginning of the work day, an employee's uniform or work clothes shall be neat, clean, pressed (not wrinkled) and well maintained (not torn or have burn holes). Employees will not be held responsible for uniforms that come back from the cleaning service in poor condition, but will be held responsible for the items that are controllable, like wearing the full uniform or re-wearing a dirty uniform.

**17.3.4** - Vehicle and equipment operators are usually under direct observation of residents and shall exhibit courtesy and a high regard for the safe operation of vehicles and equipment.

**17.3.5** - Safety rules must be followed, common sense used, and any hazardous conditions reported at once to the supervisor or the Risk Management Administrator.

**17.3.6** - Employees are expected to make efficient use of supplies, equipment, fuel, and electric power at all times.

**17.3.7** - Employees shall not solicit, or accept anything of value, regardless of its nature, in connection with City employment from any person, or other entity with any expectation or understanding, or which might lead to the belief that preferential treatment will result or that may tend to influence the employee in the performance of duty.

**17.3.8** - Employees shall not use or permit the use of City property or equipment for other than approved City activities.

**17.3.9** - Confidentiality shall be maintained to protect employee privileged information.

**17.3.9.1** - City employees who have contact with personal, exempt and privileged employee information are expected to maintain confidentiality and to handle all information in a professional manner.

**17.3.9.2** - City employees may be required to sign a Release of Confidential Information to agree to follow directive on Rule 17.3.9.1.

**17.3.9.3** - All requests for information regarding present or former employees (potential employers, credit institutions, welfare agencies, attorney, etc.) are to be forwarded to the Human Resources Department regardless of whether the inquiry is by telephone or in writing. The Human Resources Department shall have the sole authorization to provide employee information to outsiders.

**17.3.9.4** - Human Resources will be responsible for answering all requests for record copying to employees and to outside individuals and/or organizations regarding employee records.

**17.3.9.5** - Employees who violate this rule will be subject to discipline according to RULE 10.4.17 of the Rules and Regulations.

## **18.0 - EMPLOYMENT RESTRICTIONS**

### **18.1 - Political Activities** - Employees of the City shall not:

**18.1.1** - Become a candidate for any City of Coral Gables elective office.

**18.1.2** - Use official position, authority or influence for the purpose of interfering with an election or a nomination to office by coercing or influencing the vote of another person.

**18.1.3** - Directly or indirectly coerce or attempt to coerce, command, or advise any other employee to pay, lend, or contribute any part of City salary, pay any sum of money, or anything else of value to any party, committee, organization, agency, or person for political purposes.

**18.1.4** - Be prohibited as an employee from expressing an opinion on any candidate or issue or from participating in any political campaign during off-duty hours, so long as such activities are not in conflict with the provisions of sub-paragraphs 18.1.1, 18.1.2 and 18.1.3.

**18.2 - Employment of Relatives** - In accordance with Florida law, two or more members of the immediate family may be employed in the same department on a regular, full-time basis, providing that one immediate relative does not supervise the other at any time. Immediate family includes spouse, daughter, son, mother, father, sister, brother, grandmother, grandfather, mother-in-law, father-in-law, sister-in-law, brother-in-law, or any other relative living in the same household. This section applies only to those employees hired, or considered for departmental transfer, subsequent to December 31, 1984.

**18.2.1** - Pursuant to Florida Statutes, Section 112.3135, no Department Head or supervisor may hire, promote, or otherwise affect the employment status of a relative, nor advocate such action on behalf of a relative.

**18.2.2** - Situations in which two employees married to each other would work in the same Department will be reviewed on a case-by-case basis. However, no spouse will be hired or transferred to a position where there would be direct supervision by a spouse.

**18.3 - Outside Employment** - Full-time employees of the City shall not engage in any other employment or pursue any other gainful occupation, including self-employment, unless permission to perform other work is recommended by the Department Head and approved by the City Manager or designee. The following factors shall be considered when approving outside employment:

**18.3.1** - It shall not interfere with or be in conflict with the performance of City duties.

**18.3.2** - There shall be no association with any business having a questionable reputation or that would reflect unfavorably on the City or the employees.

**18.3.3** - City employees actively working, or those receiving disability leave pay, shall not have any employment or contractual relationship with any business entity or agency which engages in business or contractual agreement with the City, in compliance with Florida Statutes, Section 112.313, regarding conflict of interest.

**18.3.4** - City employees engaging in outside employment, including self-employment, must maintain a completed and current "Outside Employment Request Form and Affidavit" on file with the Human Resources Department. A copy of the form is located on the Intranet.

**18.4 - Financial Interests** - City employees shall have no financial interest in, or personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company.

**18.5 - Employee Solicitation/Distribution** - In accordance with State law and with the belief that working hours are for work, the following code must be observed:

**18.5.1** - There shall be no solicitation, selling of goods or services, or distribution of literature of any kind by any employee during the working hours of the employee soliciting or the employee being solicited. Employees who are not on working time may not solicit employees who are on working time for any cause or distribute to them literature of any kind.

**18.5.2** - There shall be no distribution of any literature of any kind by employees and off-duty employees in any work area of the City.

**18.5.3** - Employees may not post any notice or other literature on City property without prior approval by the City Manager or the Human Resources Department.

**18.5.4** - Employees who violate any of the above policies are subject to discipline up to and including dismissal.

**18.5.5** - Persons not employed by the City are prohibited from distributing or posting any written or other material, or soliciting for any purpose or cause at any time on City property. The Human Resources Director must be immediately notified in the event that any employee observes a violation of this rule by any unauthorized person.

**18.6 - Children in the Workplace** - The City supports "Take your Child to Work Day" one day a Year, later in the Spring, when children are welcomed in the workplace. Beyond that day, children shall not be brought to work by employees.

**18.6.1** - Employees are not permitted to bring their children to the workplace. NO EXCEPTIONS.

**18.6.2** - Employees shall not be allowed to have their children ride in any City vehicle while on City business.

## 19.0 - DRUG AND ALCOHOL FREE WORK PLACE

**19.1 - Purpose** - The City recognizes that the use and/or abuse of controlled substances, narcotic drugs and/or alcohol has an adverse impact on the general health, welfare and safety of the users, abusers and general public. In order to neutralize this adverse impact, and to maintain the high standards of morale, productivity and efficiency in City's operations, the City has instituted a drug and alcohol free workplace program.

**19.2-** The City prohibits employees from engaging in the following conduct:

**19.2.1** - Using, possessing, dispensing, distributing or receiving alcohol, intoxicants, illegal drugs or other controlled substances on City premises, or while engaged in City business.

**19.2.2** - Reporting to work under the influence of a prescription drug, unless the employee's physician determines that the use of the prescription drug will not adversely affect the employee's ability to perform in his or her position.

**19.2.3** - Reporting to work under the influence or with any measurable amount of alcohol, intoxicants, illegal drugs, or other controlled substances in their system.

**19.2.4** - Consuming any amount of alcohol, intoxicants, illegal drugs or other controlled substances while on duty or within four (4) hours of reporting for duty.

**19.2.5** - Refusing to undergo or cooperate in any alcohol or drug testing required by this policy.

**19.2.6** - Deliberately misusing this policy in regard to subordinates.

**19.3** - In accordance with the Federal Law, Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306, the City conducts alcohol and controlled substance testing. The City is also a Drug and Alcohol Free Workplace pursuant to Chapter 440, Florida Statutes. As part of the Drug and Alcohol Free Workplace Program, the City will reserve the right to require employees to submit to a drug and alcohol test when reasonable suspicion exists to believe that the employee may be using and/or abusing controlled substances, narcotic drugs or alcohol.

**19.4** - The City shall select the time and place for the administration of the test, and analyze the results and circumstances involved in the actions that led to the testing before reaching a final conclusion on the particular case.

**19.5** - Employees who seek assistance for substance abuse, prior to being tested under these rules, will not be disciplined for seeking such assistance. Voluntary participation in a treatment program does not preclude disciplinary action when issues such as job performance or employee behavior arise. This does not apply to Police Officers.

**19.6** - The City Manager or designee in conjunction with the Human Resources Director (or designee) will make the final determination on whether to require an employee to submit to a drug and alcohol test.

**19.7** - Employees with a CDL license will undergo testing pursuant to the Omnibus Act. An employee with a positive controlled substance result will be immediately terminated.

**20.0 - TUITION REIMBURSEMENT**

**20.1** - The City has a Tuition Reimbursement Program for employees to improve the effectiveness of the current job performance and for future career development.

**20.2** - All regular full-time excluded employees, who have completed the probationary period satisfactorily, may receive reimbursement for tuition costs at an accredited educational institution or an accredited educational program. All other employees may receive reimbursement pursuant to applicable CBAs.

- a. To receive reimbursement the employee must complete a tuition reimbursement application available in the Human Resources Department.
- b. The educational program must be job-related and degree seeking. All tuition reimbursement applications must be pre-approved by the Human Resources Director.
- c. Reimbursement for excluded employees, CGEA and FOP-represented employees:

**GRADE**

A - C -- 100%

D -- 0%

F -- 0%

Reimbursement for IAFF-represented employees:

**GRADE**

A -- 100%

B -- 90%

C -- 80%

D -- 0%

F -- 0%

- d. A grade of P in a "Pass-Fail" course will be eligible for 100% reimbursement (Employees covered by a CBA will receive reimbursement pursuant to that CBA).
- e. A maximum of \$1,500 per semester and \$6,000 per calendar year will be allowed per eligible employee.
- f. In order to receive reimbursement, the employee must show proof of grade with course receipt within 45 days of the completion of the course, to the Human Resources Department utilizing the appropriate City form.

**21.0 - AMERICANS WITH DISABILITIES ACT ("ADA")**

**21.1** - Title I of the ADA and State and local laws prohibit employment discrimination against qualified individuals with a disability, as recognized by applicable law, with regard to any term or condition of employment. A qualified individual is one who meets the skills, experience, education and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.

**21.2** - Consistent with this policy, the City will provide reasonable accommodation to a qualified applicant or employee with a covered disability who makes the City aware of such disability and of the need for accommodation. Reasonable accommodations generally include accommodations that will allow an individual to perform the essential functions of the job without presenting an undue hardship to the City. An employee with a disability who believes reasonable accommodation is needed to perform the essential functions of the job must contact the supervisor, Department Head, or the Human Resources Director.

**21.3** - Any employee who believes that discrimination on the basis of a disability has occurred or believes that an accommodation has been denied may file a complaint pursuant to the reporting procedure set forth in Rule 27.3. The City prohibits and will not tolerate retaliation against an employee for asserting any rights under the ADA.

**22.0 - CITY-WIDE EMERGENCIES**

**22.1 Purpose** - When the City Manager has declared a city-wide emergency (e.g., natural or man-made disasters), employees of the City that perform essential services may be required to work as deemed necessary by the City Manager or designee.

**22.2** - Under emergency conditions, City employees who are exempt from the FLSA that are on duty in excess of 40 hours per week, at the direction of the City Manager or designee, may be compensated above regular salary as determined in the sole discretion of the City Manager.

**22.3 - Compensatory Time** - Exempt employees may be able to receive compensatory time for hours worked during a disaster-related activity. However, it shall be based on whole day increments (8-hour periods), regardless of hours worked.

**22.4** - Employees who fail to report for duty as directed will be subject to the disciplinary provisions of the Personnel Rules and Regulations. SEE RULE 10.4.23.

## **23.0 - E-MAIL AND INTERNET**

**23.1 - POLICY** - Use of E-Mail and the Internet is becoming necessary for City employees to provide superior customer service, increase productivity and provide opportunities for professional growth. The efficient utilization of E-Mail and the Internet for communications and research can improve the quality and productivity of the City's work force. The goal of these Policies and Guidelines is to maximize and ensure the proper use of E-Mail and the Internet systems.

**23.2 - INTERNET ACCESS** - Requests for an E-Mail address or Internet access must be approved by the employee's Department Director and Office of the City Manager.

### **23.3 - RULES FOR USE OF THE E-MAIL AND INTERNET**

**23.3.1** - Use of E-Mail and the Internet is intended for official City business only. Blast e-mails to all City personnel must be previously approved by the Human Resources Director and the City Manager.

**23.3.2** - The use of e-mail and Internet resources is prohibited for personal use. Do not send or forward chain letters, joke mails, offensive or derogatory messages, and other prohibited uses.

**23.3.3** - Do not use racially or sexually derogatory language. Violations of this guideline will be disciplined through measures established by the City's Personnel Rules and Regulations and the applicable CBAs.

**23.3.4** - Use of E-Mail and the Internet is a privilege - exercise good judgment in its use. Failure to adhere to these rules may result in suspension or revocation of the privilege of network access and subject the offender to disciplinary actions under the City's Personnel Rules and Regulations and the applicable CBAs.

**23.3.5** - Understand that messages transferred via E-Mail and/or the Internet are public information. Confidential communications or sensitive information shall not be transmitted via E-Mail or the Internet.

**23.3.6** - Material which is exempt from Florida Statutes Chapter 119 - Public Records, shall **NOT** be entered on E-Mail or the Internet (i.e., addresses, phone numbers, social security numbers and other personal information for Police Officers, Code Enforcement Officers or Firefighters).

**23.3.7** - E-Mail or the Internet shall be treated as formal communications tools just as telephone and written communications. Employees are responsible and accountable for any e-mail communication.

**23.3.8** - Employees are encouraged to use all forms of electronic communication as necessary to perform jobs and/or enhance effectiveness.

**23.3.9.** - Passwords shall not be shared nor shall employees otherwise breach the security of E-Mail or the Internet. Only the individual designated by the Office of the City Manager should have your password.

**23.3.10** - Under NO conditions will City employees access, download, scan or otherwise use material unrelated to the employee's work related tasks. Violations of this guideline will be disciplined through the guidelines established by the City's Personnel Rules and Regulations and the applicable CBA.

**23.3.11.** - Computers or terminals shall not be left unattended in a state which affords inappropriate access to records of the City, allows unauthorized users access to the Internet, or otherwise compromises security.

**23.3.12.** - E-Mail or the Internet are intended to facilitate City-related business communications and research and shall be used in a responsible, efficient, ethical and legal manner in accordance with the mission of the City.

**23.3.13.** - City employees shall virus-scan all files which are downloaded from the Internet and follow all copyright laws.

**23.3.14.** - Using the network for business to yield personal financial gain or for any commercial or illegal activity is strictly prohibited.

**23.3.15.** - Prohibited uses of E-Mail by City employees includes, but is not limited to, the following:

- A. illegal activities
- B. threats
- C. harassment
- D. slander
- E. defamation
- F. sexually obscene/offensive messages, materials, or images
- G. racially offensive or derogatory material/messages
- H. political endorsements
- I. commercial activity
- J. to send chain letters
- K. to send copies of documents in violation of copyright laws
- L. to compromise the integrity of the City in any way
- M. any non-city business
- N. offensive jokes or frivolous messages

**23.3.16** - The City owns the equipment and its network. Internet access is provided by the City; therefore, no employee has an expectation of privacy in the computer, the network, or any internet access. Any password for a document or file that is password protected must be provided to the appropriate network manager. The City can access any computer or data saving equipment at any time. Employees will not conduct monitoring of electronic mail messages unless specifically authorized to do so by the City Manager or designee.

**23.3.17.** - When a City employee leaves the employ of the City, the Human Resources Department shall notify the City Manager's Office immediately to ensure that the list of users is kept up to date.

**23.4.** - All employees desiring to use the Internet system must sign an acknowledgment (included with these Rules and Regulations) that the City's E-Mail & Internet Policies and Guidelines has been received and that the employee fully understands that no personal privacy right in any matter is created, received or sent through E-Mail or the Internet systems.

**CITY OF CORAL GABLES INTERNET AND E-MAIL  
ACCEPTABLE USE AGREEMENT**

Effective performance of computer and telecommunications networks, whether local or global, relies upon users adhering to established standards of proper conduct. This Agreement defines the responsibilities of members of the City of Coral Gables government using Internet services provided with public funds. In general, it requires appropriate, efficient, ethical, and legal utilization of network resources. If a user violates any of these provisions, user access to the resources will be denied and disciplinary action may be taken. This resource, as with any other public resource, demands those entrusted with the privilege of its use be accountable. Use of City Internet resources are only for official City business and must be in direct support of the assigned duties and responsibilities of the user.

1. Use of Internet resources must be supportive of organizational objectives and be consistent with the mission of the City of Coral Gables.
2. Users must abide by copyright, contract and other local, state and federal laws, city administrative directives and policies, as well as individual department or agency guidelines.
3. Use of Internet resources for commercial use or profit is prohibited.
4. Use of Internet resources for personal use is prohibited.
5. Internet accounts are to be accessed only by the authorized owner of the account. Confidentiality of passwords and user accounts must be protected.
6. Individual users can be held accountable for use of an Internet account by others.
7. Intentional use of Internet resources to access, transmit, or process obscene material; inappropriate text or graphic files; or files dangerous to the integrity of the network are prohibited.
8. Users must abide by generally accepted network etiquette.
9. Users must abide by the acceptable use policy of any accessed network.
10. Users and department or agency management are jointly responsible for understanding the terms of this Agreement and monitoring the continued applicability of this resource to the user's assigned duties and responsibilities.

E-MAIL PRIVACY - All E-Mail messages sent or received by City employees in connection with official City business are public records. All time spent on E-Mail and Internet on other than City business is contrary to City policies and procedures. All members should be aware that confidentiality of electronic mail cannot be assured and that any communications which need to remain confidential should not be sent over the Internet. People tend to speak freely through E-Mail because it is falsely assumed messages are private and will be read only by the person receiving the message. Even when an E-Mail message is erased, the message is still retained for a period of time. There are firms now in existence who specialize in finding incriminating information in computer systems, including files deleted months or years ago that still reside inside backup tapes, diskettes or hard drives.

E-MAIL ETIQUETTE - As use of E-Mail systems grows, it becomes increasingly important for each user to use care and caution when sending messages to one another. Many feel free to swap offensive jokes, stories and other inappropriate messages. The following advice is provided to all members for considering what is appropriate for sending in an E-Mail message.

1. The material sent or received must be for official City business.
2. Ask yourself would I want a jury to read this E-Mail?
3. Be polite. Make sure short messages don't come across as brusque or curt.
4. Don't send offensive jokes or frivolous messages.
5. Don't send any message or E-Mail that you would not want repeated. E-Mail can be forwarded to hundreds of people in and out of an organization.
6. Work out problems face-to-face, not on E-Mail.
7. Protect your password, and always log off when not using the system.

I accept the terms and individual responsibilities for E-Mail and Internet use, as outlined above and in the Coral Gables City Personnel Rules and Regulations - Rule 23.

_____ EMPLOYEE NAME (PRINT)	_____ EMPLOYEE NUMBER
_____ EMPLOYEE SIGNATURE	_____ DATE

Return the original signed copy to the Human Resources Department for filing in the Official Employment Records File

The on-line version of the procedure is official. Therefore, all printed versions are unofficial copies.

**RULE 24**

**24.0 USE OF CELLULAR PHONES**

**24.1** - The City of Coral Gables recognizes the importance of promoting safety practices and accident prevention for employees using cellular phones while driving.

**24.2** - This rule outlines the safe and appropriate use of cellular phones while driving City vehicles or personal vehicles on City business.

**24.2.1** - When driving a City vehicle, and if in need of a cellular phone, a hands-free device is required; otherwise, the employee must safely pull to the side of the road before making use of the cellular phone.

**24.3** - Frequent and/or lengthy personal phone calls from City phones or from personal cellular phones during working hours will not be permitted.

**25.0- ATTENDANCE, ABSENTEEISM, TARDINESS**

**25.1 - Purpose** - It is the policy of the City of Coral Gables that every employee is expected to report to the assigned work station, ready to work, at the designated starting time every scheduled workday. Workday is defined as that number of hours in a day during which an employee shall actually engage in the duties for which employed.

**25.2** - Supervisors are responsible for impressing upon employees the importance of good attendance and the effect that unplanned absences have on the department's operation. Planned, pre-approved leave time is not considered an absence.

**25.3** - It is the employee's responsibility to advise the supervisor in a timely manner when it is absolutely necessary to be absent from work due to illness, injury, or other emergency. The employee should speak directly with the supervisor and provide an explanation for the absence.

**25.3.1** - Employees working on a multiple shift basis (e.g., 7-3:30, 3:00-11:30, 11:00-7:30) are required to call the supervisor at least one (1) hour prior to the beginning of the shift, unless the department establishes other time requirements.

**25.3.2** - Employees working on a specific shift (e.g., 8-5:00) are required to speak directly to the supervisor within the first thirty (30) minutes of the operations for the day, unless the Department establishes other time requirements.

**25.4** - Employees with excessive absenteeism and tardiness shall be subject to disciplinary action up to and including dismissal.

**25.4.1** - Excessive absenteeism is considered to be all unexcused absences in excess of six (6) occurrences at any time during a rolling six (6) month period.

**25.4.2** - Absences of three (3) occurrences or more within a two (2) month period following receipt of counseling, written reprimand, and/or suspension for absenteeism may result in further disciplinary action including dismissal.

**25.4.3** - An occurrence is defined as a day or consecutive days an employee is absent from work.

**25.4.4** - Repeated and/or extended absenteeism covered by the Family and Medical Leave Act will not be considered as unacceptable under the administration of this rule.

**25.5** - Unacceptable tardiness is being late or leaving early on more than three (3) occurrences in any consecutive thirty (30) day period.

**26.0 - WORKPLACE VIOLENCE**

**26.1 - Purpose** - The City of Coral Gables subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this rule, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed when violations occur, and providing a reporting system without fear of reprisal.

**26.2- Zero Tolerance** - **The** City maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or by anyone conducting business.

**26.3 - Reporting Violations** - Any employee who becomes aware of another employee or person violating City's policies against acts of violence, the use or possession of weapons, or both, (unless specifically related to job) has a duty and an obligation to immediately report such violation to the immediate supervisor. A failure to report such violation may also constitute a failure to abide by this policy and may result in disciplinary action.

**26.4 - Sanctions** - All alleged violations will be investigated. Any violation of this policy may result in disciplinary action, up to and including termination.

The on-line version of the procedure is official. Therefore, all printed versions are unofficial copies.

**27.0 - EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION; PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT, INCLUDING SEXUAL HARASSMENT**

**27.1** - The City is an equal opportunity employer. All employment decisions, including but not limited to, decisions regarding hiring, promotions, transfers, compensation, benefits, training, recalls, social and recreational programs, reductions in force, and terminations, shall be made without regard to age, sex, color, race, national origin, religion, marital status, sexual orientation, disability, veteran status, or any other legally protected status.

**27.1.1** - The City will take affirmative action to insure equal employment opportunity and to eliminate any past or present discrimination on the basis of any legally protected status.

**27.1.2** - The Human Resources Director is responsible for the overall administration of this policy. However, the implementation and continued support of this policy is the responsibility of each employee, supervisor, Department Head, and administrator. Accordingly, full cooperation is required from all City employees.

**27.1.3** - All efforts shall be taken to attract and retain qualified employees, regardless of age, sex, color, race, national origin, religion, marital status, sexual orientation, disability, veteran status, or any other legally protected status.

**27.1.4** - The City is committed to maintaining a discrimination-free workplace. Discrimination includes, but is not limited to, unequal treatment or harassment on the basis of any legally protected status with regard to a term or condition of employment. Conduct of this nature is strictly prohibited.

**27.2** - It is the policy of the City to ensure that all employees are able to work in an environment that is free from all forms of discrimination, including sexual harassment. The City of Coral Gables will not tolerate sexual harassment in any form by any employee, vendor, contractor or volunteer.

**27.2.1** - Sexual harassment includes any unwelcome, unsolicited, personally offensive conduct of a sexual nature. Such conduct may be in the form of verbal or written comments, pictures, gestures and/or physical contact. Such conduct constitutes sexual harassment:

1. when submission to the conduct is made either explicitly or implicitly a term of an individual's employment;
2. when submission to or rejection of the conduct is used as a basis for employment decisions affecting that individual; or
3. when the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

If you have questions about what constitutes sexual harassment, you should contact the Human Resources Director.

**27.3** - Due to the serious nature of any issue concerning alleged discrimination, harassment, or sexual harassment in the workplace, any employee who feels this Policy has been violated, or who has questions about a possible violation, must immediately contact the employee's supervisor, Department Head, and/or the Human Resources Director. Any complaint of an alleged violation may be in writing or may be made verbally.

**27.3.1** - Although personnel activities will be developed and monitored to ensure that employment actions further the principles of equal employment opportunity and a work-place that is free from all forms of discrimination, harassment or sexual harassment, all personnel share the responsibility of meeting the objectives and assuring compliance with this policy.

**27.3.2** - Any supervisor who receives a complaint of discrimination, harassment, or sexual harassment must report the complaint to the Human Resources Director. Failure to report a complaint may subject the supervisor to disciplinary action.

**27.3.3** - The City does not permit retaliation against employees raising concerns about discrimination, harassment, or sexual harassment. Employees can raise concerns and make reports without fear of reprisal. Any allegation of discrimination, harassment, sexual harassment or retaliation will be investigated immediately and anyone found to have engaged in any type of unlawful discrimination, harassment, sexual harassment, or retaliation will be subject to disciplinary action, up to and including dismissal.