

City of Bristol

PERSONNEL POLICY AND PROCEDURES MANUAL

INTRODUCTION

The purpose of this Policy is to establish procedures, which will serve as a guide to cover most personnel actions. The final interpretation and application of these rules and regulations shall be made by the Council or its designee. The Council reserves the right to amend, alter, modify, delete and add to these policies and procedures as it deems appropriate to serve the best interest of the residents, employees, and citizens of Bristol, Florida. These provisions do not intend to, nor do they create a contract for employment.

OBJECTIVES

To recruit, select, and advance employees on the basis of their ability, knowledge, skills and demonstrated performance.

To provide a pay plan and employee benefits package that is fair and competitive.

To train and develop employees to assure successful performance and to provide for personal growth.

To retain and advance employees on the basis of their ability to successfully perform their jobs.

To assure fair treatment of applicants and employees in all aspects of human resources administration without regard to race, color, national origin, sex, age, disability, religion, marital status, or political affiliation; and with regard for their privacy and constitutional rights.

To provide employees with a clear understanding of their role in the City government, the benefits of that employment, and the duties and responsibilities required to ensure a successful employment relationship.

To provide a grievance procedure that will provide for prompt and appropriate settlement of employee grievances.

These are the official policies and procedures for employees of the City of Bristol, Florida as approved by the Council. This document was prepared by Quest Management Consultants, LLC.

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I. SCOPE

These policies shall apply to employees under the jurisdiction of the City Council except for the following categories:

Members of the Council and other elected Officials

Council Appointees to Committees/Advisory Boards

Contractual Employees

*Note: Whenever there is a contradiction between this policy and the City Charter, the Charter will prevail.

II. DEFINITIONS

Affirmative Action: Any activity initiated by the City which contributes toward the greater utilization of the protected classes (minorities, females, the elderly, and the disabled).

Anniversary Date: The date one year from the full-time or the part-time regular employment date. For personnel considerations, the anniversary date shall be that date each year on the date (month, day) of employment unless the anniversary date has been adjusted due to a leave of absence or suspension, then the new adjusted date of employment would be used.

Classification Plan: A systematic arrangement and inventory of positions. The plan shall group similar positions into classes which shall be ordered, according to their degree of difficulty and responsibility, into different skill levels for purposes of establishing pay relationships. The Classification Plan shall be based on a thorough job analysis and shall be maintained by the City Clerk.

Compensatory Time: Time off with pay granted in lieu of cash overtime payments.

Continuous Service: Continuous service is employment which is uninterrupted except for an authorized leave of absence, suspension, or a separation due to a reduction in work force of six months or less.

Council: The Bristol City Council.

Demotion: An action that results in an employee being moved from a position in one classification to a position in a lower classification assigned to a lower pay grade.

Dismissal: The involuntary termination of an employee.

E-Mail: Electronic Mail; i.e. messages typed into a terminal and sent via internet or computer network, such as documents, memoranda, notes, letters, statements.

Employee: Any person appointed to a position with the City of Bristol Council for which they are compensated on a full or part time basis.

Equal Employment Opportunity: The provision of an environment which manifests the right of all persons to work and to advance on the basis of merit, ability and potential.

Exempt Employees: Those employees in administrative, executive, and professional positions as defined under the Fair Labor Standards Act, who are not subject to the overtime compensation provisions of the Act.

FLSA: The Fair Labor Standards Act. Federal legislation which sets minimum wage, overtime pay, equal pay, record keeping, and child labor standards for covered employment.

Full-Time Employee: An employee who works on a continuing basis 32 hours or more per week.

Grant Appointment: Positions created and funded by a grant. These positions may be either O.P.S. or regular status, depending upon the nature of the work, the duration of the grant, the likelihood for continuation, recruitment consideration, and budget provisions in the grant. The classification, rate of pay, and type of appointment of grant positions shall be approved by the Council.

Grievance: A dispute alleging a violation of a published City policy, rule, or procedure. No grievance will be considered unless the alleged violation has resulted from the deprivation of an expressly conferred right.

Hiring Authority: The Council, City Clerk or designee, with authority to appoint or remove an employee from the City.

Immediate Family: Spouse, the grandparents, parents, step-parents, brothers, step-brothers, sisters, step-sisters, children, step-children, grandchildren, and step-grandchildren of both the employee and the spouse.

Insubordination: The refusal to perform work when, and as assigned; failure to obey a direct legal order and /or any other act or acts of disrespect or disregard of supervisory authority.

Layoff: Termination of employment due to abolishment of positions necessitated by a shortage of funds, work, or a material change in the duties or organization of the City. A layoff shall only be enacted upon prior approval of the Council.

Minimum Qualifications: Those minimum requirements as to education and experience that qualify an applicant to be considered for appointment. Additional requirements may also be indicated when necessary, such as licenses, certificates and others.

Non-exempt Employees: Those employees in positions subject to the overtime compensation provisions of the FLSA.

Overtime: The hours worked in excess of 40 hours during the established workweek. These hours must be at the direction of the supervisor and must not include leave with pay.

Part-Time Employee: An employee who works on a continuing basis, but less than 32 hours per week.

Pay Range: The range of permissible pay from the "minimum" rate to the "maximum" rate. Such range is established to administer pay for positions in each skill level.

Performance Evaluation: A method of evaluating each employee on a periodic basis as to his/her performance on the job.

Position: An office or post in a department of the City involving duties requiring the services of one person. It can be part-time, full-time, temporary or regular, occupied or vacant.

Position description: A written description of sample duties, responsibilities, and the knowledge, skills and abilities required for a position.

Probationary Employee : An employee serving the first six months of their appointment. They must pass this period of observation and evaluation successfully. The initial probationary period will be a six month period based on any continuous employment, whether it is full-time or part-time. Employees in the initial probationary period may be discharged for any or no reason and shall not have right to appeal or enter into the grievance process.

Probationary Employee (Promoted, Demoted or Reclassified): An employee placed in a probationary status, at the discretion of the department head, due to a change in their job title or classification. The employee shall be entitled to use any benefits to which they were entitled prior to title change.

Promotion: An action which moves an employee from a position in one classification to another position in a different classification having a higher minimum salary and requiring a greater scope of discretion and responsibility.

Protected Class : As defined by Title VII of the Civil Rights Act of 1964, those groups who have borne, in the eyes of Congress and the courts, the brunt of discriminatory employment practices in the past (gender, race or national origin, disability, age, military experience, religion, marital status.

Public Area: Those areas to which the general public has unrestricted access.

Reclassification: The assignment of a position from one class to a different class due to a significant change in the duties and responsibilities of the position.

Regular Employee: Satisfactory completion of the probationary period by an employee results in that employee achieving regular status. They may be regular full time or regular part time.

Relative: An individual who is related to an employee: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law,

daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Resignation: The termination of an employee at their request.

Separation: The severing of employment with the City of Bristol.

Separation Pay: Earned leave pay, severance pay and any other pay entitlements due at the time of separation.

Suspension: An enforced leave of absence for either disciplinary purposes or pending investigation or charges against an employee.

Temporary Position: Positions of specific duration not to exceed two years. The position may be full-time or part-time. Temporary employees are not entitled to participate in the grievance procedure.

Termination: The involuntary dismissal of an employee, removing them from the City's employment roster.

Transfer: The assignment of an employee from one position to another within the same classification or the assignment of an employee to a lower classification when requested by the employee.

Vacancy: A position duly created and still existent but not occupied by an employee.

Work Area: Areas where work of employees is performed.

Work week: The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and adopted by the Council for an employee or group of employees.

Working Hours: An employee's normally scheduled hours of work (excluding lunch breaks and rest breaks).

III. EMPLOYEE CONDUCT

The Bristol City Council advocates of the concept that the quality of public service can attain maximum efficiency and effectiveness through a personnel management system based on merit principles.

The attitude and deportment of all City employees shall at all times be such as to promote the good will and favorable attitude of the public toward the City and its programs and policies. All employees are required to maintain their personal appearance in a manner which will reflect a

proper image to the public; they are encouraged to develop skills and seek formal training that will enhance their personal development and the overall expertise of the organization.

It is the policy of the City to expect the employees to comply with all rules and regulations of the City, State Statutes, and federal regulations in the performance of their duties, as well as compliance with all safety rules and standards. Any employee who violates any of these rules and regulations shall be subject to disciplinary action, up to, but not necessarily including termination of employment.

All employees shall be required to take an Oath of Loyalty, as prescribed by Florida Statutes, Chapter 876.05. The Oath must be signed prior to earning any salary or employee benefits and a copy of the Oath will be filed in the employee's official personnel file.

An employee's conduct while off duty shall not affect their employment except under the following conditions:

- The activity impairs the reputation of the City
- The employee is unable to perform their regular work responsibilities or appear at work
- The activity leads to the refusal or reluctance on the part of others to work with the employee, barring protection under the law
- The employee is representing the City at a function or location other than their normal work location

A. Equal Employment Opportunity

The City of Bristol is an Equal Opportunity Employer and, as such, states its commitment to providing equal employment opportunities to all persons in matters affecting, but not limited to, recruitment, employment, compensation, benefits, promotions, training, discipline, transfer and layoff practices without regard to race, color, religion, national origin, sex, age, marital or family status, disability, political opinions or affiliations, or Veteran's status (except where age or non-disability are bona-fide occupational qualifications).

The City Council shall designate an employee to serve as Bristol's equal employment opportunity officer who shall have the responsibilities for administering all equal employment opportunity programs. Unless otherwise designated, the City Clerk shall have that responsibility.

Any employee of Bristol who believes he/she has been discriminated against should contact the person whom the Council has appointed as Equal Employment Officer. This person shall work with the City's Attorney to attempt to resolve the problem within fifteen (15) working days. Any Department Director, Supervisor, or manager who is made aware of a potential violation, either by the victim, another employee, or a member of public is required to advise the Equal Employment Officer so that the matter may be investigated.

It shall be prohibited for any person employed by Bristol to discriminate or take any other retaliatory action against an individual who in good faith has: Opposed an alleged unlawful employment practice or has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing.

Veterans' preference shall be given to eligible veterans in accordance with existing State Laws.

B. Sexual/Racial Harassment

The purpose of this policy is to make all employees of the City aware that it is the policy of the City that sexual, racial or other forms of illegal or improper harassment will not be tolerated.

1. Statement of Policy

Sexual harassment is included among the prohibitions of Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment, and is prohibited by the City.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sex-based nature, where submission to such conduct is made a term or condition of employment, or an employment decision is based on an individual's acceptance or rejection of such conduct, or such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment involves not only members of the opposite sex but also of the same sex.

Other forms of harassment in addition to sexual harassment are improper and will not be tolerated. Such harassment involves unwelcome language or actions involving race, religion, national origin, age, marital status or disability.

Sexual as well as other illegal or improper harassment of City employees by other employees or by persons who do business with the City will not be tolerated.

In addition, the City will not allow any retaliation against any employee who raises a concern about improper or illegal harassment or participates in an investigation involving improper or illegal harassment and tells the truth to the best of his or her knowledge and belief.

2. Examples of Prohibited Sexually Related Conduct

The City considers the following conduct to be examples of conduct that violates its prohibition of sexual harassment.

Unwelcome physical assaults or touching of a sexual nature, including:

- Rape, sexual battery, molestation, or attempts to commit such acts.
- Intentional physical contact which is sexual in nature such as touching, pinching, patting,

grabbing, rubbing, hugging, or poking another employee's body.

Unwelcome sexual advances, propositions, and other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee who has indicated in any way that such conduct in his or her presence is unwelcome.

Job actions related to sexual matters such as:

- Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation or reward.
- Threatening to, or actually making an employee's job more difficult, or taking away any benefit or privilege to entice an employee to submit sexually.

Display of sexually related material, such as:

- Pictures, posters, calendars, graffiti, objects, promotional material, reading or other material of a sexually suggestive or sexually demeaning nature is not permitted in the workplace.
- Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

3. Examples of Other Illegal or Improper Harassment

Derogatory, critical or uncomplimentary jokes, comments, displays, posters, other written materials as well as actions based on age, race, religion, national origin, marital status, or disability are often unwelcome and hurtful to others and can be illegal. Such actions have no place in the work environment at the City and will not be tolerated.

The above examples are not to be considered a comprehensive list of prohibited conduct, but set forth examples of the types of conduct which is prohibited.

4. Making Complaints of Sexual or Other Illegal or Improper Harassment or Retaliation

Anyone who has suffered sexual or other illegal or improper harassment or retaliation; or who has observed such conduct, should report it to his/her immediate supervisor, the City Clerk, or any member of the City Council. Any supervisor or manager who is made aware of a potential violation, either by the victim, another employee, or a member of public is required to advise the City Clerk or a Council member so that the matter may be investigated.

All complaints will be investigated expeditiously. Upon completion, and a determination that a complaint is valid, the City will take appropriate remedial action, including disciplinary action up to and including termination of employment. If the complaint is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made.

5. Bad Faith Claims of Sexual or Illegal or Improper Harassment

Bad faith claims of sexual or other illegal or improper harassment are claims made when the person making the claims knows the claim is false but makes it anyway. Persons who make bad faith claims under this subsection will be subjected to disciplinary action up to and including termination.

C. Safety

Bristol is interested in the safety and well-being of its employees and continuously monitors working conditions and equipment for compliance with safety requirements.

Safety equipment and devices are provided to protect employees in potentially hazardous jobs. All employees are encouraged to act in a safe manner.

Individual Departments may have specific safety programs or requirements based upon the nature of the work performed. Those procedures will be made available to the employee and must be followed explicitly. The following rules must be observed at all times:

- 1. No Alcohol or drugs will be used on the job at any time.**
- 2. Report all job accidents in the same day the accident happens.**
- 3. Obtain authorization from your supervisor for all non-emergency treatments for accidents.**
- 4. Wear seat belts at all times in City vehicles**
- 5. Do not allow any unauthorized persons in City vehicles at any time.**
- 6. Keep the area where you work neat and clean at all times.**
- 7. Do not remove or bypass any guards on any machinery at any time.**
- 8. Ask your supervisor when you need additional equipment or instructions to get the job done safely.**

9. Advise your supervisor of any hazardous conditions.

10. Follow all other written and spoken safety rules.

D. Violence in the Workplace

It is the policy of the City of Bristol to provide a work environment that is reasonably safe, secure, and free from threats, intimidation, abusive behavior and physical violence. Acts of physical violence, direct or indirect verbal threats, stalking, aggressive or intimidating behavior, or provocation which could lead to violence will not be tolerated.

E. Attendance

1. Hours of Operation

The hours of operation for each Department shall be determined by the City in accordance with the needs of the City. Work schedules may vary according to the needs of the individual department, subject to the approval of the City Council. All employees shall begin and end their regular work day at City Hall. Time shall be recorded with a time clock or as prescribed by Council and reflect the actual arrival and departure times.

2. Break Times

Employees may take two fifteen (15) minute breaks each shift if workload allows. Breaks are intended to allow employees an opportunity to vacate their work station for personal business, snack time, or a short rest period. Breaks may not be scheduled at specific times and should only be taken when there is a natural lull or break in workload and/or there are no customers or residents currently requesting service. Break time shall not be recorded on a time card and shall be considered regular work time.

Breaks may not be added to lunch time or taken at the beginning or end of a shift to allow for tardiness or leaving early.

A break period shall be considered over if there is a need for the employee to return to their work station such as a phone call, customer, or work related requirement.

3. Attendance and Leave Records

The City Clerk's Office shall maintain complete and accurate attendance and leave records. All employees are required to record hours worked on a timesheet and submit the timesheet to the City Clerk in a timely manner. Timesheets must reflect the actual time worked and the type of leave utilized to bring the total to the regular working hours, whether the leave be sick, annual, leave

without pay, administrative leave, unauthorized leave, etc. For example, if the employee worked 30 hours out of a 40 hour week, the remaining 10 hours must be documented and associated with a specific leave type.

It is expected that each employee will complete and sign their own timesheet or time card. Under no circumstances shall an employee enter information for another employee or make any notations or updates on another employee's timesheet. Violation of this policy shall result in disciplinary action.

4. Attendance Standards

In order to ensure the efficiency and productivity of City operations, regular attendance and arriving to work on time are requirements of continued employment. As a general guideline, the absence from work of more than eight (8) hours per month, over a six (6) month period, will be considered excessive absenteeism, except as noted below:

Absences due to disability leave, parental leave, compensatory leave, administrative leave, or annual leave which has been scheduled and approved in advance shall not be counted towards any excessive absenteeism. A lengthy illness (with appropriate documentation) as well as other unusual circumstances may be considered in the context of the overall attendance and employment in applying this standard.

5. Notification of Absenteeism or Tardiness

If an absence or tardiness is unavoidable, employees are required to notify their immediate supervisor of such absence no later than the beginning of their work shift. Excessive absenteeism, tardiness, and failure to notify a supervisor of an absence are grounds for disciplinary action. Three (3) successive work days missed without notifying a supervisor shall be considered abandonment of the position and shall be grounds for automatic termination.

6. Unauthorized Absence

An absence of an employee from duty, including any absence for a single day or part of a day that is not authorized by a specific grant of leave of absence under the provisions of this policy, shall be deemed an unauthorized absence. Any such absence shall be without pay and may result in disciplinary action up to and including termination.

F. Political Activities

Every employee will have the right to express his or her views as a citizen, to cast his or her vote as he or she chooses, to hold membership in and to support a political party, or maintain political neutrality. Employees may also attend political meetings and take an active part in political campaigns during off duty hours. However, every employee is prohibited from:

- Using her/her official authority or influence for the purpose of interfering with or affecting

- the result of an election or nomination for office
- Directly or indirectly coercing, attempting to coerce, commanding, or advising a City employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
 - Participating in political activities during scheduled work time
 - Participating as a candidate for public elective office in a partisan primary, general, or special election, if they are principally employed in a federally funded program
 - Wearing or displaying political badges, buttons or stickers when on duty. "Political" badges, buttons or stickers shall include endorsements of issues, causes or candidates.

G. Nepotism

For purposes of this policy, "relative" means an individual who is related to an employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. There shall be the following restrictions on the employment of employee relatives with the City: A relative of any City employee with supervisory responsibility shall not be eligible for employment in or advancement to any position which reports directly to the supervisory employee. Likewise, a City employee shall not be eligible for advancement to any position with direct supervisory responsibility over a position in which a relative is employed.

H. Outside Employment

Employees who desire to accept outside employment in addition to their regular position as an employee of the City shall inform their respective supervisor in writing of the nature and extent of such outside employment. The supervisor shall thereupon determine whether or not such employment conflicts with the duties and responsibilities of said employee and forward a recommendation to the City Council, who will consider the request. Employees shall not engage in any employment activity or enterprise which has been or may be determined to be inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of their employment with the City.

If the employee's outside employment causes absences, tardiness, or otherwise interferes with the operations of the City or his/her responsibility as an employee of the City, including but not limited to availability for scheduled and unscheduled overtime and/or call-ins, the employee may be required to terminate the outside employment. Upon refusal to do so, the employee may receive disciplinary action up to and including termination.

I. Smoking

At no time will the use of tobacco products be allowed in a City Facility or vehicle.

J. Solicitation

No employee or other person may solicit or be solicited during working hours or in work areas, unless approved by the Council.

No employee may distribute literature in his\her work area or during work hours.

No person may distribute literature to an employee in that employee's work area or during working hours.

No group insurer or provider of City benefits may be permitted access to employee work sites except with prior permission from the City Council or designee. Such access, if granted, shall be limited to communication and implementation of new plans and/or administration of existing group policies and shall not be used for the purpose of unapproved solicitation.

Exception - Charitable solicitations may be permitted upon approval of the City Council and subject to the following:

Solicitation may take place only for charitable purposes and not for private gain, and only on behalf of generally recognized and reputable charitable organizations. The specific activities to be utilized in the charitable solicitation must be communicated to and approved by the City Council prior to any activity taking place.

K. Access to City Property

Employees shall have access to City property and facilities during their normally scheduled hours of work, and outside their normal hours of work when on City business. However, when not engaged in City business, access shall be limited to public areas.

Employees or other persons, not specifically authorized, shall not be permitted to post materials on bulletin boards which are intended for official City business. Employees shall not be permitted to use City facilities, meeting rooms, or conference rooms, or City equipment for other than City business, unless such facilities or equipment are available in accordance with established policy on a regular basis to the general public in which instance the use of such shall be on the same conditions as for the general public.

L. Property Loss or Damage

It is the policy of the City of Bristol that financial costs incurred by the loss or damage to the City's equipment or vehicles be recovered. Employees will be financially responsible for loss or damage of equipment or vehicles if any of the following conditions apply:

- There was gross negligence on the part of the employee;
- City policies were not followed which resulted in loss or damage; or
- Equipment was lost or damaged and it is determined that the employee did not maintain or operate equipment per manufacturer instructions or City policy.

M. Telephone Use

The City's telephones are to be used for conducting City business only. Local personal calls are permitted to the extent that they are brief, and only during approved breaks. Long distance personal calls are not allowed; however, if an emergency requires the employee to place a personal long distance call, the employee will be responsible for the charges. This policy covers use of City owned cell phones assigned to employees. Any charges resulting from personal use that increase the normal and regular monthly fee will be paid by the employee.

N. Public Access to E-mail

This policy is designed to protect the City, its employees and its resources from the risks associated with use of E-Mail and Internet. Therefore, E-Mail and Internet are to be used to facilitate City business and only highly-limited, reasonable personal use is permitted. Employees are permitted to briefly visit other non-sensitive Internet sites during non-work time, such as break, lunch, and before or after work hours (with prior permission of his or her supervisor). The City's E-Mail or Internet access systems may NEVER be used in any of the following ways:

- To harass, intimidate, or threaten another person.
- To access or distribute obscene, abusive, libelous, or defamatory material.
- To distribute copyrighted materials that are not authorized for reproduction/distribution.
- To impersonate another or mislead a recipient about your identity.
- To access another person's E-Mail, if not specifically authorized to do so.
- To bypass the systems' security mechanisms.
- To distribute chain letters.
- To participate in political or religious debate.
- To automatically forward messages (e.g., with mailbox rules) to Internet E-Mail addresses.
- To communicate the City's official position on any matter, unless specifically authorized.
- To make such statements on behalf of the City.
- For any purpose which is illegal, against City policy, or contrary to the City's best interests.
- To pursue an individual's business interests that are unrelated to the City.
- To conduct any type of personal solicitation.
- The City has not forbidden all personal use of E-Mail. Acceptable uses of E-Mail can be compared to those involving the telephone: the communication must be brief, must not interfere with work, must not subject the City to any additional costs, and must be consistent with the requirements set forth in this Internet and E-Mail policy.
- No guarantee can be made for privacy of any communication on the network; authorized system administrators may access private correspondence and files if use is believed to be in violation of this policy.

Electronic communications created or received using City equipment or addressed to City e-mail addresses are considered public records and are subject to the requirements of Florida Statute 119, providing for public access.

O. Conflict of Interest

The City's policy in regard to conflict of interest shall be in accordance with the regulations specified in Sections 112.311-43 of the Florida Statutes. The intent of this law is to prohibit any public official or employee from having interests, from engaging in business activities, and from incurring any obligation "which is in substantial conflict with the proper discharge of his or her duties in the public interest." The law prohibits the following:

- The solicitation or acceptance by any City employee of any gift, loan, favor, reward, or service that would cause a reasonably prudent person to be influenced in the discharge of official duties, or that is based upon any understanding that the action and/or judgment of the official or employee "would be influenced thereby."
- A City employee from transacting business on behalf of the City with any agency in which either the employee or a member of the employee's immediate family has a "material interest."
- A City employee from accepting compensation to influence any action in his/her official capacity with the City.
- A City employee from using his/her position to secure a special privilege, benefit, or Exemption for him/herself or others.
- A City employee from holding any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with the City of Bristol Government.
- A City employee from disclosing or using information not available to the general public for his/her personal gain or for the gain of any other person or business entity.

All contractors and suppliers engaging in business transactions with the City of Bristol Government shall be hereby advised of these prohibitions. This policy shall not be interpreted to prevent an employee from engaging in a bona fide business transaction for goods and services from a firm doing business with the City when no special privilege or benefit is granted or sought by the employee because of his or her status as a City employee. This law also requires that any City employee who is "an officer, director, partner, proprietor, associate, or general agent" of, or who has a material interest in, any business entity regulated by the City or doing business with the City, must file a disclosure of such with the City Clerk. Employees may be required to file disclosure statements at the request of the City Clerk.

P. Substance Abuse

The use, sale, dispensing or possession of illegal drugs, narcotics, and alcoholic beverages are prohibited on City premises or in City vehicles or equipment. Appropriate disciplinary action will be taken against employees who are in possession of or under the influence of alcohol or illegal drugs while on City premises up to and including termination.

Employees taking prescription drugs which may cause impairment must be under a doctor's care and obtain doctor's permission to continue working while taking the medication.

Q. Dress Code

A neat and professional appearance is a requirement at the City. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. When there is a uniform provided by the City, it shall be worn during regular work hours. The following factors that should be taken into consideration when determining appropriate dress:

- The nature of their work
- Safety considerations, such as necessary precautions when working near machinery or hazardous work areas
- The nature of their public contact, if any, and the normal expectations of outside parties with whom they will work.
- The prevailing dress practices of other workers in similar jobs.

R. Department Work Rules

Subject to the approval of the City Council, each department is authorized to establish certain work rules and regulations governing their operations in regard to hours of work, employee conduct, and work procedures, as long as those rules do not conflict with those specified in this Personnel Policy. All employees are required to adhere to departmental rules as well as the City Personnel Policy. Violation of department rules and regulations may result in disciplinary action.

IV. RECRUITMENT, SELECTION AND APPOINTMENT

Recruiting efforts to fill current or projected vacancies shall be the responsibility of the City Council. As a goal, the work force of Bristol should be representational of the population of the City. Bristol is an Equal Employment Opportunity Employer and applicants shall be evaluated based upon the required knowledge, skills and abilities required for the position without regard to that person's age, race, color, sex, religious creed, national origin, political opinions or affiliations, marital status or disability, except when such requirement constitutes a bona fide occupational qualification necessary to perform the task associated with the position.

The City may promote from within or may choose to advertise publicly and consider all applications at once, including internal applications from existing employees. Notice of vacancies may be provided through postings on City bulletin boards, paid advertisements, public service notifications, notifications to community organizations and any other means deemed necessary by the Hiring Authority.

A. Applications

1. Apply in Writing

Any applicant, including employees of the City must apply in writing using the City approved application form for announced position vacancies.

2. Receipt of Applications

In order to be eligible for consideration, all applications must be received by 5:00 p.m. on the closing date.

3. Applying for more than one position

Applicants must complete a separate employment application for each position for which they are applying.

4. Criteria for Consideration

In order to be considered a valid application, the application must:

- Be substantially complete
- Reflect that the applicant possesses the required knowledge, skills, ability, and experience required for the position
- Not be falsified in any way
- Reflect that the employment of the applicant would not violate the City's nepotism policy
- Reflect that the applicant meets other valid and lawful employment requirements for the position for which they are applying

5. Maintenance of Files

Applications which do not result in position appointment will be placed on active status for a period of one year. Applicants wishing to apply for other positions during that time may update the existing application to indicate changes and appropriate position. After a period of one year, the applications will be placed in inactive status and will be placed in storage for the minimum amount of time as required by the Florida Records Retention guidelines.

6. Screening Process

The Council, or designee, will screen each application as to the person's ability and qualifications to perform the task required for the vacancy.

7. Hiring Process

After the screening process, the Council, or designee, will schedule and conduct interviews with a reasonable sampling of qualified candidates. The City Council will have final approval on all new hires. The Council hereby designates the Clerk to have final approval over the hire and termination of the Assistant to the Clerk.

B. Medical Examination

Applicants/employees may be required, prior or subsequent to their employment to undergo a medical examination to determine fitness to perform the duties of the position and may be required to receive vaccinations by a qualified health care provider.

C. Drug Screening

Applicants/employees will be required, prior to or within seven days of employment, to undergo a Drug Screening urinalysis. The City of Bristol is a Drug Free Workplace.

D. Probationary Period

All regular full or part time employees shall serve a six-month probationary period. The probationary period should be considered the “working test” portion of the evaluation process. It shall be utilized to closely observe the employee’s work, determine suitability for continued employment and for ensuring the most effective adjustment of an employee to the position. During the probation period an employee may be terminated for any or no cause. Employees terminated during the probationary period will not be entitled to an appeal or grievance process. Probationary employees will receive periodic counseling sessions to evaluate progress and ensure effective communication of expectations.

At least two weeks before the expiration of an employee’s probationary period, the supervisor shall submit a written performance evaluation to the employee and City Council indicating whether or not the employee is recommended for regular status. The supervisor may recommend that the employee’s probation be extended for up to an additional six (6) months. No extension shall be allowed which would make the probation longer than twelve (12) months.

E. Recruitment of Temporary Positions

Temporary positions may be filled either from the pool of applications on file or may be advertised at the direction of the Council.

F. Temporary to Regular Employment

Employees filling temporary positions may be considered for transition to permanent positions via the normal application process or may be appointed without further announcement or advertisement by the City.

When appointed to a regular position, the employee shall be placed in probationary status. The date of hire as a regular employee shall serve as the anniversary date and beginning of the length of service for purposes of establishing the accrual of leave times.

G. Emergency Appointment

When an emergency makes it impossible to fill a regular position utilizing normal procedures, the Council may appoint a qualified person to such position.

Emergency appointments are expected to be temporary. Once the emergency appointment is made, the hiring authority should immediately begin the process to fill the position under the provisions of these policies for a regular or temporary position.

H. Americans With Disabilities Act

This Federal Act of 1990 prohibits employment discrimination against qualified individuals with disabilities.

The City of Bristol sets the following as a guideline to be followed by all departments:

Physical standards for employment shall be fair, reasonable, and adapted to the realistic requirements of the job. These standards must reflect actual work conditions, hazards and essential physical requirements of the job. Such standards shall not be used to eliminate disabled persons from consideration. Reasonable accommodations will be made for persons with disabilities.

I. Veterans Preference

In order to recognize and reward those who served their country in time of need, the City of Bristol will give preference to veterans and spouses of veterans as prescribed in Florida Statutes Chapter 295. In order to claim Veterans Preference, the appropriate documentation must be provided at time of application.

V. CLASSIFICATION & PAY PLAN

The Classification and Pay plan provides for the establishment, maintenance, and administration of an equitable pay plan and shall be applicable to all positions. The salary schedules shall include a minimum and maximum rate of pay for all skill levels. The Classification Plan consists of:

- Grouping positions into classes so that each position class:
 - Requires basically the same entry qualifications;
 - Can be filled by substantially the same methods of selection;
 - Is of comparable value and therefore deserves the same pay range
- Class titles which are descriptive of the work of the class and do not construe discriminatory bias.
- Written class specifications for each classification containing a statement describing the nature of the duties of the class, job qualifications, and special requirements necessary.

A. Administration

The City Clerk shall have the responsibility for the administration and maintenance of the Classification Plan and Salary Schedule. The Classification Plan will be audited on a regular schedule, and modified as needed.

Through the audit process, and upon recommendation by the Mayor or City Clerk, positions will be reviewed to establish the need for new positions, reclassifications, consolidation, or eliminating classes to provide for the most appropriate classification of positions. Additionally, the salary schedule shall be reviewed and modified to consider the prevailing pay rates and fringe benefits within the appropriate marketplace.

Amendments or modifications to the Pay and Classification Plan shall be approved by the Council upon a recommendation from the Mayor and City Clerk.

B. Initial Placement

The starting salary for those meeting the minimum qualifications will be the minimum in the pay grade for the classification to which the position is assigned.

Upon prior approval of the City Council, placement within the range, but above the minimum, may be negotiated based on verified related experience or education which exceeds the minimum requirements for the position. Such experience or educational qualifications must be documented and included in the employee personnel file and hiring documents.

C. Reclassification

Positions may be reclassified when:

- There have been significant changes in the actual duties and responsibilities, and/or the changes are the result of organizational, technical, legal or other advancement which is of a permanent nature.
- An error has occurred in the original classification process

Positions may not be reclassified when:

- The added duties and responsibilities are minor in nature and would be a logical function of the class.
- The added responsibilities are temporary in nature – not extending more than six (6) months.
- The effect is justification of a pay raise for an employee who has reached the maximum in his or her pay range or a reward for good performance.

When an upward reclassification occurs, the employee shall be placed at the appropriate step of the new pay grade with a one grade level change upward.

A reclassification downward is an administrative action independent of an employee's performance and should not be confused with a demotion. In this case, the employee's salary would remain unchanged. If the current salary exceeds the maximum of the new pay range, the salary would be frozen (other than cost of living increases) until changes in the pay grade schedule raise the maximum above the employee's salary.

If reclassification results in the position being assigned to a class in a skill level with the same pay range as the original classification, an incumbent employee shall maintain the same pay as before reclassification.

D. Creating a New Position

Requests to establish new positions shall be submitted to the City Council during the normal budget process. The City Clerk shall analyze the new position requested and recommend to the City Council the appropriate title and rate of pay in accordance with the City's Classification Plan. The creation of new positions within the existing fiscal budget year, causing a need to amend the current budget, is discouraged. However, when deemed in the best interest of the City, the City Clerk may submit a request for budget amendment to the Council for consideration and approval.

E. Promotion

Upon a promotion of one or more grade or classification level, the employee will be placed at the minimum of the new grade. If the employee's current salary is above the minimum of the new grade, he/she will receive a pay adjustment not to exceed 5%.

In no case shall the promotional increase place an employee's salary above the maximum of the assigned pay grade.

F. Demotion

Upon demotion for cause, the employee's salary will be placed on the new pay grade at a rate determined by the City Council based upon the recommendation of the Mayor and City Clerk.

G. Other Pay Adjustments

It is anticipated that the needs of the employees and departments will be met within the framework of the Classification and Pay Plan; however, should unforeseen circumstances occur which may be considered in the best interest of the City, the City Clerk may request a rate adjustment. This request may be submitted to the City Council for approval.

H. Part Time Pay Plan

Regular part-time employees shall be on an hourly basis or salaried in proportion to the average number of hours worked weekly.

I. Overtime

The established work week is forty (40) hours within a seven (7) day period, Monday through Sunday. Overtime is earned when the employee physically works more than forty (40) hours and is calculated at one and one-half (1 ½) times an hour on hours worked over the established workweek. All overtime work must have prior authorization by supervisor. Not securing this authorization may result in disciplinary action. The use of any type of paid leave, including workers compensation, sick, annual, Holiday, administrative, etc., is not to be considered when calculating actual hours worked during the week.

Leave time earned and used shall be recorded daily on the official City of Bristol Timesheet and submitted to the City Clerk the 2nd to the last working day of the month. Compensation for overtime shall be administered by the following guidelines:

- Employees in exempt positions, as identified in the US Department of Labor Fair Labor Standards Act (FLSA) shall not receive overtime pay for hours worked above forty (40) within a seven (7) day period. These employees may submit a request to the City Clerk for compensatory time to be granted for excess hours. Compensatory time for Exempt employees shall be on an hour for hour basis. Upon approval of the compensatory time, the employee may not accumulate more than 40 hours without further approval by the City Council.

- Regular employees who are not exempt from the FLSA overtime provisions; AND, who have received prior approval to work overtime, shall be granted either compensatory time at the rate of one and one-half (1 ½) times for each overtime hour worked or cash payment for overtime worked at the rate of one and one-half (1 ½) times that employee's regular hourly rate of pay. The maximum accumulation of compensatory leave is 40 hours. Overtime worked after the accumulation of the 40 hours shall be paid directly to the employee and be included in the regular pay check unless otherwise authorized by the City Council.
- Compensatory leave shall be requested and scheduled following the City's regular leave request procedure. Every effort will be made by the supervisor to see that this leave is approved in a timely manner.
- If overtime is authorized using compensatory leave only, employees must be notified before the overtime is worked.
- Overtime may be assigned when operating requirements or other needs of the City cannot be met during regular working hours. These assignments will be made as fair and equitably as practical in ensuring that qualified employees are on hand to perform as required. Any scheduled work time is required duty and failure to perform overtime, except in cases of personal emergency or other appropriate reasons, is deemed to be insubordination. Exceptions shall be granted on a case by case basis.

J. Payroll

The City Clerk is required to keep an accurate account of all hours worked and leave used by employees. All leave taken must be documented on a Leave Request Form and on the timesheet and submitted to the City Clerk on a regular monthly basis.

VI. EMPLOYEE BENEFITS

A. Health Insurance

The City of Bristol makes Health and Life insurance available for every full time employee after thirty (30) days of employment on a cost share basis. The City shall make family and/or dependant coverage available to the covered employee at the cost of such coverage. Such cost shall be paid by the employee through payroll deduction.

B. Retirement

The City participates in the Florida State Retirement System and contributes as prescribed by that plan. Employee eligibility is determined by the regulations and criteria of that system.

C. Holidays

- Holidays shall be designated by the City Council.
- A regular employee required to work on the designated holiday shall be paid for the number of hours normally worked that day at his or her regular rate of pay. Additionally, the employee shall receive compensatory time off at the regular rate of pay, or the employee may be paid additional Holiday pay at the regular rate of pay.
- Should the designated holiday not fall on a normal workday of a full-time employee, the employee shall be paid for an additional eight (8) hours at his or her regular rate of pay for the holiday. When work schedules are adjusted by mutual agreement between employee and City Administration, Holiday Pay will be based on a 40 hour workweek.
- An employee who is not on approved paid leave, and fails to report on the scheduled workday before or after a holiday, shall not be paid for the holiday.

D. Holidays Observed

The following holidays will be observed by the City. These days may be changed from time to time as the Council determines and upon reasonable notice to the employees. Offices may be closed on the days listed without further notice. Any other holidays proclaimed by the Council will also be observed.

New Year's Day	January 1 st
Martin Luther King, Jr. Day	3 rd Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veterans Day	November 11 th
Thanksgiving (2 days)	4 th Thursday and Friday in November
Christmas (2 days)	December 24 th and 25 th
Personal Holiday	Employee discretion

E. Annual Leave

Annual leave is provided for the purpose of rest, recreation, time with family, travel, and other forms of renewal by getting away from the job. It also enables employees to take care of other time consuming personal matters which may arise from time to time. Annual leave is not intended as a substitute for regular on-time attendance and will not be approved by supervisors to make up for habitual lateness. Regular full-time employees shall be entitled to earn and accrue annual leave.

Annual leave shall be accrued as follows:

1st year of employment	3.333 hours per month
2 nd through 5 th year of employment	6.667 hours per month
6 th through 10 th year of employment	10.0 hours per month
11 th plus years of employment	13.333 hours per month

Annual leave should be taken as accrued when at all possible. No more than 160 hours of annual leave shall be accrued. Subsequent leave earned after the 160 hour maximum may be converted to sick leave upon approval by the City Council.

No annual leave will be available for use during the initial year of employment. Accrual shall begin during the first month of employment, but will not be available to the employee until their anniversary date.

1. Request for Leave

A request for annual leave shall be submitted to the employee's immediate supervisor on the official "leave request" form. Annual leave of five (5) days or more should be requested as soon as possible, but not less than thirty (30) days in advance. Leave may be taken only after approval of the supervisor. Consideration of all requests will be made on a timely basis.

2. Treatment of Leave for Less Than One Day

Employees paid on an hourly basis must report all time absent from work to their supervisor and it must be recorded on the official time sheet. Leave must be approved by the supervisor.

3. Payment of Annual Leave Upon Separation

Employees who voluntarily separate from the City through resignation in good standing or retirement will be paid for unused, accrued Annual Leave. Employees of less than one year, who separate for any reason, shall not be paid for any leave. Any employee who is terminated for cause shall not be paid for accrued annual leave time.

F. Sick Leave

All full time employees will accrue sick leave on the following basis:

- Eight (8) hours per calendar month effective upon employment.

During the initial month of employment, sick leave accrual will be based upon one quarter of the accrual rate for 40 hours of work (two hours per week).

Sick leave may be accrued but is not available to the employee during the probation period.

1. Uses of Sick Leave

Illness, debilitating injury, pregnancy, childbirth, adoption, medical, visual or dental appointments and care for employee's immediate family are valid uses of sick leave. An employee on annual leave

is allowed to convert such leave to sick leave when the employee becomes ill or injured and proper documentation is submitted to the City Clerk.

When requesting sick leave for immediate family illness, the person who is ill or injured, as well as the general nature of the illness or injury, must be identified.

2. Request for Sick Leave

An employee who is to be absent from work and wishes to request sick leave shall submit a “leave request” form, in advance when possible. Otherwise, the employee shall notify his or her supervisor prior to the beginning of the scheduled work time. Upon returning to work, the employee shall immediately submit to the supervisor an official “leave request” form. Failure to do so may result in a loss of pay for the absence. A Supervisor may require a medical statement from a physician for use of sick leave when an employee is out three consecutive days or when a pattern of abuse is indicated.

If Sick Leave has been exhausted, the employee may request the use of annual leave. If no leave is available and the employee is unable to return to work, they may request “Leave Without Pay”

3. Abuse of Sick Leave

Use of sick leave under false pretenses, or non-compliance with attendance standards, may be grounds for disciplinary actions up to and including termination.

4. Payment of Sick Leave Upon Separation from the City

Employees who separate from the City in good standing may be compensated for 12.5% of accrued sick leave.

G. Sick Leave Donation

Employees may donate a portion of their sick or annual leave to a fellow employee who has had a personal injury or who is caring for an immediate family member who is seriously ill or requires the care of the employee under the following conditions:

- The employee wishing to make the donation must:
 - Have been employed with the City of Bristol for at least one year.
 - Have accumulated a combined balance of at least one hundred sixty (160) hours leave (sick and annual leave)
 - Not transfer so much leave that the combined balance falls below 120 hours or that the sick leave balance falls below 80 hours.

- Complete an appropriate form requesting that a specified number of their leave hours be transferred to the other employee.
- The employee who is to receive the donation must:
 - Have been employed with the City of Bristol for at least one year.
 - Have exhausted all available sick, annual, and compensatory leave.
 - Utilize the donated leave for their illness or that of an immediate family member.

Donated leave will be approved by the Town Council or designee and will be used as needed by the recipient. When there are multiple donations, the hours first offered and approved will be utilized first, then the others as needed. Transfers will occur during the regular payroll schedule and will not be banked by the recipient.

H. Parental Leave

Parental leave shall be granted to any regular full-time employee, for the purpose of pregnancy, infant care, recuperation, etc. Parental leave shall also be granted on the same terms for purposes of child adoption. An employee shall be permitted to utilize accumulated sick or annual leave during the parental leave period for purposes of receiving pay during that period.

Parental leave granted for pregnancy, maternity, spouse's maternity and adoption purposes may be without pay.

At the expiration of parental leave, the employee shall be entitled to return to the position that they temporarily vacated.

I. Leave Without Pay

Leave without pay may be granted for Parental Leave, or when other leave resources have been exhausted. A written request for Leave Without Pay must be submitted to the City Council for consideration. The City Council may approve leave without pay subject to the following:

- When it is in the best interest of the City
- When it will not be detrimental to the Department operations
- To comply with federal regulations regarding FMLA or Military Leave
- When the funds required to provide temporary staff and related operating expenses do not exceed the amount that would have been expended if the employee had remained on the job.

At the expiration of the leave without pay, the employee will be returned to the same position left temporarily vacated.

No annual or sick leave may be accrued during leave without pay. No Holiday pay will be paid during leave without pay.

If an employee requests leave without pay on a part-time basis, during which they work a portion of their regular hours for pay and have leave without pay for hours not worked, they shall accrue sick and annual leave at a rate proportionate to the amount of time they actually work.

Failure to return to work promptly at the expiration of the approved leave without pay may be cause for termination.

1. Insurance Coverage during leave without pay

Upon approval of leave without pay for more than twenty (20) days, the employee must decide if they wish their insurance coverage to continue.

During the first thirty (30) days of leave without pay the employee shall continued to be covered at the current rate of City insurance benefits, provided that the employee pay the employee portion, if any, that they normally pay. After thirty (30) days, the employee may choose to pay the full cost of the insurance premium and maintain coverage.

When considering approval for leave without pay, particularly when the employee has a sick or annual leave balance, the Council shall take this into consideration.

J. Workers Compensation

An employee who sustains a job-related disability that is compensable under the Workers' Compensation Law shall be carried in full pay status for a period not to exceed seven (7) calendar days without being required to use accrued leave credits. Such pay will be contingent upon written confirmation of inability to work from the attending physician treating the employee. If the employee receives Workers' Compensation benefits for this period of leave with pay, the employee shall reimburse the City the amount of the benefits. Such reimbursement shall not include payments for medical, surgical, hospital, nursing, or related expenses, or lump-sum of scheduled payments of disability losses.

If the employee is unable to return to work at the end of the seven (7) day period, the employee may elect to use accrued sick, compensatory, or annual leave in an amount necessary to receive salary payment that will supplement the Workers' Compensation payments to the total salary that was received prior to the occurrence of the disability. In no case shall the employee's combined salary and Workers Compensation benefits exceed the amount of the employee's regular salary payments. If the employee elects not to use accrued leave, the employee shall receive normal Workers' Compensation benefits.

1. Reporting an Accident

When an employee is injured on the job, the following procedures should be implemented.

In cases of very serious or life threatening accidents, the health and welfare of the employee is the first consideration and they, their co-workers, or supervisor should seek immediate medical attention.

In cases where the injury is not urgent or life threatening, the employee may seek medical attention from the City's designated Workers Compensation physician.

After ensuring that the injured employee receives medical attention, the accident/injury shall be reported to the immediate supervisor by the employee or coworker. The Supervisor is responsible for filing an accident report within 24 hours after the injury occurs or is reported.

Even when medical attention is not desired or required, it is the injured employee's responsibility to report all work related injuries, no matter how minor, to his/her supervisor within 24 hours. The injured employee must describe to his/her supervisor how the injury occurred and what part of the body was affected so an accurate documentation may be prepared. This will assist in tracking accidents and injuries and may prevent future injury to this or other employees.

K. Administrative Leave

In cases of natural disasters such as hurricanes, tornadoes, or floods, bomb threats and loss of electrical power which exceeds 3 hours, the City Clerk or designee, may close City offices and grant Administrative Leave with pay to the affected employees. Affected employees who are required to remain at work to provide essential services shall receive compensatory leave credit.

Administrative leave may also be granted for educational training and other job related purposes not paid for by the City or otherwise provided for within this Policy when it is deemed to be a benefit to the City and in the best interest of the City to do so.

Administrative Leave shall be paid at the employee's normal rate of pay and for the number of hours that the employee would normally work. Under no circumstances will Administrative Leave pay result in overtime pay.

L. Family Medical Leave Act (FMLA)

In accordance with the Family and Medical leave Act of 1993, eligible City employees are entitled to extended leave without pay under specified conditions. Depending upon the reason, employees may elect to substitute their accrued annual, compensatory, or sick leave for any part of the 12 weeks of leave granted under the Act.

1. Eligibility

An employee who has worked with the City of Bristol at least twelve (12) months and who has worked at least 1250 hours in the last twelve (12) months prior to the beginning date of leave may

be entitled to twelve (12) work weeks of paid/unpaid leave in any rolling twelve (12) month period under the provisions of the FMLA of 1993. A rolling twelve (12) month period will be measured backward from the date an employee uses any FMLA leave.

2. Approved Uses of FMLA

- a) To care for a newborn child or for placement of a child with the employee through foster care or adoption.
- b) To care for a child, parent or spouse who has a serious or terminal health condition.
- c) To attend to a personal serious health condition that renders the employee unable to perform the essential functions of their job.
- d) ****To care for the spouse, son, daughter, parent, or next of kin, who is a military service member and is recovering from a serious illness or injury sustained in the line of duty on active duty. ****

**** Note:** In the case of (d) above, the employee is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. The military caregiver is entitled to a **combined** total of 26 weeks of all types of FMLA leave during the 12 month period.

3. Request of FMLA Leave

Employees are requested to provide thirty (30) days notice of intent to take leave for foreseeable events, such as the expected birth of a child or planned medical treatments. In cases where the need is unexpected, employees are requested to provide as much notice as possible.

Documentation qualifying the FMLA leave must be submitted to the City Clerk's Office so that approval may be granted. In the case of an employee's own personal illness or injury, physician's certification form must be filled out by the employee's treating physician.

4. Benefits while on FMLA Leave

Employees will retain all accrued benefits while on FMLA leave. No sick or annual leave will accrue during FMLA leave without pay. Health plan coverage will be maintained by the City to the extent they are provided prior to the FMLA leave. Provisions for the collection of employee contributions to health plan coverage shall be made on an individual basis.

5. Restoration

Eligible employees returning from family and medical leave have the right to be returned to the job position that they held when they went on leave, or they may be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

6. Periodic Reporting

Employees will be required to report periodically on their status and plans to return to work.

7. Failure to Return to Work

An employee who fails to return to work on the date specified on the leave request form without receiving an extension in advance is subject to disciplinary action up to and including termination.

M. Bereavement Leave

An employee may, upon request, be granted up to three (3) days paid leave upon the death of an immediate family member as described in the Definitions of this Policy.

Employees must notify the supervisor of the deceased relative name and relationship to the employee and request leave time on the official "leave request" form. The Supervisor may request a certification or proof of the death.

If additional time is required for bereavement or travel, the employee may request to use sick, annual, or compensatory leave.

N. Jury Duty or Court Leave

Upon official summons not involving a personal litigation, the employee will be granted leave with pay to serve on a jury or testify as a witness. Employees shall not be reimbursed by the City for meals, lodging or travel expenses incurred while serving as a juror or witness. The employee shall be required to submit a copy of the summons or subpoena when requesting this type of leave.

O. Military Leave

Long term leave is extended to an employee who is drafted or who volunteers for active military service. This leave begins the day of induction and ends ninety (90) days after the date of separation from service or from hospitalization continuing after discharge. Active military service includes active duty with any branch of the Armed Services.

When an employee is granted military leave for active military service, the employee's position may be filled by another employee. Upon separation from the military service, not more than five (5) years from date of induction, the employee shall be eligible to return to the position held. However, the employee may be placed in another class with duties the employee is able to perform. Application for reinstatement following extended leave must be made within ninety (90) days after

completion of military service and within thirty-one (31) days after completion of initial active duty for training of not less than three (3) months.

An employee who is a member of the United States Armed Forces Reserve, including the National Guard shall, upon presentation of a copy of the employee's official orders, be granted leave with pay for periods during which the employee is ordered to active duty for training. Whether continuous or intermittent, such leave with pay shall not exceed seventeen (17) working days in any one annual period.

An employee who is a member of the United States Armed Forces Reserve, including the National Guard, and is ordered to active duty (not active training) shall upon presentation of a copy of the employee's official orders, be granted military leave. The first thirty (30) calendar days of such leave shall be with pay, and the remainder without pay. Leave payment of this type shall be made upon receipt of evidence from the appropriate military authority that thirty (30) days of active military service has been completed.

VII. EMPLOYEE PERFORMANCE EVALUATION

The performance evaluation program is intended to inform employees how well they are performing their work and how they can improve their work performance. The program may also:

- be used as a guide for determining merit pay increases;
- be considered in selecting employees for promotion;
- provide essential information for employee career development;
- serve as a basis for establishment of layoff rosters;
- be used in determining whether an employee's work is so deficient as to warrant corrective action, up to and including dismissal.

The City Clerk shall be responsible for the establishment and administration of a performance evaluation program for all employees of the City. The performance evaluation shall be in a standard written form as prescribed by the City Council. The performance evaluation is not subject to any grievance or formal complaint policy.

A. Evaluation Periods

Probationary Reviews - All employees shall be evaluated at the end of their initial probationary period

Annual Reviews - All employees and volunteers shall be evaluated annually on their anniversary date or the adjusted anniversary date.

Special Review – may be initiated during periods of disciplinary action, when the employee’s performance is in decline, or when the employee has been assigned additional responsibilities.

B. Evaluation Review Process

- Evaluations shall be prepared by the immediate supervisor of each employee.
- The evaluator shall discuss each performance evaluation with the employee.
- The employee and supervisor shall sign the evaluation.
- The employee will be encouraged to participate in the evaluation process and will have the opportunity to provide written documentation of their concerns or comments to the evaluation. Such documentation will be attached to the evaluation form and will become a part of the employee’s evaluation packet.

VIII. STANDARDS FOR DISCIPLINARY ACTION

The purpose of this section of the Personnel Policy Manual is to set forth the rules for disciplinary action. The purpose of these rules is as follows:

- To address the personnel rules of employees concerning misconduct and deficiencies in work performance.
- To establish standards for administering disciplinary action to employees.
- To clearly define the standards of conduct and other policies which are applicable to a given work situation.
- To establish standard ranges of penalties for various types of misconduct and deficient work performance in order to promote reasonable consistency in the disciplining of employees involved in similar situations.
- To assure quality service to the public.

It is not the purpose of these rules to make the failure of the supervisor to comply with technical requirements contained herein a basis for invalidating any disciplinary action. It is contemplated that such action will be invalidated only where the City’s failure to comply with these rules materially affects the ability of an employee to make use of the procedures provided for herein.

A. Authority

The authority to take disciplinary action as specified below is hereby delegated to the following persons or to those persons who are in a supervisory position to the persons listed below.

<u>Disciplinary Action</u>	<u>Persons Delegated Authority</u>
Oral Reprimand	Immediate Supervisor
Written Reprimand	Immediate Supervisor
Suspension	City Clerk or Mayor
Extended Suspension	City Clerk or Mayor, with approval of Council
Termination	City Council or designee**

** Council hereby designates the City Clerk with responsibility for disciplinary action, up to and including termination of the Assistant to the Clerk.

Supervisors shall be responsible for assuring that all disciplinary actions taken within their respective departments comply with these rules.

The City Clerk or designee shall provide guidance with regard to the administration of disciplinary actions and for assuring that such actions are accomplished in accordance with these rules. Employees may not be disciplined because of race, religion, color, sex, national origin, political affiliations, age, marital status, or handicap.

B. Types of Disciplinary Action

The following types of disciplinary actions are provided: Oral Reprimand, Written Reprimand, Suspension, Demotion, and Dismissal.

Oral Reprimand – This is the least severe disciplinary action. The purpose of an oral reprimand is to inform the employee of a particular disciplinary problem. Where possible, the oral reprimand should be delivered to the employee in a location that provides privacy from the employee’s coworkers. The supervisor shall clearly state that the employee is receiving an oral reprimand, clearly indicate the nature of the improper behavior, and explain precisely what corrective action is expected. In addition, it should be pointed out that future violations may result in more severe disciplinary action. Before concluding the meeting, the employee shall be allowed to make comments and clarify any issues concerning the situation.

A brief written documentation stating that the employee received the oral reprimand, giving the date and time of the reprimand and stating the nature of the problem must be provided to the City Clerk's Office for insertion into the employee's personnel file. A copy shall also be provided to the employee.

Written Reprimand – The purpose of a written reprimand is to help an employee who violates a disciplinary standard to recognize the error, to prescribe an action to correct the error and prevent it from recurring, and to document disciplinary action. The content of the report of written reprimand must specifically state that the employee is receiving a written reprimand, describe the facts giving rise to the disciplinary action, and indicate the corrective action expected. It should include a statement that future violations may result in more severe disciplinary actions up to and including dismissal. The report of written reprimand should be presented to the employee in private. There shall also be a signature line in the report of written reprimand for the employee to acknowledge receipt. In the event the employee refuses to sign the report, the Supervisor or City Clerk should note such refusal on the original and a copy of the report. All reprimands will be forwarded to the City Clerk's Office for inclusion into the employee's personnel file, and a copy will be provided to the employee.

Suspension – Suspension up to three (3) days (24 hours) is action taken by the Supervisor or City Clerk (with review and agreement by the Mayor) to temporarily relieve the employee of duties and place the employee on leave without pay. This is a severe form of disciplinary action, which may result from the commission of one offense or as a result of cumulative offenses.

Extended Suspension – The extension of a suspension beyond the 24-hour period and will be approved by the City Council.

Termination – This is action taken by the City Council upon recommendation of the Supervisor or City Clerk to separate the employee from City service. This is also a severe form of disciplinary action that may result from the commission of one offense or as a result of cumulative offenses.

C. Procedure

The affected employee shall be notified of the proposed personnel action, suspension, or termination, and the reasons in writing by personal delivery or by Certified Mail – Return Receipt Requested at his/her last known address. Employees who are on probationary status are not afforded the opportunity to appeal any disciplinary action.

D. Standards for Disciplinary Procedures

In general, the basic pattern of discipline for regular employees is progressive and cumulative. Specifically, written reprimands are retained on record and can have a cumulative effect leading to progressive discipline up to and including dismissal. Once a written reprimand is issued, it becomes a permanent part of the employee's record. The age of prior disciplinary action(s) will be taken into account in determining appropriate future discipline.

Progressive disciplinary action may also be administered for dissimilar offenses or deficiencies. If the employee has received a second disciplinary action for similar or dissimilar offenses or deficiencies, it may be considered cumulative and will allow the supervisor to progress to a more severe form of discipline when warranted.

E. Guidelines for Disciplinary Action for First Offenses

Listed below are guidelines for disciplinary action involving first offenses. The list is not intended to be exhaustive nor are the suggested actions for any offense required. The circumstances of each case shall govern the disciplinary action

Misconduct normally resulting in an Oral Reprimand for the first offense:

- Excessive Absenteeism
- Excessive Tardiness
- Failure to perform assigned duties properly or in a timely manner

Misconduct normally resulting in a Written Reprimand for the first offense:

- Offensive conduct or abusive language
- Improper use of City equipment
- Unauthorized absence or leaving assigned work station without permission, when responsibility mandates a presence
- Abuse of sick leave

Misconduct normally resulting in suspension for the first offense:

- Flagrant violation of safety rules, resulting in a dangerous situation
- Insubordination
- Sleeping on the job
- Fighting
- Sexual Harassment
- Discrimination

Misconduct normally resulting in termination for the first offense:

- Conviction of a felony
- Abuse or theft of City property
- Willfully making false statements about the City or its employees
- Falsification of records
- Illegal acceptance of gratuities
- Possession or use of intoxicants or controlled substances on the job
- Violence leading to the injury of another or destruction of City property
- Abandonment of job (three successive work days missed without notification to supervisor)
- Threat or use of weapon on the job

IX. EMPLOYEE GRIEVANCE POLICY – DISCIPLINARY

The grievance procedure is established to provide opportunity to regular full-time and regular part-time employees who have successfully completed their initial probationary period to appeal disciplinary actions more serious than a written reprimand. The submission of an appeal by an employee in good faith shall in no way adversely affect the employee or his employment with the City. Violations of the discrimination or sexual harassment policies shall not be considered under this section, but shall be brought to the immediate attention of a supervisor, or City Clerk and the City shall react swiftly to investigate and take appropriate action.

A. Appeal to Mayor or City Clerk

The employee may appeal the discipline in writing by filing his appeal with the Mayor or City Clerk within five (5) working days from receipt of Notice of Disciplinary Action.

The appeal shall be in writing, and shall include:

- The date the grievance arose.
- The policy, rule, and/or procedure claimed to have been violated.
- A statement of the facts as seen by the employee.
- The relief requested.

The Mayor or City Clerk shall meet with the employee within five (5) working days after receipt of the grievance. The Mayor or City Clerk shall give the employee an opportunity to explain his position, and listen to any witnesses the employee brings to the meeting. The Mayor or City Clerk may require other employee witnesses to be present or may conduct further investigation into the

matter on his own. The Mayor or City Clerk shall give a written answer to the employee within five (5) working days after the investigation is completed, and within ten (10) days after receipt of the written grievance.

B. Appeal of Mayor/City Clerk Decision

If the employee does not receive timely written response from the Mayor or City Clerk, or the employee is unsatisfied with the decision of the Mayor or City Clerk, the employee may then appeal to the City Council.

The appeal to the City Council shall take place within ten (10) working days of receipt of the decision of the Mayor or City Clerk. If the Mayor or City Clerk does not provide written response within the prescribed time, their lack of response shall be considered a denial of the appeal and the employee should proceed with their appeal to the City Council.

The City Council shall consider the appeal and shall:

- Give both the employee and the Mayor or City Clerk an opportunity to explain their positions;
- Consider the information before them;
- Further investigate the matter if deemed necessary; and
- Make the final decision for the City

C. Termination Appeal

A termination may be appealed directly to the City Council within fifteen (15) days of written notification of the termination. Upon receipt of the appeal, the City Clerk shall initiate a Hearing Council review. The Council shall meet with the employee, the supervisor, the Mayor and City Clerk, give them an opportunity to explain their respective positions, listen to any witnesses they wish to present, call any witnesses the Council feels will be helpful in making its recommendation, and review all documents submitted. The City Council shall have the final decision in the matter.

D. General Procedures

All appeals or grievances must be in written form. Employees may request assistance from the City Clerk's Office regarding grievance procedures and this guidance may be provided during the employee's regular working time with no loss of pay.

Employees may have someone represent them in these procedures. The name and relationship to the employee must be submitted as part of the written grievance or appeal.

Employee attorneys will not be allowed to participate in these meetings without prior approval from the City Clerk, unless it is required by law. The participation of an attorney representing the employee shall, in most cases, elicit the participation of the City Attorney and these proceedings shall then be considered a legal matter, which will be coordinated through the City Attorney's Office.

The time limits of this grievance procedure may be extended for reasons considered appropriate by the Mayor. Failure of an employee to file a grievance or an appeal in a timely fashion will constitute an automatic abandonment of the grievance unless he has obtained an extension in advance.

X. EMPLOYEE GRIEVANCE PROCEDURE - NON-DISCIPLINARY

It is the purpose of this grievance procedure to assure regular full and regular part-time employees that their non-disciplinary problems and complaints will be considered fairly, expeditiously and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their supervisors matters pertaining to conditions of employment as they affect individual employees. In addition, free discussion between employees and supervisors will lead to better understanding of practices, policies, and procedures, which affect employees. This will serve to identify and eliminate conditions which may cause misunderstandings and grievances.

The following will not be considered as grievances under this policy:

- Disciplinary Actions
- Sexual Harassment (Please refer to the sexual harassment policy)
- Layoffs and reductions-in-force
- Budget Appropriations
- Changes in the workforce due to restructuring and/or re-organization
- Changes in City Policy

A. First Step – Immediate Supervisor

An employee shall present his grievance to his immediate supervisor, the Mayor, or the City Clerk within five (5) working days from the time of occurrence of the problem. The supervisor shall attempt to resolve the problem within five (5) working days after the complaint is made to him.

B. Second Step – City Council

If the employee has not received an answer from the supervisor/Mayor/Clerk within five (5) working days, or if the employee feels the answer received is not satisfactory, he may appeal in writing to the City Council within five (5) working days after the supervisor/Mayor/Clerk's deadline as outlined above. The City Council, or designee, will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The City Council, or designee, will notify the employee of the decision within five (5) days following the meeting date. The decision of the City Council, or designee, will be final and binding.

XI. SEPARATION

A. Resignation

To resign in good standing, except in the case of an emergency, an employee should give at least two weeks (14 calendar days) notice in writing to his or her supervisor. In the case of an emergency, the reason should be fully documented in the notice. Full time employees who resign shall receive payment for all accrued annual leave credit, up to 160 hours, compensatory time credit and 12.5% of sick leave credit.

B. Termination

Regular employees may be terminated with cause upon violation of City policy and procedures or whenever the employee's work habits, attitude, production or personal conduct falls below acceptable standards. Regular employees may file an appeal or grievance in the process outlined within these Personnel Policy and Procedures. Probationary employees may be terminated with or without cause and employees will not have the ability to appeal or file a grievance.

Employees terminated for cause shall not receive annual leave or sick leave pay. Compensatory pay on the books shall be paid per federal law.

1. Procedure for Termination

Upon decision by the supervisor that a termination is in the best interest of the City, the supervisor shall notify the Mayor. The Mayor, along with the City Clerk and the supervisor will document the circumstances, and prepare a Notice of Termination, and a written recommendation requesting approval of the termination.

The City Council will review the request and consider the recommendations of the supervisor. The City Council may call a conference with the employee and/or the supervisor or investigate the matter to whatever extent they feel necessary. Upon approval by the City Council, the signed Notice of Termination shall be delivered to the employee in person, if possible. A copy shall also be mailed certified-return receipt requested to the employees last known address.

The written Notice of Termination shall contain the following:

- The employee's name, position title, home address and phone number
- Reason for termination
- Any existing documentation considered by the supervisor, Mayor or City Clerk in considering the termination
- A list of any previous disciplinary action taken into account during termination consideration
- Notice of the employee's right to appeal following the process outlined in Section XI. Employee Grievance Procedure – Disciplinary Action

C. Layoff

Regular employees who are filling positions to be abolished may be transferred to vacant positions for which they are qualified. Employees must be notified in writing of the transfer. The letter will include notification to the employee of the reporting date, time, and place. Failure to report to the new position will constitute abandonment of position. Employees who are filling positions to be abolished shall be given priority consideration for vacant positions for which they qualify. No original appointment of a new employee may be made to fill a vacant position until all eligible and interested employees facing layoff have been considered. If the hiring authority does not wish to appoint an affected employee, justification for the action is to be provided to the Mayor and City Clerk prior to advertising for recruitment to fill the position.

Employees scheduled for Layoff who cannot be transferred to vacant positions shall be notified in writing of their scheduled Layoff and the effective date.

Employees occupying temporary positions shall be among the first considered for layoff, followed by probationary employees, then regular employees. Probationary employees are subject to termination or layoff with or without cause and will not be afforded further consideration under this section.

Length of service to the City shall be the primary consideration when layoffs are necessary, followed by the employee's performance record and the specific skills and abilities required within the individual departments.

Per COBRA, employees who are laid off shall have the right to continue Health Insurance coverage by taking responsibility for any premium payments previously covered by the City, as well as any employee portion. Written notification must be provided to the employee containing the specific details of continued coverage within fourteen (14) days of the effective date of layoff.

All layoffs will be approved by the City Council.

1. Call Backs

Within a period of one year when a vacancy occurs, or a new position is established in a class from which an employee was adversely affected, preference for reinstatement will be given to employees in the following order:

(1) Regular employees who voluntarily transfer to vacant positions in different classifications

(2) Employees who were laid off

Reinstatement may be with permanent status at the discretion of the hiring authority, when the employee had previously completed the probationary period. An employee who refuses an offer of reinstatement forfeits any priority rights to subsequent placement offers. Employees who are reinstated shall have their seniority restored.

D. Death While Employed

The official date of termination shall be the date of death. All compensation and benefits due to the employee as of the effective date of termination shall be paid to the beneficiary of record, surviving spouse, or to the estate of the employee as determined by law or by forms executed by the employee.

E. Exit Interview

The City Clerk shall make every reasonable effort to interview separating employees. The purpose of the exit interview or exit interview survey form is to gain insight into the concerns and issues faced by employees and to gain important knowledge and ideas for continued improvement of public service and City personnel services.

VERIFICATION OF RECEIPT

I, _____ affirm and acknowledge, by providing
(*printed name*)

my signature below that I have received a copy of the Official City of Bristol Personnel Policy and Procedures. Further, I understand that I should contact my supervisor or the City Clerk's Office should I have questions as to any of the requirements or regulations contained herein.

Employee Signature

Date

Witness – (City Staff)

Date