



City of Largo Agenda Item 12

Meeting Date
05/01/18

Presenter: Susan Sinz, Human Resources Director

Department: HR – Human Resources

TITLE:

RESOLUTION NO. 2214 - ADOPTING REVISIONS TO THE PERSONNEL RULES AND REGULATIONS

Periodically, the City of Largo Personnel Rules and Regulations require updates to ensure the relevance of the policies to current work practices and to ensure efficient and effective operations.

The following modifications to the Personnel Rules and Regulations are being recommended:

1. Amending Section IV, Probationary Periods and Types of Appointments, to provide that probationary employees may only apply for a different position within their current department.
2. Amending Section VI, Pay and Classification Plan, to redefine reclassification of a position, revise the process for deleting/adding a position and revise regulations governing employees during declared emergencies.
3. Amending Section XV, Code of Conduct and Disciplinary Guidelines, to add to the Code of Conduct #4 (page 51) the employees' duty to report the use of medication which may restrict the employee's performance of duties.

Attached is the underlined and stricken-through copy of the final recommendations as described above. The CWA, IAFF, and PBA have reviewed and concurred with these recommendations as presented.

Budgeted Amount: \$0.00 Budget Page No(s): NA Available Amount: \$0.00 Expenditure Amount: \$0.00

Additional Budgetary Information: Not applicable

Funding Source(s): NA Sufficient Funds Available: Yes No Budget Amendment Required: Yes No Source: N/A

City Attorney Reviewed: Yes No N/A Advisory Board Recommendation: For Against N/A Consistent With: Yes No N/A Not Applicable

Potential Motion/Direction Requested: I MOVE TO APPROVE/DISAPPROVE RESOLUTION NO. 2214.

Staff Contact: Susan Sinz, Human Resources Director x6706 ssinz@largo.com

Attachments: Resolution No. 2214, Personnel Rules and Regulation Revisions

RESOLUTION NO. 2214

A RESOLUTION OF THE CITY OF LARGO, FLORIDA, AMENDING THE CITY OF LARGO PERSONNEL RULES AND REGULATIONS, BY AMENDING SECTION IV: PROBATIONARY PERIODS AND TYPES OF APPOINTMENTS; AMENDING SECTION VI: PAY AND CLASSIFICATION PLAN; AMENDING SECTION XV: CODE OF CONDUCT AND DISCIPLINARY GUIDELINES; BY REPEALING RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Largo City Commission has adopted the Personnel Rules and Regulations in accordance with Section 4.02 of the City Charter; and

WHEREAS, the City Commission desires to amend the Personnel Rules and Regulations as set forth in the revised Personnel Rules and Regulations attached as Exhibit A to this resolution; and

WHEREAS, the revisions to the Personnel Rules and Regulations are as follows:

1. Amending Section IV to provide that probationary employees may only apply for a different position in their current department.
2. Amending Section VI to redefine reclassification of a position, revising the process for upgrading a position, revising the effects of reclassification of a position in the same pay grade, revising the effects of the downgrading of a position, revising the process for deleting/adding a position, and revising regulations governing employees during declared emergencies.
3. Amending Section XV to clarify that the failure to report the use of medications which may restrict the employee's performance of duties may subject the employee to discipline.

WHEREAS, the City Commission has determined that the adoption of the revised Personnel Rules and Regulations are in the best interest of the City and its employees.

NOW, THEREFORE, THE CITY OF LARGO CITY COMMISSION HEREBY RESOLVES:

Section 1. That, in accordance with Section 4.02 of the City Charter, the attached revised Personnel Rules and Regulations, be and the same are hereby approved and adopted for administration and implementation by the City Manager provided the adoption of said amendments shall not affect management prerogatives, powers or duties, unless and except to the extent provided.

Section 2. That all former resolutions or parts thereof in conflict or inconsistent with this resolution are hereby superseded and repealed.

Section 3. That this resolution shall take effect on May 1, 2018.

PASSED AND ADOPTED ON THIS ____ DAY OF _____, 2018.

CITY OF LARGO, FLORIDA

Louis L. Brown, Mayor

REVIEWED AND APPROVED:

ATTEST:

Alan Zimmet, City Attorney

Diane Bruner, City Clerk

IV: PROBATIONARY PERIODS AND TYPES OF APPOINTMENTS

Revised 02/15/11-05/01/2018

A. Purpose of the Probationary Period

The probationary period is an integral part of the evaluation process. This is primarily an orientation and learning period in which the supervisor has an opportunity to determine whether the employee understands and has the ability and skills to perform the job assigned and is an appropriate fit for the department.

Any newly-hired person serving a probationary period is subject to the rules and regulations except for the right to file grievances and to appeal to the Personnel Advisory Board. A probationary employee may not submit an application for a different position, unless the position is within their current department.

An employee serving a probationary period as a result of a promotion, demotion, or transfer is subject to and receives all benefits and rights in the rules and regulations provided the employee attained regular status in the prior classification.

B. Duration

For entrance and promotional appointments, a six-month probationary period shall be served by all general employees. Department Directors may request an extension to the probationary period, for cause, with the approval of Human Resources. Telecommunicator employees shall serve a nine-month probationary period following hire and/or promotion. Police Officer, Police Sergeant, Firefighter, Firefighter/Paramedic, and Fire Lieutenant employees shall serve a twelve-month probationary period following hire and/or promotion.

Absences of greater than thirty consecutive days will cause the probationary period, hire date and anniversary date to be adjusted by an equal number of days by Human Resources.

C. Dismissal or Demotion of Probationary Employees

1. New Employee – If a probationary employee has been found to be unable or unwilling to perform, unsuitable for the position, or has received disciplinary action, he/she may be dismissed or demoted with the approval of the Department Director. The director concerned or his/her designee must coordinate this action with Human Resources. The employee does not have the right to file a grievance or appeal to the Personnel Advisory Board.
2. Promoted Employee – If an employee in a probationary period has been found to be unable to satisfactorily perform the duties of the higher position, the employee shall be returned to the position and status held immediately prior to the promotion, if the position is vacant. The Department Director shall provide written notice specifying the reasons, and coordinate the action with Human Resources.

If the position held immediately prior to the promotion is not vacant in the original department, the employee may be transferred to a vacant position in another department. The transfer shall be subject to the approval of both Department Directors.

If no vacancy exists for the position held immediately prior to the promotion, the employee may be considered for any other vacant position for which he/she qualifies. If no vacancy is identified, the employee will be separated from employment.

D. Probationary Period Reports

For both entrance and promotional probationary positions, a documented guidance and counseling meeting shall take place semi-annually in the probationary period. The participants of the meeting shall be the probationary employee and his/her immediate supervisor. Shortly before completion of the probationary period, the immediate supervisor will be required to complete the appropriate performance evaluation form when the probation is for initial employment. When the probation is being served for other than initial employment, the evaluation need only be in writing when the performance is unsatisfactory.

E. Temporary Employee

Employees appointed for special projects or programs, or for work of a temporary nature, will be appointed as temporary employees. The period of appointment will be for a period specified by the particular program.

Benefits awarded to temporary employees include social security contribution, workers' compensation, and unemployment compensation. Depending on the specific need of the City of Largo, health insurance and pension or retirement plan participation may also be provided to temporary employees with prior approval from the City Manager.

F. Part-Time Employee

Any employee whose work schedule is fewer than forty hours per week shall be classified part-time. Regular part-time employees who regularly work 30 or more hours per week shall receive the same benefits on a pro-rated basis as regular full-time employees. Those who work less than 30 hours shall receive the same benefits except for health insurance and pension or retirement plan participation. A regular part-time employee in a classification covered by the Personal Insurance Credits program will receive credits on a pro-rated basis.

G. Full-Time Employee

A full-time employee shall be any employee who is hired into a full-time, regular budgeted position which requires the employee to work forty hours or more per week.

H. Emergency Duty Assignments

If civil emergency conditions exist, the City Manager or his/her designee may assign any employee under his/her jurisdiction to any duties to fulfill the mission of the City. Conditions constituting civil emergency may include, but are not limited to, riots, civil disorders, hurricane conditions or similar catastrophes.

SECTION VI: PAY AND CLASSIFICATION PLAN

Revised 02/15/11 05/01/2018

A. Purpose

The organization of positions according to their range of duties, responsibilities and level of difficulty; and to provide a standardization of job titles and the basis of compensation for City employees.

B. Content of the Plan

The Classification Plan shall consist of:

1. A grouping of positions into classifications on the basis of approximately equal difficulty, responsibility, and general qualifications which can be equitably compensated utilizing the same pay range.
2. A classification title, indicative of the work of the classification, which shall be used on all personnel accounting, budget, and related official records. No person shall be appointed to a position in the City personnel structure under a title not contained in the classification plan.
3. A written job description for each classification containing the nature of work and relative responsibilities of the classification, essential functions of the classification, necessary knowledge, skills, and abilities required for adequate performance of the work, and the desirable experience and training needed for recruiting to the classification.

C. Preparation

The pay and classification plan is prepared by the City Manager with such staff assistance as required. The Human Resources Department will initiate a review of all job descriptions to ensure accuracy.

D. Adoption of the Pay and Classification Plan

After necessary study, inquiry and consultation, the City Manager presents the plan to the City Commission for approval and adoption.

E. Uses of the Plan

The Pay and Classification Plan shall be used to:

1. Describe qualifications, prepare examination announcements, and develop examination content.
2. Determine salary ranges to be paid for the various classifications.
3. Reflect lines of promotion.

F. Amendment of Pay and Classification Plan

The Human Resources Director shall be responsible for implementing required amendments to the pay and classification plan when necessary. The Human Resources Director after inquiring and consulting shall present the amendment to the City Manager for approval and adoption by the City Commission.

G. Maintenance of the Classification Plan

The Human Resources Director shall be charged with the responsibility of maintaining the plan and providing for the continued proper assignment of all employees to an appropriate classification. The Human Resources Director shall with the approval of the City Manager:

1. On the basis of studies made by the Human Resources of new or proposed positions, place the position in the proper classification and range reflecting the duties and responsibilities of the

work.

2. On the basis of studies made by the Human Resources of permanent changes in the duties and responsibilities of the positions, recommend reclassification of those positions to the proper classification.
3. Perform job audits and classification analysis of the duties and responsibilities of existing positions when requested by the Department Director.

H. Pay Rate for New Employees

Entrance appointments will be made at the minimum pay rate for the classification. Exceptions from this minimum pay rate may be permitted only with the prior approval of the City Manager.

I. Re-Hire

Employees re-hired by the City within one year of good-standing separation will receive credit for the previous employment. This rule does not supersede any pension ordinance, and may be used only once.

1. When re-hired into a classification previously held, both City (hire date) and classification seniority will be reinstated less the equivalent period of absence.
Example: Hire 1/1/85 as Personnel Manager; Good standing separation 6/30/98; Re-hire as Personnel Manager 5/1/99. The new date for City and classification seniority is 11/01/85 (1/1/85 less ten months).
2. When re-hired into a classification not previously held, only City (hire date) seniority will be reinstated less the equivalent period of absence.
3. Re-hires will serve the usual probation period for the classification.
4. Any unused, accumulated sick and personal leave at time of separation will be reinstated to the extent provided by rules and maximums.

J. Reclassification of a Position

A reclassification is necessary when duties and responsibilities of an existing position classification have significantly evolved over time to the point where they are more representative of another classification. Reclassification is the result of a gradual change in either the type of duties or level and scope of responsibilities.

When a Department Director believes a reclassification may be justified, a request for audit can be initiated by submitting a completed Reclassification Questionnaire. The Human Resources Department will conduct an audit and submit its findings of fact and recommendation to the City Manager for approval/disapproval. Based on staffing levels or operational need, the City Manager may authorize reclassifications within the same pay range or lower pay range during the fiscal year.

Implementation of higher reclassifications are subject to review by the City Manager and are subject to approval by the City Commission.

1. Reclassification Upward – When a reclassification is warranted and approved to an established position in a higher pay range, the incumbent's employment status will be adjusted as follows:
 - a. If the reclassification is in a higher pay range than the original classification, the incumbent will receive a one time 2% pay adjustment for each pay range adjustment plus 1/12 of the current annual increase percentage for every full month of completed service since the last anniversary date increase, or contractual date increase, up to the

maximum of the range of the new position. If the employee is not at the minimum of the range, the employee will be brought to the minimum, and then given a 2% pay adjustment plus 1/12 of the current annual increase percentage for every full month of completed service since the last anniversary date increase, or contractual date increase, up to the maximum of the range of the new position. A reclassification will not result in more than a two pay range level increase. Any pay range increase over two ranges should be considered under a Delete/Add transaction.

b. The effective date of salary change must coincide with the effective date of reclassification.

c. Reclassification update shall establish a new anniversary date.

2. Reclassification within the Same Pay Range – When a reclassification is warranted and approved to a position within the same pay range, the incumbent's employment status will be adjusted as follows: the incumbent's salary will be increased by 1/12 of the current annual increase percentage for every month of completed service since the last anniversary date increase. The lateral reclassification shall establish a new anniversary date.

a. An employee's salary will be increased by 1/12 of the current annual increase percentage for every full month of completed service since the last anniversary date, or contractual increase date up to the maximum of the range of the new position.

b. The lateral reclassification shall establish a new anniversary date.

c. The effective date of the salary change must coincide with the effective date of the reclassification.

3. Reclassification Downward – When a reclassification is warranted and approved to an established position in a lower pay range, the incumbent's employment status will be adjusted as follows:

a. The employee shall be placed in the pay range of the lower classification. The employee's salary will not be reduced if it falls within the range of the lower classification. If, however, the incumbent's current salary is above the maximum of the pay range for the lower classification, it will be reduced to the maximum.

b. Reclassification The downward reclassification shall establish a new anniversary date and the incumbent will receive 1/12 of the current annual increase percentage for every full month of completed service since the last anniversary date increase, or contractual date increase, up to the maximum of the range of the new position will not effect the incumbent's anniversary date.

K. Title Change

A title change becomes possible when the only change is the classification title to one which does not currently exist. Occasionally, a classification is deemed to be more accurately described by another title. There are no immediate or evolved changes in the duties and responsibilities of the position, nor is there a recommendation to change the pay range. An example of a title change would be Personnel Manager to Human Resources Manager when there are neither real nor implied changes to existing duties, responsibilities, and pay range.

A title change differs from a delete/add in that a delete/add occurs when a classification with specific duties and

responsibilities is replaced by another classification, either currently existent or non-existent with different duties and responsibilities. With a title change, there are no changes to duties, responsibilities, or pay range.

A title change will not effect the salary or anniversary date of an employee.

L. Delete/Add

~~When the duties and responsibilities of a position increase or decrease as a result of sudden change (e.g., adding supervisory duties, reorganization, etc.) a delete/add will be recommended.~~

A Delete/Add is a budgetary action involving the ~~abolishment~~ elimination of an authorized position and the addition of an authorized position in lieu thereof. These actions result from an intentional change in the duties and responsibilities assigned a position (e.g. a re-organization, adding supervisory responsibilities, etc.)

The City Manager may authorize a Delete/Add when the Add classification is within the same or lower pay range as the Delete classification.

1. ~~Delete/Adds will be brought before the City Commission for approval, if~~ If the Add classification does not already exist in the City of Largo pay plans or is in a higher pay range than the Delete classification, the Delete/Add will be brought before the City Commission for approval. The City Manager may authorize a Delete/Add when the Add classification is within the same or lower pay range as the Delete classification.
2. Delete/Adds will be treated as a new position and may require vacancy approval request. When the Delete/Add represents changes to duties and responsibilities of the incumbent and the incumbent meets the minimum qualification, a vacancy approval request will not be required, at the discretion of the Department Director.
3. If the new classification is higher in the pay plan than the existing position, an employee's salary will be increased to the minimum of the pay range of the new position, or receive a 5% pay increase, whichever is greater. With any Delete/Add transaction, the employee's anniversary date will re-set to the effective date of the new position and the employee is eligible for 1/12 of the current annual increase percentage for every full month of completed service since the last anniversary date, or contractual increase date, whichever provides a greater salary increase.
4. Addition of a new classification title shall be requested using a ~~delete/add~~ position description questionnaire which is submitted to Human Resources for review and classification assignment.

M. Demotion

1. Demotion Approval – All demotions must receive the approval of the Department Director and Human Resources.
2. Demotion Upon Request – An employee requesting a demotion for personal reasons shall submit a written request to his/her Department Director. Consideration for such action will depend on vacancy availability and other conditions which are deemed necessary. Approval shall be in accordance with Demotion Approval 1. above.
3. Reasons for Demotion – An employee may be demoted to a lower position for any of the following reasons:
 - a. To avoid being laid off because his/her position is being abolished.
 - b. Lack of work.
 - c. Lack of funds.

- d. To reassign an employee who does not possess the necessary qualifications to render satisfactory service in the position he/she holds.
 - e. To remove and reassign during probation.
 - f. When an employee voluntarily requests such demotion.
 - g. When reclassification downward results from a job audit.
 - h. For non-disciplinary reasons. Non-disciplinary reasons include failure, in the judgment of the Department Director, to effectively fulfill one's job responsibilities or implement policies established by the City Administration or Department Director. It does not include misconduct as defined by the Code of Conduct (Section XV in this document), or department standard operating procedures.
 - 1) The Department Director or designee must, in writing, inform the employee of his/her deficiencies, actions necessary to remedy the deficiencies, the consequences of not remedying the deficiencies, and a specific time period of not less than 90 days to achieve remediation. Once a remediation period is established, the Department Director or designee must meet with the employee no less often than at 30-day intervals to discuss the employee's progress. The Department Director or designee must document these meetings in writing and provide a copy to the employee with 7 days of the meeting.
 - 2) If, at the end of the remediation period, the Department Director determines that the employee should be demoted, such action will be subject to review by the Human Resources Director or designee of the City Manager. If the reviewing official concurs with the Department Director determination, then the employee will be notified in writing and the demotion will be implemented.
4. Effects of Demotion on Pay – The pay of an employee demoted to a classification having a lower pay range than the employee's previous position shall be based upon the following:
- a. Demotion will not result in an overall pay increase.
 - b. Pay will not exceed the maximum hourly pay rate of the pay range.
 - c. Employees demoted to a lower classification shall have the pay reduced.
 - d. In the event the employee's position was eliminated and the employee is reassigned to an existing and/or new position, the employee's pay will not be reduced unless it resides above the maximum of the range.
 - e. Employees who have completed their initial employment probationary period shall have their pay reduced as follows:
 - 1) If the employee is demoted to a lower classification which was held immediately prior to being reclassified or promoted, the pay rate shall be placed in the same relative position that would have been obtained had the employee remained in the lower classification as long as the reduction is at least 5%.
 - 2) If the employee is demoted to a lower classification which was not previously held, the pay rate shall be reduced to the pay rate he/she would have progressed to from the minimum of the lower classification as long as the reduction is at least 5%.
 - f. Employees demoted to a lower classification not held previously will serve a six-month probationary period.

- g. Employees returning to a classification previously held will receive credit for the time previously worked for any consideration given to classification seniority.
 - h. Any special exception from formula placement of a demoted employee's new salary with the pay range must be approved by Human Resources and City Manager.
5. Effect of Demotion on Anniversary Date – Demotion under any condition will not affect any employee's hire date; a demotion shall establish a new anniversary date.

N. Reasons for Promotion

An employee may be promoted to a job classification with a higher range of pay after successfully meeting the requirements for that position. Upon promotion, the employee shall have his/her salary and probationary period adjusted as follows:

- 1. The employee shall be placed in the pay range established for the position to which he/she was promoted. An employee's salary will be increased to the minimum of the salary range of the new position, or receive a 5% promotional increase plus 1/12 of the current annual increase percentage for every full month of completed service since the last anniversary date or contractual increase date if the promotion is from a represented classification to a non-represented classification, whichever provides a greater salary increase.
For non-bargaining unit personnel, the City Manager may authorize an additional promotional increase exceeding the above formula depending on the individual situation.
- 2. The effective date of salary change must coincide with effective date of promotion.
- 3. Anniversary Date and Probationary Period – Promotions shall establish a new anniversary date. Employees receiving a promotion shall serve a probationary period in accordance with Section IV.

O. Transfers

An employee may, with the approval of the Department Director(s) concerned and the Human Resources Director, be transferred in accordance with the following:

- 1. Department Transfer within Classification – Reassignment of an employee to another department with the same job classification. A department transfer shall not change the employee's hire date, anniversary date, or pay rate.
- 2. Transfer within Pay Range – When an employee requests and is granted a transfer to a different classification having the same pay range as his/her present classification, the employee's salary will be increased by 1/12 of the current annual increase percentage for every full month of completed service since the last anniversary date increase. The employee's anniversary date will change to the date the employee enters the new classification. The employee must serve a six-month probationary period in the new classification.

P. Overtime

The City's general policy is to avoid granting overtime whenever possible. However, Department Directors may authorize or direct an employee to work overtime when necessary in order to meet emergency operating needs. Each Department Director shall maintain records of all overtime worked by employees in his/her department. Otherwise, no overtime pay is granted. The rate of overtime pay for eligible employees is one and one-half times base rate for all actual time worked in excess of 40 hours, except in classifications which are scheduled on a base over 40 hours. Standby time, funeral leave, jury duty, annual military leave, and other absences from work while on active pay status will not be counted as time worked for overtime computations. For the purpose of overtime computation only, paid vacation, holidays, sick leave, and excused absences during emergency conditions shall count as time worked.

Q. Standby Time

1. In order to provide coverage for services during off duty hours, it may be necessary to assign and schedule certain employees to standby duty. A standby duty assignment is made by a Department Director who requires an employee to be available for work due to an urgent situation on his/her off duty time including nights, weekends, or holidays.
2. Employees shall not be assigned to standby duty if excused in advance. The department will seek volunteers whenever possible consistent with equitable distribution of standby time within a work area, classification, shift, and consistent with skill and ability. In the event volunteers are not available, qualified employees with the least amount of standby time will be required to take the assignment in order to maintain effective and necessary service to the community.
3. In the event any employee who is on standby duty fails to respond to a call to work, he/she will forfeit the standby pay and may be subject to disciplinary measures.
4. Employees assigned to standby duty by their Department Director are guaranteed standby pay of a minimum of two hours pay at their regular straight time rate for each standby shift. A standby shift is twenty-four hours or less.
5. Standby time shall not count as hours worked for the purpose of computing overtime pay.

R. Call Back

Any non-exempt full-time employee eligible for call back pay shall be paid for a minimum of two hours at his/her overtime hourly rate. If more than two hours are worked, he/she shall continue to be paid at his/her overtime hourly rate until the task is completed or his/her regular scheduled shift begins. Call back time shall not be counted toward the weekly computation of overtime.

S. Emergency Status

~~When the Governor of the State of Florida, Mayor of Large, or representative of another local jurisdiction officially declares an emergency (e.g. hurricane, tornado, etc.), employees performing essential services will be required to work as deemed necessary by the City Manager or designee.~~

~~Under declared emergency conditions where certain employees are unable or not required to report to work due to an emergency, the City Manager or designee may declare an excused absence period and the City will pay the excused employees for their regularly scheduled hours.~~

~~Pay for time worked during emergency conditions will be as follows:~~

- ~~1. Executive Management employees will be paid at their regular hourly rate of pay for all hours in excess of fifty (50) hours per week commencing the eighth day of the emergency.~~
- ~~2. Operational Management employees will be paid at their regular hourly rate of pay for all hours in excess of forty (40) hours per week.~~
- ~~3. Professional/Technical employees, regardless of exempt or non-exempt status, will be paid time and a half for all hours worked in excess of their normal work week. The normal work week will include vacation, sick leave, holiday, and other excused pay absences during emergency conditions.~~
- ~~4. Represented employees will be paid time and a half in accordance with their bargaining unit agreement for all hours worked in excess of their normal work week. The normal work week will include hours of excused absences during emergency conditions.~~
- ~~5. All employees who are on official paid or unpaid leave at the time of the emergency, e.g., vacation, sick leave, family or medical leave, etc., will not be eligible for the excused absence or~~

~~emergency pay during the official leave.~~

The City Manager or Assistant City Manager has the sole authority to declare emergency operations exist for the implementation of this policy. Pay during emergency operations will be as follows:

1. Employees not required to report to work will receive their normal pay.
2. Executive Management employees will be paid at their regular hourly rate of pay for all hours worked in excess of fifty (50) hours per week commencing the eighth day of the emergency. Hours worked do not include rest time.
3. Operational Management employees will be paid at their regular hourly rate of pay for all hours worked in excess of a 40 hour workweek. Such employees may elect to receive flex time off in lieu of extra pay, subject to department director approval. Hours worked do not include rest time.
4. Professional/Technical employees, regardless of exempt or non-exempt status, will be paid time-and-a-half for all hours worked in excess of a 40 hour workweek. Part-time employees will be paid time-and-a-half for all hours worked in excess of a 40 hour workweek. Full-Time and Part-Time Employees will be compensated for rest time the same as work time when required to remain on City property. Full-time and Part-time Professional/Technical exempt status employees may elect to receive flex time off in lieu of extra pay, subject to department director approval.
5. Full-time represented employees will be paid time-and-a-half in accordance with their bargaining unit agreement for all hours worked in excess of their normal total work week hours (payroll draw period for IAFF). Part-time employees will be paid time-and-a-half for all hours worked in excess of a 40 hour workweek. Full-time and Part-time employees will be compensated for rest time the same as work time when required to remain on City property.
6. Employees released from work and permitted to leave City property during rest periods will not be compensated for such time. In addition, if these employees choose to remain on city premises, they must rest and not engage in work.
7. Employees will receive normal holiday pay, if eligible.
8. Employees may be required to work alternative schedules in place of their normally scheduled work time.
9. All employees who are on approved paid or unpaid leave during the emergency, e.g. vacation, sick leave, family or medical leave, etc., will not be compensated in accordance with this emergency pay policy. For employees who work during the emergency, hours worked will include approved paid leave.
10. Employees who cannot return to work after the emergency operations due to circumstances outside the City's control must use applicable leave time.
11. Employees who are primary responders are expected to be available to be called in to work during emergency operations which would include before, during and/or after the emergency .

12. Employees performing primary responder duties will be required to work as deemed necessary by the City Manager or Assistant City Manager, Department Director or designee. Employees who are required to work but do not report to their work assignment during emergency operations will be terminated.

SECTION XV: CODE OF CONDUCT AND DISCIPLINARY GUIDELINES

Revised 4/2/07+605/01/2018

A. Policy

It is the policy of the City that discipline should be characterized as corrective rather than punitive. Disciplinary actions should be utilized as an element of an overall program to guide employees and promote proper employee conduct. When circumstances permit, Department Directors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline, from the written reprimand through dismissal, shall be fully documented and immediately provided to Human Resources for record keeping with the employee's official personnel file.

Disciplinary actions rising to the level of a suspension without pay and/or dismissal should always be provided to Human Resources for consultation and approval prior to administration of discipline.

Staff Responsibilities:

1. The Human Resources Director or designee, is responsible for monitoring all disciplinary actions in the City to ensure that basic employee rights are protected and to ensure that appropriate, timely and consistent action has been taken.
2. The City Manager or designee, is responsible for instructing and monitoring the Department Directors in setting job expectations and job performance standards for staff and for ensuring administration of effective and timely discipline when appropriate.
3. Department Directors are responsible for instructing and monitoring their supervisors and managers in setting job expectations and job performance standards for staff and ensuring the administration of effective and timely counseling and progressive discipline when appropriate.
4. First-line supervisors and managers are responsible for instructing and monitoring the conduct, setting job expectations and job performance standards for staff and ensuring the administration of effective and timely counseling and progressive discipline when appropriate.
5. Employees are responsible for knowing and adhering to the Code of Conduct at all times.

Factors Considered in Administering Progressive Discipline

Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step. These factors include, but are not limited to:

- the employee's length of service;
- time intervals between offenses;
- repetition of same offense or other serious offenses;
- effectiveness of prior disciplinary actions;
- willingness to improve;
- overall work performance;

- job attitude; and
- disciplinary actions previously administered to other comparable employees for similar offenses.

A repetition of the same offense or other serious offenses indicate that more severe disciplinary measures should be considered.

A disciplinary action should reflect the totality of violations in considering the appropriate extent or degree of disciplinary action. However, when imposing disciplinary measures on a current charge, supervisors will not take into consideration prior infractions of the City or departmental rules and regulations which occurred more than two years previously. If within the two year period, discipline has been progressive, the current discipline will build off the level attained within the two year period. The City further stipulates that certain offenses/charges are of such a serious nature that immediate discharge upon first offense is applicable.

Usage of the Employee Assistance Program (EAP)

The City of Largo offers a city-paid Employee Assistance Program (EAP) to all employees. The EAP should be considered as a resource and effective tool to assist an employee. While administering discipline, supervisors should consider whether or not an EAP referral is appropriate and should refer to the notations in the Code of Conduct which recommend an EAP referral. These notations indicate that an EAP referral is recommended for violations that occur in that category, and that the supervisor should contact Human Resources to discuss. The EAP can be an excellent tool for any category of discipline, however when EAP is listed with a particular code, the supervisor is expected to contact Human Resources to discuss the appropriateness of an EAP referral. Supervisors and employees alike attribute success to incorporating the EAP as a developmental tool to support successful outcomes. Please contact Human Resources for assistance with this process.

B. Guidance and Counseling

The purpose of guidance and counseling is to encourage employees to improve their job performance, work habits, attitude, or behavior. Discussions of this nature are commonly used when an employee disregards work rules or when the charges are relatively minor in nature.

It is the responsibility of the employee's immediate supervisor to obtain all the facts, weigh the evidence and discuss the problem with the employee(s) involved in a timely manner. The normal procedure is for the employee's immediate supervisor to:

- establish and clearly communicate job expectations and expected outcomes in writing; and
- identify and define specific performance areas in need of improvement and advise the employee how such improvement can realistically be achieved.

A record of the discussion should be given to the employee in memo form and signed or initialed by both the employee and the supervisor as documentation that counseling was provided. This is not a written reprimand nor will it be issued on a disciplinary form, or be included in the employee's official personnel file, but it will be held in the supervisor's departmental file.

Examples of occasions to utilize Guidance and Counseling would be tardiness, below standard work performance or other code of conduct violations. As a reminder, departmental standard operating procedures (SOP) take precedence when administering guidance and counseling and discipline.

C. Applications of Progressive Disciplinary Guidelines

1. City employees are expected to abide by, and may be disciplined for, violation of either City or departmental rules and regulations.
2. Recognizing that each instance of misconduct differs in many respects from somewhat similar actions, the City retains the right to treat each occurrence on an individual basis without creating a precedent for

other cases which may arise in the future. Examples given in any rules do not limit the generality of the rules. The following City Code of Conduct is not to be construed as a limitation upon the retained rights of the City, but is to be used as a guide.

3. The City Code of Conduct provides recommended progressive penalties to apply for specific offenses; however, the recommended penalties may be modified by management including a lesser or more severe penalty when extenuating circumstances are found.
4. Probationary and Temporary Employees: May be suspended, demoted, or discharged without cause. Such suspension, demotion, or discharge shall not be subject to any grievance, arbitration, pre- or post-termination procedure. Please be reminded that at no time can an employee be dismissed for discriminatory reasons (such as protections under the American with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964, and/or related employment laws).
5. The City Manager shall appoint and, when deemed necessary for the good of the City, shall suspend or remove any City employee.

D. Written Reprimand

Supervisors shall inform employees promptly and specifically whenever their performance, attitude, work habits, or personal conduct, at any time, falls below a desirable level.

Disciplinary Action Form: When guidance and counseling has not resulted in the expected improvement, or when an employee commits an offense requiring formal supervisory acknowledgment, the employee's immediate supervisor or the Department Director initiates preparation of a Disciplinary Action form. The Disciplinary Action form must include:

1. The specific charge of misconduct with reference to the Code of Conduct (item #), including a reference to recent guidance and counseling (dates, infractions); and
2. A complete description of the incident of misconduct with reference to specific times, dates, locations, personnel involved, and rules violated; and
3. Supporting documentation such as work product examples, witness statements, etc.; and
4. The statement, "If immediate improvement is not demonstrated, further disciplinary action may result, up to and including dismissal". This statement is a responsibility of the employer to effectively provide the employee with fair notice of consequences of failure to improve; and"
5. The Supervisor's signature; and
6. The Department Director's signature; and
7. The employee's signature to acknowledge receipt. The employee's signature does not indicate the employee's agreement with the content of the disciplinary action. If the employee refuses to sign, it should be so indicated. The supervisor should note on the Disciplinary Action form in the area reserved for the employee's signature. The employee may be subject to dismissal for refusal to acknowledge/sign the form.

The Disciplinary Action form documenting the misconduct and disciplinary action must be submitted to Human Resources for inclusion in the employee's official personnel file. A copy should be provided to the employee and a copy retained for the originating department supervisor.

E. Suspension and/or Discharge

Policy

If the employee elects for a pre-disciplinary hearing they do not serve a suspension or discharge until the pre-disciplinary process has concluded.

An employee may be suspended without pay or discharged by his/her immediate supervisor with the approval of the Department Director for reasons provided in the Code of Conduct and/or department rules. When the immediate supervisor and Department Director believe there is sufficient evidence to suspend or discharge an employee, the employee shall be given a Disciplinary Action form as written notice and the opportunity to respond to the allegation prior to issuing the discipline. Suspensions shall be issued on a consecutive work day basis. Suspension for two or more offenses must be cumulative and cannot be served concurrently.

Pre-Disciplinary Procedure

1. The employee shall receive a Disciplinary Action form as written notice of the alleged misconduct and proposed discipline at least one work day prior to the proposed hearing.
2. The hearing may be postponed or continued if the employee is not available or if the Department Director or designee finds reason for further investigation. The employee must appear at the hearing or request rescheduling for reasonable cause. Failure to appear at the hearing will otherwise forfeit the right to the Pre-Disciplinary Procedure. If circumstances warrant, the employee may be placed on leave, with or without pay, until a hearing is held.
3. The hearing shall be conducted by the Department Director, or designee in the absence of the Director.
4. The employee shall not be represented nor present witnesses, as this is an internal administrative process. When the employee's classification (job title) is included in a bargaining unit, a union official or steward may attend the hearing to the extent provided by law.
5. At the hearing, the Department Director, or designee, will explain the charge(s) and contemplated discipline. The employee shall have the opportunity to refute the charge(s) and provide supportive evidence which may include written statements by witnesses.

Disciplinary Recordkeeping

Suspension or discharge will be documented on a Disciplinary Action form which specifically describes the nature of the misconduct, the Code of Conduct offense(s), the department rules and regulations violated, if applicable, and the disciplinary action to be administered. The executed Disciplinary Action form must be submitted to Human Resources to be included in the employee's official personnel file with copies to the employee and the originating department.

Personnel Action Request (PAR) – The Supervisor/Manager initiating the discipline will oversee that a PAR is properly prepared and submitted to include the following information:

1. The total number of consecutive days including the beginning and ending dates of the suspension.
2. In the 'Reasons for Request' section of the PAR, the actual number of workdays on suspension shall be listed.

F. Appeals to Disciplinary Actions

Regular employees may appeal the disciplinary actions through either but not both procedures:

1. The Personnel Advisory Board grievance procedure as described in Section XIII:C.

2. The appropriate collective bargaining unit grievance procedure.

G. Code of Conduct Offenses

The Code of Conduct is designed to reflect the degree of severity of offenses. In each rule, consideration will be given to the severity of the misconduct, the cost involved, the time interval between violations, the length and quality of service records, and the ability of the employee concerned.

These disciplinary actions represent guidelines for the use of the supervisors in order to help ensure that all employees receive similar treatment in like circumstances. The facts of a particular case, however, may warrant some modification of the disciplinary action. Each case is to be considered individually in the light of all available facts. Examples given in any rule do not limit the generality of the rules.

DISCIPLINARY GUIDELINES ONE DAY IS EQUIVALENT TO 8 HOURS		SEVERITY			
		LEVEL ONE	LEVEL TWO	LEVEL THREE	LEVEL FOUR
17.	Loss of license, certification or other credentials through revocation, suspension, or expiration, required for employment where the City cannot make an accommodation for the period of loss (e.g., driver's license with appropriate endorsement, EMT/Paramedic certificate, wastewater license, etc.).	Dismissal			
18.	Driving a motor vehicle while on the job without a valid drivers license class or valid vehicle type or valid vehicle endorsement for the appropriate vehicle.	Dismissal			
23.	Insubordination by refusing to follow a direct written or verbal order from a supervisor.	Dismissal			
25.	Falsifying or intentional omission of official or City records including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or application.	Dismissal			
30.	Making false claims or misrepresentation in an attempt to obtain sick benefits, leave, insurance, or workers' compensation benefits.	Dismissal			
35.	Theft or attempted theft of City Property.	Dismissal			
38.	Use of one's City position or authority to either provide or obtain a fee, gift, or special favor.	Dismissal			

DISCIPLINARY GUIDELINES ONE DAY IS EQUIVALENT		SEVERITY			
		LEVEL ONE	LEVEL TWO	LEVEL THREE	LEVEL FOUR
42.	Violation of the Drug-Free Workplace Policy as it relates to illegal substances.	Dismissal			
45.	Conviction or Commission of a felony.	Dismissal			

DISCIPLINARY GUIDELINES ONE DAY IS EQUIVALENT TO 8 HOURS		SEVERITY			
		LEVEL ONE	LEVEL TWO	LEVEL THREE	LEVEL FOUR
46.	Unauthorized possession of weapons or destructive devices on City property or during work hours.	Dismissal			
47.	Refusal to cooperate fully in any administrative and/or non-criminal work-related investigation.	Dismissal			
49.	Promotion of, or participating in, any work slow-down, stoppage, or strike.	Dismissal			
1.	Excessive absenteeism	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
2.	Tardiness, defined as reporting late for work or assignments or overextending breaks.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
3.	Reserved				
4.	Failure to report medical conditions, and/or medications which may restrict the employee's performance of duties.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
5.	Criticizing orders, rules, policies, or the competence of other employees unless constructively communicated to a supervisor.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
6. EAP	Threatening, intimidating, bullying or coercing other employees, or the public.	3-day Suspension	5-day Suspension	Dismissal	
7. EAP	Bullying, discourtesy or rudeness, which may include the use of profane, or abusive, or insulting language or action directed at another.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
8.	Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, demonstrations on the job, or similar types of disorderly conduct.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
9. EAP	Provoking or instigating a physical fight on City property or during working hours.	3-day Suspension	5-day Suspension	Dismissal	

DISCIPLINARY GUIDELINES ONE DAY IS EQUIVALENT		SEVERITY			
		LEVEL ONE	LEVEL TWO	LEVEL THREE	LEVEL FOUR
10. EAP	Physical fighting at any time on City property or during working hours.	5-day Suspension	Dismissal		
11.	Violating a safety rule or safety practice, or contributing to unsafe work conditions.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
12.	Creating or contributing to unsanitary conditions or poor housekeeping.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
13.	Failure to report an on-the-job accident, incident, or injury within the work shift.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
14.	Operating equipment or a vehicle on the job in an unsafe, reckless, or negligent manner.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
15.	Reserved				
16.	Failure to immediately notify Department Director or immediate supervisor of any loss of license, certification, or other credentials through revocation, suspension, or expiration, required for employment or (incentive program) for which an employee is compensated (e.g., driver's license with appropriate endorsement, EMT/Paramedic certificate, waste-water license, etc.).	3-day Suspension	5-day Suspension	Dismissal	
17.	<i>Listed – Top of table</i>				
18.	<i>Listed – Top of table</i>				
19.	Quantity or quality of work is less than required standard of performance.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
20.	Negligence or carelessness in carrying out job duties.	Written	3-day Suspension	5-day Suspension	Dismissal
21.	Reserved				
22.	Failure to comply with oral or written orders and instructions (including deadlines).	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
23.	<i>Listed – Top of table</i>				
24.	Knowingly punching the time card of another employee, having one's time card punched by another employee, or any unauthorized altering of a time card.	5-day Suspension	Dismissal		
25.	<i>Listed – Top of table</i>				
26.	Leaving work early, wasting time, loitering, or leaving assigned work area during working hours without permission.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
27.	Absence without permission or authorized leave.	3-day Suspension	5-day Suspension	Dismissal	

DISCIPLINARY GUIDELINES ONE DAY IS EQUIVALENT		SEVERITY			
		LEVEL ONE	LEVEL TWO	LEVEL THREE	LEVEL FOUR
28. EAP	Sleeping during working hours, unless otherwise provided, as in the Fire service.	3-day Suspension	5-day Suspension	Dismissal	
29.	Failure to work overtime, special hours, or special shifts, after being scheduled according to overtime and standby duty policies, or leaving a work assignment before being relieved.	3-day Suspension	5-day Suspension	Dismissal	
30.	<i>Listed -- Top of table</i>				
31.	Engaging in an activity, or enterprise which creates a conflict of interest with one's duties, functions, and responsibilities as a City employee.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
32.	Unauthorized use of City vehicle(s), or large equipment (rolling stock).	3-day Suspension	5-day Suspension	Dismissal	
33.	Unauthorized use or possession of City property, tools, chemicals, or machinery.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
34.	Destroying or damaging any city property or property of others.	5-day Suspension	Dismissal		
35.	<i>Listed -- Top of table</i>				
36.	Failure to report outside employment.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
37.	Vending, soliciting, using the City's facilities in any way for personal monetary gain, or collecting contributions for any purpose on City time or at City facilities unless authorized by Department Director or designee.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
38.	<i>Listed -- Top of table</i>				
39 EAP	Possession of an open intoxicating beverage or consumption of the same during employee work hours, meal periods and breaks.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
40. EAP	Violation of the Drug-Free Workplace Policy as it relates to alcohol	5-day Suspension	Dismissal		
41. EAP	Off-duty consumption of an intoxicating beverage or illegal drug/substance or being under its influence or detection while wearing City uniforms or identification.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
42.	<i>Listed -- Top of table</i>				
43.	Failure to immediately notify the Department Director or immediate supervisor of a criminal arrest, notice to appear, or criminal traffic citation.	5-day Suspension	Dismissal		

DISCIPLINARY GUIDELINES <small>ONE DAY IS EQUIVALENT</small>		SEVERITY			
		LEVEL ONE	LEVEL TWO	LEVEL THREE	LEVEL FOUR
44. EAP	Conviction of a misdemeanor.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal
45.	<i>Listed -- Top of table</i>				
46.	<i>Listed -- Top of table</i>				
47.	<i>Listed -- Top of table</i>				
48.	Reserved				
49.	<i>Listed -- Top of table</i>				
50.	Reserved.				
51.	Unauthorized access, or causing unauthorized access, to any information system with malicious intent.	5-day Suspension	Dismissal		
52. EAP	Any action or inaction considered to be misconduct or a violation of City or departmental rules or policies not heretofore listed.	Written Reprimand	3-day Suspension	5-day Suspension	Dismissal