

## **ACCEPTANCE OF GIFTS OR FAVORS BY CITY EMPLOYEES**

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**N**o gift, favor, or emolument, regardless of value, shall be accepted by any City employee from vendors, contractors, individuals or firms having any business relationship with the City or who stand to benefit in any manner by providing said gift.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** February 7, 1991



## **AIDS AND OTHER LIFE-THREATENING ILLNESSES**

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**T**he City of Lakeland recognizes that employees with life-threatening and/or disabling illnesses including but not limited to cancer, heart disease, and a host of conditions classified as Acquired Immune Deficiency Syndrome (AIDS), or AIDS related condition (ARC), may wish to continue to work.

It is the City's policy to provide a safe and healthy work environment for its employees and the public. Employees with life threatening and/or disabling illnesses may be subject to the same working environment and are subject to the same performance requirements as any other employee. An employee who contracts such a life-threatening or disabling illness will be permitted to continue to work subject to presentation of a statement, or other evidence satisfactory to the City, from a licensed physician whose field of expertise is the diagnosis and treatment of the type of illness from which the employee suffers; to-wit, that the employee's continued employment would not present a serious risk to the health and safety of other employees, or the general public if the performance of the employee's duties require that he/she interacts with members of the general public. In any instances of conflicting medical diagnosis or advice, the City physician will be the final authority.

Employees who have contracted AIDS or may have been exposed to the AIDS virus may not present a health risk to the employees in the work place under normal working conditions. The City will protect the privileges, rights and confidentiality of all employees, to the extent permitted by the Florida Public Records Law. The great weight of medical evidence is that you cannot contract AIDS through casual contact in the workplace. If the City is advised that an employee has AIDS, the City will evaluate the situation to make a determination based upon the type of occupation of the employee. Where an ill employee occupies a position that presents a greater likelihood or threat to the health and safety of other employees, the ill employee may be requested to transfer to a less hazardous worksite within the City. As long as employees with AIDS/ARC are able to meet acceptable performance standards and medical evidence indicates that their conditions are not a threat to co-workers or the general public, these individuals will be allowed to continue to work.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

## **BENEFITS PAID TO EMPLOYEE'S SURVIVORS**

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### **W** ORKER'S COMPENSATION

If an employee's death results from an injury sustained while on the job or a disease contracted while on the job in accordance with Florida Statute 440.16, the survivor may be entitled to benefits which will include funeral expenses payable up to \$7,500 and an income payable at 66 2/3% of the employee's average weekly salary not to exceed \$150,000, disbursed to the spouse until his/her death or remarriage. (A range of dependent relatives is computed at different rates).

Please note that the death of the employee must result within five (5) years of accident.

### **LIFE INSURANCE**

All full-time regular employees, including bargaining unit employees, are provided with Basic Term Life and Accidental Death and Dismemberment Insurance equivalent to one times their annual salary, to a maximum of \$50,000, which is paid for by the City. Employees may purchase supplemental life insurance in multiples of \$10,000 up to \$600,000.

The amount of life insurance to be paid for a claim will be double in the event of accidental death.

Final determination of eligibility for and conditions of payment of these benefits shall always be subject to the applicable insurance policy. Specific details of the insurance policy are provided in this manual behind the tab labeled "Life Insurance".

### **AD&D STATUTORY COVERAGE**

In addition to the basic term life coverage, the City of Lakeland also provides, at no cost to all regular full time employees, a blanket Accident Insurance policy as follows:

1. \$50,000 will be paid if, while on duty, the employee is accidentally killed, or receives accidental bodily injury, which results in loss of life within one year. Suicide or self-inflicted injury is not covered.
2. \$50,000 will be paid, if the employee is accidentally killed, or receives a fatal injury on duty while in response to fresh pursuit or an emergency.
3. \$150,000 will be paid, if the employee is unlawfully and intentionally killed, or fatally injured, as a result of an unlawful and intentional act.

The full description of these benefits, eligibility and other terms is in Florida law, which is the final authority on any benefits to be paid; final determination of eligibility for and conditions for payment of these benefits shall always be subject to Florida law, and the applicable insurance policy purchased by the City. The total maximum amount payable under this benefit is \$150,000.

This insurance is provided at no cost to the employee. Death benefit payments are in addition to any Workers' Compensation or pension benefits and are exempt from creditor claims. However, employee death benefits will be taxed.

### **HEALTH INSURANCE BENEFITS**

In the event that an officer or regular full-time employee is killed while acting within the scope of his/her office or employment and as a result of the following circumstances:

1. An act of violence inflicted by another person;
2. A fire caused by an act of arson; or
3. An assault against the officer or employee under riot conditions;

the City shall pay the entire premium or contribution for coverage under the City's health insurance plan for the officer's or employee's surviving spouse until remarried, and each dependent child of the officer or employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

- a) at the time of the officer's or employee's death, the child is dependent upon the officer or employee for support; and
- b) the surviving child continues to be a dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.

## **SURVIVOR'S BENEFIT FUND**

Upon death, an eligible survivor of a retired employee is paid an amount equal to one year's pension income of the deceased retired employee. The cost of this benefit is paid for entirely by the City. Eligible survivors include your lawful spouse, including a legally separated spouse (spouse also refers to your "widow" or "widower"), your unmarried children, from live birth but less than age 22, enrolled as a full-time student in an accredited institution or higher learning other than a correspondence school. For complete information, see the Life Insurance Section of this manual.

## **PENSION FUND**

Should a married employee who has at least 10 years of contributory service die while employed, the surviving spouse may elect to receive a refund of all sums contributed by the employee or to receive a benefit, as described below.

If the employee had attained age 50, the widow/widower's monthly benefit amount would be 75% of the employee's Retirement Benefit unless the employee had a written request on file stipulating a lesser amount.

(No age reduction factors would be used in calculating the surviving spouse's benefit.) If the employee was under age 50, then the widow/widower's benefit would be 50% of the employee's Retirement Benefit. (Again, no age reduction factors would be used in calculating the benefit). A surviving spouse may elect to waive the benefit provided in the preceding paragraphs and in lieu thereof receive a refund of all sums contributed by such employee.

Should any employee who has less than 10 continuous years of contributions to the plan die while employed by the City, all sums contributed by such employee shall be refunded to his designated beneficiary, if any; or if none, to his surviving spouse, if any; or if none, to the deceased's estate.

**REFERENCE:** City Ordinance No. 1527  
State Statute, 112.191 (2) (a, b, c)  
112.19 (2) (a, b, c)

**ORIGINAL EFFECTIVE DATE:** February 1, 1990

**REVISED EFFECTIVE DATES:** January 1, 1991,  
October 1, 1991, November 1, 1994, May 7, 2001,  
June 25, 2003, December 30, 2003



## **BULLETIN BOARDS**

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**E**mployee bulletin boards are used to facilitate communication with employees. They are to be used primarily for posting items of general interest to employees and are not to be used for commercial purposes.

If employees have items they wish to sell, they may place notices on the bulletin boards by using small cards no larger than 3" x 5". Telephone numbers that appear on these notices shall be home numbers and not work telephone numbers or extensions.

Inquiries regarding the posting of authorized informational items should be directed to the Employee Relations Office.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989



## **CITIZENSHIP**

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**U**nited States citizenship is not required for employment, but the selected applicant must show proof of permanent authorization to work in the United States in conformance with the 1986 Immigration Reform and Control Act.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989



## **CITY VEHICLES**

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**M**any City employees have City vehicles at their disposal in order to properly carry out their job duties. City vehicles are distinctively marked and the way they are operated directly reflects on the public image of the City.

Certain City employees are permitted to use City-owned or leased vehicles for official use only. They are not to be used for pleasure or personal business under any circumstances.

Permission must be received from the Department Director before a City vehicle may be driven home. For an employee to qualify for a vehicle to be driven home at night, the following conditions must be met:

1. Be a Department or Division Head whose regular duties require frequent use of a vehicle overnight and whose responsibilities involve evening and/or weekend public appearances.
2. Be an employee, usually at the supervisory level, whose responsibilities involve emergency services and who is regularly subject to call-out or assigned to standby duty.
3. Obtain approval of the appropriate administrative Department Director and the City Manager.

Employees who are assigned cars, which are driven home at night, must adhere to the following rules:

1. Off-street parking must be provided when the vehicle is parked at the employee's residence.
2. Under no circumstances will the vehicle be used for transporting members of the employee's family or for anything pertaining to personal business or pleasure.
3. The vehicle must be turned in to the employee's department when the employee is absent for any reason in excess of two (2) days. In case of illness or inability to turn the vehicle in, the Department Director or Division Head is to be notified immediately.
4. Employees will be responsible for having the vehicle washed when necessary to keep the vehicle in clean condition. Details will be furnished by the employee's department.
5. Since all vehicles are considered part of the fleet pool, assignments may change from time to time and all vehicles will continue to be available for other purposes when not being used by the employee to whom it is normally assigned.
6. All vehicles that are not to be driven home by employees will remain parked in the regular assigned location at City Hall, Public Works, etc.

The following provisions apply to all employees who operate City vehicles:

1. Any employee operating City vehicles must possess a valid Florida driver's license.
2. Safety belts shall be used at all times when the vehicle is in operation.
3. Any employee who abuses a City vehicle in any manner will be subject to disciplinary action, including the possibility of payment for the deductible portion of damages to the vehicle.
4. Under no circumstances should alcoholic beverages be transported in City vehicles. The driver of the vehicle will be held primarily responsible for the vehicle and its contents.
5. Each year, persons assigned take home City vehicles must complete and file all necessary forms with the Finance Department in order to comply with applicable Federal tax regulations.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989



## **COMMUNICATION EQUIPMENT AND STIPEND POLICY**

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**P**urpose: To establish uniform policy for:

- (a) The acquisition and general use of City communication equipment, including cellular telephone, radios and other communication equipment or service.
- (b) A stipend paid to an employee for use of personal communication equipment for the convenience of the City.

### **CITY ISSUE EQUIPMENT POLICY**

The availability of communication equipment is recognized as a valuable management tool and technology resource. It shall be the policy of the City to provide such resources to City staff subject to:

- 1. Clear demonstration that such provision will enhance the performance of the user, and
- 2. Approval of the Department Head.

## **AUTHORIZATION AND ACQUISITION**

All acquisitions must be processed through the Telecommunications Division in the Department of Information Technology. Telecommunications will also assist the requesting department in determining the appropriate equipment and/or service that best meets the assignee usage requirements.

The Department Head who is acquiring the equipment shall approve all requests for cellular telephone and/or communication equipment or service. The Department Head will insure the requests meet one or more of the following criteria:

1. The position of the assignee includes emergency response duties that require frequent communication with other agencies or entities that cannot be contacted by radio;
2. The job duties of the assignee consistently require frequent communication that cannot be efficiently satisfied by normal phone or radio communication systems;
3. The productivity and efficiency of the department and assignee will be substantially enhanced by the use of a cellular telephone and/or digital communication equipment or service;
4. Upon termination of employment, the employee must return all issued communication equipment to the Department Head or designee.

## **USE OF EQUIPMENT**

Cellular telephone and other communication equipment supplied by the City is intended to be used to facilitate the conduct of official City business. Due to the Federal and State tax implications, assignees are prohibited from using the City owned cellular phone and/or other communications equipment for personal calls. Individual Department Heads are responsible to insure proper use of City equipment or service.

## **LOSS/THEFT**

The assignee is responsible for safeguarding his/her assigned communication equipment. In the event that equipment is stolen, the assignee must provide a copy of the police report. In the event of lost or damaged City equipment, follow the Risk Management reporting procedure.

## **PERSONAL COMMUNICATIONS EQUIPMENT STIPEND POLICY**

Employee communications and data access take many forms, including cell phones and remote access from home. When such access is used in the best interest of the City, Department Heads may approve an employee stipend that provides partial reimbursement of the expenses incurred for such service. The *Communications Stipend Request* form and all related policies are also located on the City Intranet. No employee will be required to accept a communication stipend.

Determination of the appropriate stipend amount should be based on an equitable approach consistently administered to all full-time employees. The stipend amount will be reviewed each year

during the budget process. For all stipends, there must be a clearly identifiable business need and Department Head approval. The appropriate stipend amount can be determined by evaluating the potential use for business purposes as a percentage of the actual recurring monthly charge incurred by the employee.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** March 15, 2007

## COMPUTER PURCHASE PLAN

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The City of Lakeland will assist all regular, non-probationary employees with the purchase and financing of a personal computer so that they can learn and gain experience by working with a personal computer away from the office, outside of normal working hours.

Participants must agree to comply with the requirements and provisions of the Plan as set forth in the application and guidelines.

The City will finance up to 80% of an eligible employee's purchase of approved equipment and software up to a maximum of \$3,500. (Employees may purchase a larger system, but in no event shall the City's share exceed \$3,500). Loans to participants will be for a term not to exceed 36 months (78 bi-weekly or 156 weekly payroll periods). Payments on the loans will be made through payroll deduction.

The employee will be assessed a one-time 8% processing fee based on the amount of the City's portion.

Loans to participants will be made only for equipment and software purchased in connection with this Plan. All orders for equipment and software must be approved in advance by the City or within thirty (30) days of purchase.

A written agreement between the City and the participant is required. The agreement will outline the responsibilities of the participant, terms of the agreement, and other conditions of the Plan. In addition, the employee will be required to sign a Payroll Deduction Authorization card, which will outline payroll deduction arrangements.

The City will retain a security interest in the equipment and software until the participant's loan is paid in full.

If any employee separates from employment with the City before all balances due the City in conjunction with this program are paid in full, the City has the right to seek recovery of the unpaid balance from any final compensation due the employee.

The Plan will be administered and coordinated by Lakeland Electric. Further details may be obtained by contacting Lakeland Electric's Administration Division.

**REFERENCE:** City Commission, September 18, 1989

**ORIGINAL EFFECTIVE DATE:** October 1, 1989

**REVISED EFFECTIVE DATES:** February 1, 1993,  
April 1, 1994, April 6, 2000

## COMPUTER USAGE

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**A**ll employees of the City shall use City-owned computer software and hardware in accordance with this policy. Any employee violating this policy may be subject to disciplinary action.

1. All computer software provided by the City will be used strictly in accordance with its licensing agreement. Users may obtain copies of or information on all software licensing agreements from the Management Information Services Division.
2. Employees shall not make any unauthorized copies of City-owned software. Copies may be made for backup or archival purposes only.
3. Only City-owned software may be used on City-owned computers. Personal software and personal files are not allowed on City-owned computer equipment.
4. Employees shall not use unauthorized copies of computer software on City-owned equipment. All game software is expressly prohibited.
5. Copies of City-owned software shall not be given to any unauthorized user, including other employees, customer, or others.

Any violation of these guidelines should be reported to your supervisor or the Management Information Services Division.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** November 1, 1994

## **COUNSELING**

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**T**he administration of the City desires that all employees be fully informed on policies and procedures affecting their employment. The City will provide every opportunity for employees to express opinions, to discuss their problems and misunderstandings, and to seek information they feel they need.

All levels of management, to the best of their ability, should inform, listen to and counsel with employees on all matters affecting their employment. Management recognizes the right of the employee to discuss problems without fear of retribution or prejudice.

In administering this policy, all levels of management should realize that employees do not always feel free to express their true concern to those who supervise them. In such instances, employees may contact the Employee Relations Office for further assistance and counseling.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989



## **DEPARTMENTAL POLICIES**

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**D**epartment Directors have the authority to establish policies affecting departmental functions, providing that such policies are not inconsistent with those of the City and the Civil Service Board. In the event of a conflict between departmental policies and those of the City and Civil Service Board, the latter will take precedent.

All departmental rules shall be in written form and be available for distribution throughout the department. A copy of any departmental policy shall be filed with and approved by the Employee Relations Office prior to being implemented.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989



## **DISCIPLINARY MANAGEMENT POLICY**

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**Purpose:** This policy provides for fair and consistent disciplinary management when an employee's performance or conduct does not meet accepted standards.

### **POLICY**

The City's Disciplinary Management Policy provides for a series of documented steps (progressive discipline) for correcting performance problems and/or misconduct by an employee and may include counseling, warning, reprimand, demotion, suspension, and termination. Any of these steps may be skipped due to the nature or severity of an offense and the impact to operations and/or safety. All City of Lakeland employees are required to follow the guidelines of this policy, unless otherwise noted. This policy does not override applicable law or applicable provisions of collective bargaining agreements. Employee appeals spelled out in this policy do not apply to probationary employees.

### **DEFINITIONS**

Disciplinary Management – Systematic method used by the City for correcting an employee's poor performance or misconduct in accordance with City workplace rules and standards.

Performance – Manner and efficiency of fulfilling employee's job requirements.

Performance Problem – Determination that an employee’s manner or efficiency of work consistently falls below job performance standards per the City’s Performance, Planning and Review (PPR) process or Pay for Performance Review process, whichever is applicable at the time.

Conduct – Personal behavior exhibited by an employee.

Misconduct – Determination that an employee’s behavior does not conform to the common standards expected of a City employee.

Group 1 Offense – A single occurrence of a performance problem or misconduct by an employee of a concerning nature requiring formal documentation and corrective disciplinary action. Repeated or multiple instances may elevate the conduct to a serious or grievous nature.

Group 2 Offense – Performance problem or misconduct by an employee of a serious nature requiring formal documentation and corrective and punitive disciplinary action.

Group 3 Offense – Performance problem or misconduct by an employee of a grievous nature requiring formal documentation and corrective, punitive, or terminable action.

## **GUIDELINES FOR SUPERVISOR ON EMPLOYEE PERFORMANCE AND CONDUCT**

It is the supervisor's responsibility to establish and communicate to the employee clear performance expectations; provide instruction, training, resources, and materials to support employment; respond in a timely fashion to employee's questions regarding job requirements; reinforce regular good performance; provide regular constructive feedback; and counsel the employee to help them solve any performance concerns. Performance responsibilities include, but are not limited to, those outlined through the Performance Planning and Review (PPR) process or Pay for Performance Review process.

It is the supervisor's responsibility to communicate to the employee the expected standards of behavior both on the job and off duty as a municipal employee. Minor instances of misconduct may be handled at the department level and documented in the employee contact log, which may be a first step in the disciplinary documentation system. More serious offenses listed under this Policy should follow a series of documented steps to correct behavior.

## **GUIDELINES FOR EMPLOYEE PERFORMANCE AND CONDUCT**

It is the employee's responsibility to learn the requirements of the job and the supervisor's expectations; ask questions in a timely manner; actively seek and acquire the knowledge, skills and abilities needed to effectively perform the duties of the position; request resources necessary to effectively meet job requirements; become a productive member of the workgroup;

and/or seek another position if your current position is not a good match.

It is the employee's responsibility to abide by work rules and regulations and societal norms for assuring personal behavior in good standing with expectations as a City of Lakeland employee and public service provider.

### **PRE-DISCIPLINE COUNSELING**

Supervisors are responsible for helping employees to meet performance and conduct expectations. Supervisors shall conduct a counseling session with an employee when the employee's performance or conduct falls below the expectations of the City position. The supervisor and employee shall meet privately to review the expectations of the position, design what steps can be taken to improve the employee's performance or behavior, establish a schedule to implement such steps, and confirm the consequences of failing to do so. Counseling sessions shall be documented in an employee contact log maintained by the supervisor.

If, after the supervisor has counseled the employee, performance or conduct has not reached expectations within the time set forth in the schedule, then the employee will be placed on the progressive documented steps of discipline outlined in this policy.

No employee shall be disciplined except for just cause. Progressive consistent and appropriate discipline will be administered according to the seriousness of the offense.

**GROUP 1 OFFENSES** – A single occurrence of a performance problem or misconduct by an employee of a concerning nature requiring formal documentation and corrective disciplinary action. Repeated or multiple instances (or a single incident deemed to be of a serious or grievous nature) may elevate the conduct to a Group 2 or 3 offense. Examples include, but are not limited to, the following:

1. Failure to demonstrate the ability to meet performance expectations of the position assigned after the actions required in “Pre-Discipline Counseling” have failed.
2. Operating, using or possessing tools, equipment or machines to which the employee has not been assigned or performing other than assigned work.
3. Failure to maintain the correct work behavior or courtesy as it relates to co-workers, supervisors, or the public.
4. Wasting time, loitering, loafing, leaving assigned work area during working hours without permission, or neglecting work responsibilities while on duty or where operations are continuous.
5. Taking more than specified time for meals or rest periods.
6. Excessive tardiness.
7. Unauthorized or excessive unscheduled absence to the extent that it adversely affects job performance.

8. Failure to report occupational injury promptly to supervisor.
9. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, demonstrations on the job or similar types of disorderly conduct. Conduct that results in the injury of any person or significant damage to property will automatically make this type of activity a minimum of a Group 2 offense.
10. Unauthorized soliciting of funds or distribution of literature on City property.
11. Unauthorized posting or removal of notices, signs, or writing in any form on official bulletin boards or City property at any time.
12. Having interest in a business where there exists a conflict of interest with the employee's City responsibilities or where employment would have an effect on the full and faithful discharge of duties as a City employee.
13. Violation of a safety rule or safety practice.
14. Inappropriate use of City vehicles. The wrongful or inappropriate use of City owned property. (Depending upon severity, may constitute a Group 2 or Group 3 offense and may constitute grounds for immediate termination.)

15. Creating or contributing to unsafe or unsanitary conditions.
16. Various other actions not specified above but similar in nature and degree of severity.

**GROUP 2 OFFENSES** - Performance problem or misconduct by an employee of a serious nature requiring formal documentation and corrective and punitive disciplinary action (incidents in this category of a less serious or grievous nature will be treated less seriously).

Repeated or multiple instances (or a single incident deemed to be of a serious or grievous nature) may elevate the conduct to a Group 3 offense. Examples include, but are not limited to, the following:

1. Multiple Group I Offenses.
2. Behavior, which interferes with fellow employees or supervisors in carrying out their duties.
3. Violating the City's Outside Employment Policy and doing business with one's agency.
4. During working hours, leaving the jobsite without permission and/or proper coverage.
5. Failure to report to work for overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.

6. Sleeping during working hours unless otherwise permitted.
7. Gambling, lottery, or engaging in any other game of chance at City work stations at any time.
8. Making or publishing false or malicious statements concerning any employee, supervisor, City official or the City.
9. Any conduct which affects the safety of the public or City personnel, equipment, tools or property or the personal safety of other employees.
10. Failure to report a request for information or receipt of a subpoena from a law firm or an attorney that relates to City business.
11. Inappropriate use of City vehicles.
12. Having a preventable traffic crash in a City vehicle.
13. Use of City property or time for the personal financial gain of an employee.
14. Refusal to give testimony in City lawsuits or investigations.
15. Various other actions not specified above but similar in nature and degree of severity.

**GROUP 3 OFFENSES** - Performance problem or misconduct by an employee of a grievous nature requiring formal documentation and corrective, punitive, or terminable action (incidents in this category of a less serious or grievous nature may be treated less seriously). Examples include, but are not limited to, the following:

1. Multiple Group 1 or Group 2 Offenses.
2. Loss of necessary job-related prerequisites or abilities to perform the work, except as restricted by State and/or Federal law; i.e., Family Medical Leave Act, Americans With Disabilities, etc.
3. Absence for three working days without notifying supervisor.
4. Failure to return to work following any leave of absence.
5. Intentionally destroying, damaging or misappropriating any City property or property of any employee.
6. Falsification or destruction of personal or City records including employment applications, accident records, work records, purchase orders, time sheets or any other report, record, application or City record.
7. Making false claims or misrepresentations in an attempt to obtain unearned compensation such as regular pay, overtime pay, standby or call out pay, comp time, sick leave, Workers' Compensation or unemployment.
8. Insubordination and/or refusal to perform the supervisor's assignments.

9. Willful neglect in the performance of duties.
10. Having or possessing a firearm, other weapon, explosive, or other destructive device in or on City property except as authorized by state or federal law, or specific City declaration. Employees licensed or unlicensed to carry a concealed weapon/firearm are prohibited from possessing a firearm in a “motor vehicle” (defined in new law as any vehicle operated on the roads) owned, leased or rented by the City.
11. Unethical or unlawful conduct on or off the job, which would affect the employee's reputation, the employee's relationship to the job, a fellow worker's reputation, or goodwill in the community.
12. Use or attempted use of political influence or bribery to secure an advantage in any manner.
13. Violation of the City’s Workplace Violence policy which includes, without limitation: striking or threatening violence against an individual; provoking or instigating a fight, or fighting at any time while on City property or on City time; or threatening, intimidating, coercing, or interfering with fellow employees or supervisors at any time.
14. Commission of a felony or other serious criminal offense while employed by the City of Lakeland.

15. Repeated abuse of the City's personnel policies and procedures, safety rules and regulations, departmental policies and procedures or other City policies and procedures, or any combination thereof.
16. Violation of the City's Drug Free Workplace Policy, which includes refusing testing, testing positive, or possession, carrying, or being under the influence of intoxicating beverages or narcotics while on duty.
17. Disclosure to someone other than an employee's attorney or persons conducting the confidential investigation of the existence of, or matters surrounding the confidential investigation.
18. Violation of the City's Unlawful Employee Harassment Policy, which includes discrimination, sexual harassment or hostile work environment.
19. Violation of the City's Ethics Policy, which includes acceptance of gifts and other legal/ethical issues.
20. Failure to obtain or maintain certification or licenses, within specified time frame outlined in job descriptions.
21. Directly or indirectly participating in meter tampering, water or energy diversion, or other theft of City services either on the job or off duty.
22. Manager or supervisor instructing an employee to perform an illegal or unethical act.

23. Off-duty conduct, which has an impact on the work place or an employee's fitness or ability to serve in the work place. Examples include, but are not limited to:
- Committing and/or conviction of a serious misdemeanor or an act of moral turpitude;
  - Committing and/or conviction of illegal drug use, sale or possession;
  - Committing and/or conviction of any felony;
  - Behavior or conduct of a grievous nature that negatively reflects on the City's image while representing the City (e.g., driving a City vehicle or wearing a City uniform).
24. Failure to obtain or maintain job required City driving privileges. Complete guidelines are listed in the Risk Management Manual under Topic 35 and posted on the Risk Management Internet page.
25. Various other actions not specified above but similar in nature and degree of severity.

## TIME LIMITATIONS

Disciplined employees will not be eligible for merit or promotional opportunities for the 12-month period following a disciplinary suspension or demotion. Generally, other disciplinary offenses will be addressed by warning or reprimand, but may also be subject to merit suspension upon recommendation by the Department Director.

1. **Group 1** - If 12 months or more have passed since the employee's last offense of any kind, the current offense will be considered a "first" offense for purposes of disciplinary action. If 12 months have not passed since the employee's last offense, offenses, which occurred during the 24 months preceding the current offense, will be considered in determining the appropriate corrective action.
2. **Group 2** - If 24 months or more have passed since the employee's last offense of any kind, the current offense will be considered a "first" offense for purposes of disciplinary action. If 24 months have not passed since the employee's last offense, offenses, which occurred during the 24 months preceding the current offense, will be considered in determining the appropriate corrective action.
3. **Group 3** - shall have no time limitations regarding prior offenses.

## **GUIDELINES FOR DISCIPLINARY MEASURES**

### **GROUP 1 OFFENSES**

First Group 1 Offense	Documented Verbal Warning
Second Group 1 Offense	Written Reprimand
Third Group 1 Offense (Group 2)	Up to Five (5) Day Suspension and/or Demotion
Fourth Group 1 Offense (Group 2)	Up to and including Termination

### **GROUP 2 OFFENSES**

First Group 2 Offense	Up to Five (5) Day Suspension
Second Group 2 Offense	Up to and including Termination

### **GROUP 3 OFFENSES**

First Group 3 Offense	Up to and including Termination
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## **DOCUMENTATION**

Documentation is essential in establishing an adequate record of progressive discipline. The failure of immediate supervisors to document and take disciplinary actions for misconduct or failure to meet performance expectations, or the failure to forward the disciplinary documents to Human Resources through their Department Head or designee, may indicate sub-standard performance of that supervisor. Copies of all supporting documentation for disciplinary action shall be filed with the Human Resources and Civil Service Office for inclusion in the employee's regular employment file. The only exception to this procedure shall be in the event that the documentation has a direct effect on revealing information involved in an active criminal investigation or prosecution for criminal violation. In matters of this nature, the City Attorney should be contacted for guidance. When any such investigation is complete, the documentation shall then be placed in the regular personnel file at Civil Service.

## **DISCIPLINARY PROCEDURE**

1. Written warnings and reprimands shall be handled within the respective department. Follow the requirements under DOCUMENTATION.
2. In cases of performance problems or misconduct severe enough to warrant a recommendation of suspension, demotion, or termination, the supervisor shall first notify their Department Head and then contact Human Resources

(prior to making a recommendation) to discuss the merits of the situation and determine if an investigation is necessary. Human Resources will notify the City Manager's Office, the City Attorney's Office, and Civil Service, as applicable. If an investigation is necessary, Human Resources will conduct the investigation and advise the City Manager's Office, the City Attorney's Office and the employee's Department Head of the findings.

3. If no investigation is deemed necessary by Human Resources, or an investigation has been completed by Human Resources and disciplinary action appears warranted, the supervisor shall meet with the Department Head to determine the level of disciplinary action to recommend and complete a Disciplinary Action Form (DAF) and attach the supporting documentation. If circumstances warrant, an employee may be placed on administrative leave by the Department Director until such time as the hearing is held. In the case of a grievous or serious offense involving potential safety hazards or property destruction, the employee's immediate supervisor shall have the right to place the employee on administrative leave and expel the offender from the work site. This action of the immediate supervisor shall be confirmed or rescinded by the Department Head as soon as practical. The DAF shall contain the recommendation and then be routed through the chain of command to the Human Resources office for review and approval. If in agreement, Human Resources shall return the signed form to the department.

4. The department shall then meet with the employee for informing of the proposed disciplinary action, the facts upon which it is based and give the employee an opportunity to respond. If the department elects to continue with the disciplinary action after the meeting, the employee will be provided in writing the time and location of the due process hearing and given the opportunity to sign, either affirming or declining the due process hearing. Hearings shall be automatically scheduled for the next business day following notification of the employee that a recommendation for disciplinary action has been made. Probationary employees are not eligible for a due process hearing or Civil Service Board appeal.
  
5. The due process hearing shall be with the employee's Division Head, Department Head, or City Manager (or designees), depending on the level of supervision initiating the disciplinary action, and Human Resources. The hearing shall be conducted prior to final disciplinary action being taken. If circumstances warrant, an employee may be placed on administrative leave by the Department Director until such time as the hearing is held. The hearing shall be conducted in an informal manner. The employee may have another employee of his/her choice present during the hearing. The employee may also choose to have legal representation, or other person(s) having direct knowledge of the circumstances causing the disciplinary action. The employee is entitled to present his/her position or any other information to the individual conducting the hearing for consideration prior to a decision on the recommended disciplinary action. After considering the information presented, the individual conducting the hearing shall take the action judged appropriate for the circumstances.

6. After a determination has been made by the individual conducting the hearing, a brief summary of the hearing and disposition shall be prepared. If discipline is affirmed, the summary shall be signed by the individual conducting the hearing and forwarded to the Human Resources Office as an attachment to the DAF. Upon approval by the City Manager's Office, Human Resources will forward DAF to the Civil Service Office for placement in the employee's regular personnel file. Human Resources will also be responsible for notification to employee of final disciplinary disposition and election rights of a Civil Service Board appeal or collective bargaining grievance, whichever is applicable.

**APPEAL PROCEDURES/CIVIL SERVICE BOARD  
(if applicable)**

Employees within the Civil Service System, who have been removed, suspended, demoted, reduced, fined, had a merit increase suspended, or discharged, shall have fifteen (15) calendar days, in which to file a request for an appeal with the Civil Service Director.

**APPENDIX**

“Explosive” means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock.

“Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

“Weapon” means any dirk, knife, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

**REVISED EFFECTIVE DATES:** March 1, 1992,  
August 6, 2002, July 8, 2003

This policy supersedes the policy dated July 8, 2003 named Disciplinary Procedures

**NEW REVISED EFFECTIVE DATE:** March 3, 2009

**CITY MANAGER APPROVED:**





## **DOMESTIC VIOLENCE LEAVE POLICY**

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**P** **urpose:** To comply with Florida Law (s. 741.313), requiring employers to provide leave to victims of Domestic Violence.

### **POLICY**

Employees who have been employed three or more months, may take up to three working days of leave within a 12-month period, if the employee, or a family, or household member, is the victim of domestic violence, which includes assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense, resulting in physical injury or death of one family, or household member by another family, or household member, and if the leave is sought for specific reasons related to the Domestic Violence.

### **LEAVE REQUIREMENTS**

Leave may be taken to:

- (a) Seek an injunction for protection against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence;
- (b) Obtain medical care or mental health counseling for the employee, or a family, or household member to address physical or psychological injuries resulting from the Domestic Violence;

- (c) Make the employee's home secure from the Domestic Violence perpetrator or to seek new housing to escape the perpetrator; or
- (d) Seek legal assistance to address issues arising from the Domestic Violence and to attend and prepare for court-related proceedings arising from the Domestic Violence.

## **EMPLOYEE REQUIREMENTS**

While advance notice for the need of a leave of absence is preferred, exceptions will be made for cases involving imminent danger perceived by the employee or the employee's family or household member. However, the employee requesting leave will be required to provide sufficient documentation of the act of Domestic Violence.

Examples of documentation: copy of police report, order of protection, injunction, medical report or receipt for services or goods received.

An employee seeking leave under this section must, before receiving leave, exhaust all annual (vacation) leave, personal leave, and sick leave, if applicable, which is available to the employee, unless the employer waives this requirement.

## **CONFIDENTIALITY**

All information relating to this type of leave will be kept confidential. The employee's leave request form and any supporting documentation, including time sheet, will be exempt from state public records disclosure requirements until one year after the leave is taken.

Documentation relating to the request for Domestic Violence leave will be forwarded to the employee's Human Resources Personnel File.

**REFERENCE:** Florida Law (s. 741.313)

**ORIGINAL EFFECTIVE DATE:** June 27, 2008

**CITY MANAGER APPROVED:**

A handwritten signature in cursive script, appearing to read "Douglas B. Thomas".



## **DRUG FREE WORKPLACE POLICY**

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**T**he City of Lakeland maintains a firm commitment to provide quality service to the citizens of the City and its customers. Maintenance of a drug-free work environment is a goal of the City of Lakeland, and, therefore, it is a condition of employment that all employees are to refrain from taking illegal drugs or abusing legal substances. Those employees who are involved in the use or sale of controlled substances or illegal drugs, whether on or off the job, or who abuse alcohol, have an adverse impact on the City's ability to maintain a safe work environment and to provide the service expected by its citizens. Further, employees who are involved in on-the-job injuries or accidents may lose eligibility for medical and indemnity benefits if intoxication or other substance abuse is found.

The City is also committed to the following goals: 1) to rid the workplace of users of illegal drugs and abusers of legal drugs, 2) to encourage employees who have dependency problems to seek help, and 3) to provide a safe and secure environment for City employees, its customers, and the public.

Recognizing that there may be employees who have a drug or alcohol problem, the City stands willing to assist in the resolution of that problem and encourages affected employees to seek help through the Employee Assistance Program prior to being required to submit to a drug test.

## **DEFINITIONS**

1. "Drug" means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite (by-product) of any of the substances listed herein; or a "chemical substance", as defined below. Per Florida state statute 440.102.
2. "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.
3. "Chemical substance" means any substance, which is a prescription drug, a substance set forth in Section 877.111, Florida Statutes, or a controlled substance under Chapter 893, Florida Statutes.
4. "Reasonable suspicion" means a belief that an employee is using or has used drugs in violation of this policy. Such a belief is drawn from specific objective and articulable facts and reasonable inferences drawn from facts in light of experience.
5. "On duty" means an employee's scheduled or standby working hours. Excluded are special or optional events or activities, which the employee may attend in an official or unofficial capacity.

6. "On City property" means all City property, including the workplace and all areas which are generally open to the public; however, it is not the intention of this policy to prohibit the responsible consumption of alcohol at social or private events on City property where alcoholic beverages are being served and which an employee is attending in a social or private capacity.
  
4. "Termination of employment" means dismissal from service.

## **POLICY**

The drug-free workplace program recognizes that drug and alcohol addiction exists and focuses on rehabilitation. Employees who voluntarily inform the proper City officials of a drug/alcohol dependency, prior to notice of a drug/alcohol test or the occurrence of an incident which might warrant a drug/alcohol test, will be referred to the City's Employee Assistance Program (hereinafter referred to as EAP) for treatment.

1. All employees are to refrain from taking illegal drugs or abusing legal substances. Employees determined to be using or selling illegal drugs, on or off the job, will be subject to disciplinary action, up to and including termination. Any employee found to be using or having a controlled substance (as defined by Florida Statutes) while on City property, in his or her possession, City vehicle, locker or personal area of the workplace, or body, shall be subject to immediate termination of employment. Possession of illegal drugs on City property shall result in

criminal prosecution. The Police Department may be requested to apply for search warrants for the purpose of determining the presence of controlled substances, if probable cause exists, and may otherwise conduct warrantless searches when circumstances so justify. The City also reserves the right to use narcotic detection dogs to identify the location of controlled substances.

Employees are to refrain from abusing alcoholic beverages or legal drugs. Employees shall not consume or possess or be under the influence of alcoholic beverages while on duty and/or on City property; including city vehicle, locker, or personal area of the workplace. Any employee suspected of being under the influence of alcohol shall be tested; and, if found to be under the influence, according to Florida Statute 316.193, such employee shall be subject to immediate disciplinary action, up to and including termination of employment. Likewise, any employee who, while on duty, is suspected of being under the influence of a non-prescription chemical substance, or a prescribed chemical substance which the employee has not reported to his supervisor in writing, shall be tested and, if it is determined that the substance has impaired the employee's normal faculties, such employee may be subject to immediate disciplinary action, up to and including termination.

Employees are strongly encouraged to seek assistance through the City's EAP if they have a problem with alcohol or substance abuse. An employee may not make a request for voluntary referral to EAP after he/she has

been directed to take a drug/alcohol test or the occurrence of an incident, which might mandate a drug/alcohol test.

2. Termination of employment shall be implemented for employees who refuse to be tested or who test positive for illegal drugs. A confirming test shall be performed prior to any disciplinary action.

After a confirming test is administered, any employee testing positive for illegal drugs shall be terminated. Employees mandated for testing under the reasonable suspicion provision who are found to be using illegal drugs shall be terminated if they test positive.

Once an employee has tested positive for illegal drug use or is directed to take a drug/alcohol test, or an incident has occurred which might mandate a drug/alcohol test, it is too late to seek a referral to EAP. Any employee with an illegal drug problem is strongly encouraged to seek EAP assistance before their employment with the City is jeopardized.

3. The City may order drug testing based on reasonable suspicion. The employee must be provided with a written statement detailing the basis and circumstances for the suspicion within a reasonable time.

However, the providing of such statement is not a condition precedent to the ordering of such test. In determining reasonable suspicion, the City can take into account, among other things:

- (a) Observable phenomena while at work such as direct observation of drug/alcohol use or physical indication of being under the influence of drugs or alcohol.
  - (b) Abnormal conduct or erratic behavior while at work or a significant deterioration in job performance.
  - (c) A report of drug use, or alcohol abuse provided by a reliable and credible source.
  - (d) Evidence that an employee has tampered with or attempted to tamper with a drug test.
  - (e) Evidence that an employee has used, possessed, sold, or solicited drugs while working or while on City property or while operating a City vehicle, machinery or equipment.
  - (f) Information that an employee has caused or contributed to an accident while at work.
4. Original documentation of reasonable suspicion will be kept confidential and retained by the City of Lakeland in the Risk Management Office. Records of the drug test will be kept for a period of one year.
5. Federal and State Statutes and/or City policy may require drug testing for certain positions (FAA, CDL, Gas Pipeline, etc). Employees whose positions are so mandated will be informed and shall be required to take the necessary periodic or random drug tests.

Annually, 50% of the employees handling or making decisions on gas transmission lines will experience random, mandatory drug testing as required by Federal Statutes.

As required by Federal Statutes, employees with a Commercial Driver Licenses shall be drug tested after any on-the-job vehicular accident for which the employee is chargeable with a moving violation.

#### 6. Safety Sensitive Positions

Under the Florida Drug Free Employment Act, which applies to State of Florida jobs, “safety sensitive” positions may be drug tested. Safety sensitive positions are those positions within law enforcement, fire protection, line crew workers, and various electric, water and wastewater operators, who would be included in this classification. Included also would be any other department in which drug or alcohol impairment would constitute an immediate or direct threat to public health or safety. Department Heads and the City Manager Office Staff will be included as a means of setting an example of a Drug Free Work Place. A list of tentative position classifications, shown below, has been developed which may be recommended for periodic or random drug testing.

Apparatus Repairer Apprentice	Lineman 1/C
Apparatus Repairer 1/C Foreman	Lineman Helper
	Manager of Operation
Aquatic Supervisor	Plant Mechanic I - II
Chief Water Plant Operator	Plant Welder I – II
Control Center Operator	Police Property Clerk
Crime Scene Technician	Police Sworn Personnel
Electrician Apprentice	Power Production Foreman
Electrician Foreman	Safety Coordinator
Electrician 1/C	Safety Manager
Electric Systems Operator I – III	Safety Officer
Emergency Communications	Senior Lifeguard
Center Supervisor	Shift Supervisor
Emergency Communications	Solid Waste Collection I - II
Shift Supervisor	Special Equipment Operator
Emergency Communications	Station Electrician I – II
Specialist	Supervisor of Electric System
Environmental Operator I - III	Control
Environmental Operator	Tree Trimmer
Foreman	Tree Trimmer Crew Leader
Equipment Operator I – IV	Tree Trimmer Foreman
Fire Personnel	Wastewater Chemist
Instrument & Control	Wastewater Equipment
Technician I- II	Mechanic I – III
Instrument & Control Foreman	Wastewater Operator I - III
Life Guard	Wastewater Operator Lead
Line Crew Foreman	Operator
Lineman Apprentice	Wastewater Plant Operator I - III
	Water Plant Mechanic I - III

Individuals testing positive for legal substances in the safety sensitive positions would be mandated for treatment and rehabilitation initially; termination is a final outcome if the problem is not remedied. Persons who are undergoing rehabilitation and treatment may or may not be maintained in their present positions, and a leave of

absence without pay may be necessary if no other alternative position is available to them.

7. In the event that an employee is tested under reasonable suspicion criteria the employee shall be relieved of their duties until the results are received. During this time the employee will be suspended without pay. Upon receipt of a negative test, one would be reinstated with full back pay. During routine random testing, vehicular and property accidents, or pre-employment screening, one may report to regular or alternate duties. If a positive result is received, one would be subject to immediate disciplinary action, up to and including termination.
8. In all instances, Department Heads and their designees shall, at his or her discretion, have the responsibility to require a drug test. Additionally, the Risk Manager or his/her designee shall also have the discretion to require a drug test when on-the-job injuries or accidents occur. Workers' Compensation Benefits shall be denied if alcohol or illegal drug use is involved in an on-the-job injury and may be denied in the event of other chemical substance abuse, as authorized by Florida Statute, Chapter 440, Workers' Compensation Act. Refusal to submit to a test for non-prescription controlled substances or alcohol in the absence of clear and convincing evidence to the contrary shall be presumed to be an admission that the injury or accident was caused primarily by the influence of intoxication or drug abuse and the employee will be terminated. This provision applies to all City of Lakeland employees.

9. The City will drug test all student employees. If required, parental consent forms are available.
  
10. Drug testing will be performed by the City's physician or other physician/clinic as determined by the City. Employees, testing positive for legal substance abuse, may be referred to the City's EAP for counseling and/or enrollment in an appropriate alcohol or drug rehabilitation program. Employees will be responsible to any cost incurred beyond the three (3) initial visits required to complete the program. Upon completion of the program, the City shall require medical substantiation regarding fitness for duty and resolution of the drug use or dependency. Employees shall be required to submit to a drug test as a follow-up to such program on a quarterly, semi-annual, or annual basis for up to two (2) years thereafter. Only one mandatory referral to the EAP within a twelve (12) month period for drug or alcohol abuse will be permitted. An employee who fails to complete or otherwise comply with the program or who resumes use of said substances within twenty-four (24) months after returning to work shall be terminated. Employees will be responsible for the cost of all follow-up drug tests. Employees may voluntarily refer themselves or request referral to the City's EAP for counseling and/or enrollment in an appropriate alcohol or drug rehabilitation program. Such employees shall not be subject to termination while undergoing rehabilitation for the precipitating drug or alcohol abuse; provided, such voluntary referral request is made before the City requests a drug/alcohol test or the occurrence of an incident, which might mandate a drug/alcohol, test.

However, this does not limit the City's right to discipline an employee for other separate offenses. Also, such employees may not be allowed to continue in their normal job classification during rehabilitation if there is a danger to the employee, other employees, or the public. In these cases, efforts will be made to find an alternate duty assignment; however, employees may be required to take an unpaid leave of absence until they are fit to perform in their job classification, if no alternate duty assignment is available.

11. Any employee who may be undergoing medically prescribed treatment, which may limit or impair his or her ability to perform on the job, must report this treatment to his or her supervisor prior to beginning work. A failure to report such treatment may result in disciplinary action.
12. The City reserves the Right to conduct a fitness for duty physical, to include drug testing, on all employees every other year or on those who are absent from work for a period of 6 months or more.
13. The City of Lakeland shall inform an employee in writing of a positive drug test within five (5) working days after receipt of a positive confirmed test from the testing laboratory. Employees, testing positive, who wish to refute or challenge their test results, shall have the option of requesting a more extensive or confirming test to clarify the results of the initial screening within five (5) working days of written notification of a positive drug test. The City will pay the cost of all drug tests, initial and confirmation, which it requires of employees.

Employees shall pay the costs of any additional drug tests not required by the City of Lakeland.

14. Confidentiality

(a) All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the City of Lakeland through a drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Florida Statute 112.0455 or in determining compensability under Chapter 440, Florida Statute.

(b) The City will require all contracted employers, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results of City employees to keep all such information confidential unless voluntarily released by the person tested or by court order.

15. The City of Lakeland shall establish and maintain procedures relating to drug testing which comply, to the extent applicable, with the Florida Drug Free Workplace Act and the Workers' Compensation Act. Such procedures may be reviewed at the Risk Management and Employee Relations Offices.

**REFERENCE:** Administrative Directive  
State Statute, 112.0455

**ORIGINAL EFFECTIVE DATE:** October 1, 1988

**REVISED EFFECTIVE DATES:** January 1, 1991,  
November 1, 1992, September 1, 1994, August 1, 1999,  
May 1, 2000, January 10, 2001



# EMERGENCY AND SPECIAL CONDITIONS POLICIES AND PROCEDURES

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**Purpose:** To establish personnel policies and procedures related to emergency or special conditions impacting, or expected to impact, City operations.

## I. INDEX:

- A. Service Classifications
- B. Reporting and Notification Requirements
- C. Compensation
- D. Personal Preparation
- E. Working Hours
- F. Meal Provision or Expenses
- G. Child Care
- H. Claims Reporting

## II. POLICIES:

### A. Service Classifications

1. **Mission Critical Employees** - Those classes of employees whose normal duties are not considered to be of an emergency nature, but who are expected to perform such duties in preparation for, or as the result of, emergency or special conditions expected to impact the City.

2. **Non-Mission Critical Employees** - Those classes of employees whose normal duties are not considered to be of an emergency nature and who are not expected to perform such duties in preparation for, or as the result of, emergency or special conditions expected to impact the City.
3. **Emergency and Essential Employees** - Those classes of employees who normally perform duties of an emergency or community essential nature and are expected to continuously perform such duties in preparation for, or as the result of, emergency or special conditions expected to impact the City. This service class generally includes applicable civilian and sworn public safety personnel and emergency operations personnel.

B. Reporting and Notification Requirements

Each Department Head shall be responsible for identifying those positions classified as Mission Critical or Non-Mission Critical and communicating that information to employees no later than May 15<sup>th</sup> of each year in anticipation of the forthcoming hurricane season. Those designations shall remain in effect for the following twelve months unless otherwise changed by the Department Head. Notification of active work status due to pending emergency/special conditions impacting the City shall be made as early as is reasonably feasible and no later than three (3) hours following a declaration of emergency by the City Manager.

Each Department Head shall be responsible for designating those positions classified as Emergency and Essential and communicating that information to affected employees no later than May 15<sup>th</sup> of each year in anticipation of the forthcoming hurricane season. Those designations shall remain in effect for the following twelve months unless otherwise changed by the Department Head. Active work status is automatic for this work group for all pending or actual emergency/special conditions impacting the City and employees are subject to additional work periods as directed by the department supervisor.

Failure of an employee designated as Mission Critical or Emergency and Essential to report to work as instructed may be considered an act of insubordination, and the employee may be disciplined according to City policy. Every effort will be made to provide those employees with extensive personal property damage or other significant personal issues sufficient time to take corrective action; however, once an employee's emergency/special work status is activated, compliance with that request is expected. If an employee is (or currently has plans to be) on vacation, the Department Head may choose not to activate the employee's emergency/special work status due to the personal financial obligation incurred. If the Department Head chooses to activate the employee and vacation related expenses have been incurred and cannot be reclaimed in total; such expenses will be reimbursed by the City upon receipt of appropriate documents substantiating the reimbursement claim.

### C. Compensation

The City Manager or his/her designated representative may order the close of City Hall and non-emergency City worksites due to emergency or special conditions expected to impact the City. During this time, Non-Mission Critical and certain Mission Critical Employees may be released from work and may be granted paid administrative leave for those hours of their regular workday that they are excused from work because of the closing of City Hall and non-emergency City worksites. Such paid administrative leave shall not be considered as actual work time for the purpose of computing overtime eligibility.

Mission Critical employees who are required to work will be compensated on an hour-for-hour basis for recompense as either paid compensation or compensatory time usage as determined by City management, in addition to their regular compensation rate. Emergency and Essential Service Employees will be required to work their assigned shifts or altered shifts in order to meet requirements of the emergency or special conditions, and shall be subject to existing pay policies governing work time recordings and compensation rates.

During the preparatory and recovery stages before and following an emergency event, employees in exempt classifications who are required to work in excess of normal work hours [defined herein as above a minimum of 40 hours actually worked for the week] may be granted an equivalent number of hours on an hour-for-

hour basis for recompense as either compensatory time usage, subject to the approval of the employee's Department Head, or paid compensation subject to the previous authority of the City Manager. Employees in non-exempt classifications who are required to work in excess of normal work hours will be paid overtime in a manner consistent with established City policies governing the payment of overtime.

Any alternate rates of pay considerations shall be applied and approved according to regular City policy, as applicable to all groups.

#### D. Personal Preparation

In the absence of the City Manager's closing of non-emergency City sites, each Department Head may determine that employees considered Non-Mission Critical to the preparation efforts related to an impending emergency condition may be released from work prior to any official release of personnel. Non-Mission Critical employees, as well as inactive Mission Critical employees exercising this option, may have their time accounted for using annual leave, if available, or alternatively unpaid leave, for making personal preparations for the impending emergency or special conditions. Employees who have scheduled time off during any period of time covered by the City Manager's closing of non-emergency City facilities will continue to have those scheduled hours accounted for per the leave type previously approved.

#### E. Working Hours

The maximum amount of hours any one non-shift work employee is authorized to work after the first 72 hours in response to emergency or special conditions shall be no more than 16 hours in any given day. Further, no employee shall be required to work more than 15 consecutive days without a mandatory one-day (24-hour) rest period, otherwise known as “down time”. During the first 72 hours of the emergency or special condition, employees may not work more than an 18-hour period without approval of the City Manager. Normal rest time policy will be suspended for the duration of the emergency or special conditions period, provided employees and management shall give due regard for the effects of fatigue and exhaustion during such conditions, to insure the safety of employees.

(This provision excludes those categories of employees not performing active duty assignments from these specified work limitations, e.g., plant “ride-out teams”.)

#### F. Meal Provision or Expenses

The City may arrange for the provision of meals prepared at a City-operated or contracted facility/restaurant for Mission-Critical and Emergency and Essential Employees directly involved in the recovery efforts. In lieu of meals provided directly through City-operated facilities, the City Manager may designate specific time periods and workgroup eligibility criteria under which meals may be provided through the use of third party restaurants; i.e., “sign and dine” with

prior established restaurants or meal reimbursement through other restaurants. In the latter case, unless other comparable reporting arrangements are approved, each eligible employee will be responsible for preparing a weekly meal reimbursement report identifying the day, time and restaurant from which meals were obtained. Upon approval of these reports by a supervisor, the employee shall be reimbursed according to City meal per diem rates, or the maximum allowance provided under the “sign and dine” program, whichever is less. In no cases will the provision of meals under this policy apply to work groups who have returned to work schedules consistent with normal, pre-emergency operations. For the purposes of this policy, return to normalcy shall be when the use of temporary labor crews (e.g., out of town or contract labor) are terminated or at the discretion of the Department Director with the concurrence of the City Manager, applicable by individual operating department or specific functional activity.

#### G. Child Care

Child care may be provided free of charge to all City of Lakeland employees that are recalled to work due to the emergency or special conditions, if facilities are available and such care is not available by any other means. Such child care shall be restricted to the ages of 5-12 years old. Parents of younger or older children, and children with special requirements, will need to arrange for alternative child care at their own expense.

## H. Claims Reporting

In order to ensure consideration under existing City claims coverage, all claims for damages incurred due to the effects of the emergency conditions, and arising out of the scope of work, shall be reported directly to the Director of Risk Management and Purchasing or his/her designated representative in the City Emergency Operations Center (E.O.C.) if so activated. All other non-emergency related claims shall follow existing reporting procedures as outlined in the Risk Management Manual.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** June 12, 2006

**REVISED EFFECTIVE DATE:** September 11, 2008

**NEW REVISED EFFECTIVE DATE:** May 14, 2009

**CITY MANAGER APPROVED:**

A handwritten signature in black ink, appearing to read "Doug B. Thomas". The signature is written in a cursive style with a large, stylized initial "D".

## **EMPLOYEES' ASSOCIATION**

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**A**ll regular employees are automatically members of the City of Lakeland Employees' Association. Its purpose is to promote Civil Service, pension and insurance matters, and to make recommendations to the Civil Service Board and City Commission concerning the welfare of employees.

On the average, there is one employee representative and one alternate for every twenty employees. The representatives and their alternates are elected every two years from among the employees they will be representing. Meetings are held in accordance with the Association's by-laws, and it is the duty of the representatives to attend these meetings and represent their employee constituents.

Representatives, board members and officers are to be allowed time off from their work assignments to attend Association meetings.

All employees should know who their representatives are and should feel free to discuss Employees' Association business with them. Names of the representatives can be obtained from the Board of Directors of the Employees' Association.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATES:** January 1, 1989,  
August 1, 1999

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## **EMPLOYMENT OF RELATIVES**

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**F**lorida Statutes provide that no public official or employee may appoint, employ, promote, advance or advocate for appointment, employment, promotion or advancement, in or to a position in the municipality in which he/she is serving, any individual who is a relative of the public official or employee.

"Relative" is defined to include 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, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

It is incumbent on all Department Directors and other administrative personnel to insure that the law is not violated. Should any questions arise concerning the employment of relatives, they should be referred to the Employee Relations Office.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989



## **EQUAL EMPLOYMENT OPPORTUNITY**

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**T**he City provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, or marital status in accordance with applicable federal and state laws.

This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

To further the principle of equal employment opportunity for all, the City has developed Affirmative Action plans for minorities and females.

**REFERENCE:** Title VII of the Civil Rights Act  
City Commission Resolution #2037  
City Affirmative Action Plan

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

**REVISED EFFECTIVE DATE:** February 1, 1994



## ETHICS POLICY

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**I**t is the policy of the City of Lakeland to uphold, promote and demand the highest standards of ethics and conduct from all of its employees and officials, whether elected, appointed or hired. All City employees and members of City boards and committees shall maintain the highest standards of personal integrity, truthfulness, honesty and fairness in discharging their public duties, and never abuse their positions or powers for improper or personal gain. Employees are expected to use good judgment and avoid situations that create an actual or perceived conflict between their personal interests and those of the organization. The City of Lakeland requires that the transactions, employees participate in, are ethical and within the law, both in letter and in spirit.

1. Public Service is a Public Trust, requiring City of Lakeland employees and officials to place loyalty to the constitution of the United States and the Florida Constitution, federal and state laws and ethical principles above private gain for themselves or others.
2. Employees and officials shall not hold financial interests that conflict with their conscientious performance of public duty.
3. Employees shall not engage in financial transactions using non-public official information or allow the improper use of such information to further any private interest or private gain.

4. Employees shall not, except as otherwise permitted by ordinance or express City of Lakeland policy, solicit or accept any gift, service, or favor valued over \$100 from any person or entity seeking official action from, doing business with, or conducting activities regulated by the City, or whose interests may be affected by the performance or non-performance of the employee's or official's public duties. Procurement employees are prohibited from accepting any gifts, services, or favors regardless of value. A "procurement" employee is anyone who has the authority to approve purchases over \$1500. Gifts between employees in recognition of a special event (such as birthday, holiday, or anniversary of service, etc.) are permitted if the value of the gift is of nominal and reasonable value and is unsolicited by the receiver of the gift. "Gift" is defined as compensation, objects or services of value such as a meal or a service performed for an employee such as home maintenance or lawn care.
5. Employees shall never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept favors or benefits under circumstances which might be construed as influencing the performance of their public duties.
6. Employees shall put forth honest effort in the performance of their public duties, remaining impartial and responsible to the public.

7. Employees shall make no promises of any kind (beyond those which the City has officially authorized them to make) binding upon the duties of their office, since an employee or official has no private word which can be binding on public duty.
8. Employees shall protect and conserve City property and services, and shall not use them for other than authorized purposes or for personal benefit or gain.
9. Employees shall seek to find and employ efficient and economical ways of accomplishing their public duties, and shall disclose waste, fraud, abuse, discrimination or harassment (sexual or otherwise) and corruption to appropriate authorities.

Employees are encouraged to seek assistance from their managers with any legal or ethical concerns. However, this may not always be possible. As a result, employees may contact the Employee Relations Department or the City Attorney's Office to report anything that they cannot discuss with their manager.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 3, 2005



## **GRIEVANCE PROCEDURES**

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**T**he City of Lakeland is committed to fair and equitable treatment for all employees. Therefore, the City of Lakeland has established this Grievance Policy and Procedure for the fair, orderly, and prompt resolution of work-related problems.

Within this context of equity and fair treatment, the City of Lakeland administration is charged by law with the responsibility of managing and directing its human resources, including determining workforce size, recruitment, training, work assignments, hours of employment, promotion, demotion, transfer, or dismissal, all according to Federal, State, and City of Lakeland policies.

Where there are concerns or problems arising out of employment, employees and their supervisors are strongly encouraged to find informal means of resolving them. Cooperation and compromise should characterize the resolution of work-related problems, and employees are strongly encouraged to talk over any workplace concerns, problems, or points of dissatisfaction with their supervisor.

Any regular employee, who has been the subject of an adverse **action** or event, which he or she believes was discriminatory or is otherwise aggrieved as a result of action taken by the City in interpreting or applying provisions of the personnel policies shall have the right to submit a grievance statement. Not all issues that an employee may have will be appropriate for the grievance process.

Issues considered as not able to be grieved include, but are not limited to pay of job classifications, content of the job class, particular conditions of employment set by management, results of Classification/Compensation Evaluation Systems or employee benefits. Two essential elements must be present in order for a grievance to be considered: **1) there must have been a particular action, which meets the grievance criteria to cause a grievance, and 2) the grievance must be filed within fifteen consecutive calendar days of the event.** Time limits specified in this procedure may be extended upon mutual consent.

Employees have the right to use these grievance procedures free from threats or acts of retaliation, interference, coercion, restraint, discrimination, or reprisal. Employees may not be retaliated against for participating in a grievance as a grievant, or as a witness.

Employees covered by collective bargaining agreements shall be required to use the procedure contained in their respective agreements. They may not use this process.

**SPECIAL NOTE:** The City excludes grievances of any employee in a bargaining unit covered by a collective bargaining agreement, where such agreement adopts a grievance and arbitration procedure for resolving disputes under the agreement.

**STEP 1.** The employee shall present the grievance statement in writing utilizing the appropriate form to the Employee Relations Department within fifteen (15) consecutive calendar days after the occurrence of the action or event giving rise to the grievance or after the action or event became known or should have become known to the employee. The Employee Relations Department will ascertain from the statement whether the issue may be grieved and notify the employee within two (2) consecutive calendar days. If the two days are intervened by a weekend or holiday, the notification will occur on the second business day. If the issue may be grieved, Employee Relations will issue Grievance Reply forms to the Employee for use in meeting with his/her supervisor. The supervisor shall meet with the employee and will answer the grievance in writing within five (5) consecutive calendar days. At any time during the course of the grievance process, the employee at his/her option may be accompanied by another City employee, as a witness to the proceedings.

In the event that the issue is deemed not appropriate for the grievance system, the employee may request a meeting with the Employee Relations Director or his designee to ascertain the reason for denial. If still dissatisfied, the employee may request a written determination from the City Manager, which will be final.

**STEP 2.** If the employee is not satisfied with the response of the immediate supervisor as outlined in Step 1, or if no answer has been given within five (5) consecutive calendar days, the grievance shall be presented by the employee in writing to the Division Head.

The Division Head, within five (5) consecutive calendar days of receipt of the written grievance, will meet with the employee and provide written response.

**STEP 3.** If the employee is not satisfied with the response from the Division Head, or if no written answer is rendered within five (5) consecutive calendar days, the grievance shall be presented by the employee in writing to the Department Director. The Department Director within five (5) consecutive calendar days of the receipt of the written grievance will meet with the employee and provide written response.

**STEP 4.** If the employee is not satisfied with the response of the Department Director, then the employee may present his/her grievance to the City Manager. The City Manager or designee will meet with the employee and will provide a written response within five (5) consecutive calendar days.

**STEP 5.** If the employee is not satisfied with the response of the City Manager, he/she may request arbitration by a neutral panel. The request for arbitration shall be made to the Employee Relations Office within two (2) consecutive calendar days. The employee will also notify the Employees' Association Board of Directors.

Within fifteen (15) consecutive calendar days, the appeal will be referred to an arbitration committee. This committee will consist of three (3) individuals who are not employed by the City and who are residents of Lakeland. One member will be chosen by the department administration, one by the grievant, and the third by mutual consent of each. The committee shall hear the grievance, arguments from both sides, and render a decision on the matter.

This decision shall be final and binding on both parties in matters that do not require appropriation of monies in the City budget. Decisions, which do require appropriation of monies, will be forwarded to the City Commission in the form of a recommendation from the committee. A decision shall be rendered in twenty (20) consecutive calendar days from the date of the committee's appointment. This step is only available for non-Civil Service related matters.

Employees' rights and responsibilities in connection with filing and processing grievances include, but are not necessarily limited to the following:

1. Employees are permitted to call on fellow employees as witnesses in substantiating grievances.
2. Employees may be allowed to use official and pertinent records to document the case.
3. Records will be kept on how employee complaints are settled. Those records may be used for precedent when appropriate.
4. If an employee is not satisfied with management's action on a grievance, the supervisor may assist the employee in taking the problem to a higher administrative level.
5. It is the responsibility of the employee to see that the necessary paperwork gets to the next level if the reply is not accepted.

The Employee Relations Office will make certain that the three-member arbitration committee is formed in a timely manner. The Employee Relations Office shall maintain a list of persons willing and available to serve on an arbitration committee. The Employee Relations Office will furnish the name of the member chosen by the administration to the grievant. The grievant will notify the Employee Relations Office of his/her choice. The Employee Relations Office will then contact both the administration's choice and the grievant's choice and request that they mutually agree on a third person. They do not have to use a name from this list for the third person. When the third person has been agreed upon and named, the three-committee members will decide among themselves who the chairperson will be. The Employee Relations Office will work with the chairperson to schedule an appropriate meeting place and time.

As soon as the Employee Relations Office is notified of the name of a committee member, that person will be furnished with a copy of the grievance and all necessary attachments. Also furnished will be a copy of the rules governing the arbitration and grievance process. Requests by the committee members for additional information or material will be directed to the Employee Relations Office.

Grievance Arbitration Disposition: The chairperson of the committee will complete an Employee Grievance Disposition form and send it to the Employee Relations Office as soon as possible after the hearing. The Employee Relations Office will forward a copy to the employee, the City Manager and to the Employees' Association upon request.

The Civil Service Board has jurisdiction involving suspensions, terminations, demotions and matters pertaining to the employee retirement system. Appeals must be filed within fifteen (15) calendar days of the disciplinary action. Employees may use either the Civil Service Appeal procedure or this grievance procedure to resolve an issue, but not both.

The Employee Relations Office maintains all appropriate grievance forms and is available to assist employees and supervisors in addressing problems and concerns as necessary.

A member of the Employee Association Grievance Committee or Board of Directors may assist the grievant in writing their statement or by attending the proceeding.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

**REVISED EFFECTIVE DATES:** March 1, 1992,  
June 1, 2000, November 22, 2002, March 24, 2004



## **HOSTILE WORK ENVIRONMENT**

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**E**mployees of the City of Lakeland are prohibited from acting in a hostile manner against any other employees, direct reports, or supervisors. Such conduct may result in disciplinary action, up to and including termination.

Managers are responsible for providing a work environment free from intimidation, fear, and threats, whether physical or career related. Employees who judge that they are subject to a hostile work environment are encouraged to first speak to their supervisors and are free to report the complaint to the Employee Relations Director or his/her designee. Disciplinary actions, which are founded and positively administered, are not considered hostile actions.

Any form of retaliation against any employee for filing a bona fide complaint under this policy or assisting in a complaint investigation is prohibited. However, if, after investigating any complaint of harassment or unlawful discrimination, it is determined that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave false information, up to and including termination.

Questions pertaining to this policy should be directed to the Employee Relations Office.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

**REVISED EFFECTIVE DATES:** February 1, 1994,  
April 6, 2005

## **OUTSIDE EMPLOYMENT AND DOING BUSINESS WITH ONE'S AGENCY**

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**W**hat an employee does off-duty is ordinarily a matter of personal business. However, before accepting outside employment, an employee shall receive written permission from his/her supervisor and the Department Director or Division Head. This is to ensure that the outside job does not result in violation of State "Conflict of Interest" law, more specifically Section 112, Florida Statutes, and will not restrict the employee's availability for work or efficiency in his/her City job, or cause embarrassment to the City in any way, either directly or indirectly. If, in the opinion of the Department Director, the outside employment conflicts or interferes with the employee's responsibilities to the City, the employee may be required to refrain from engaging in such outside employment.

Public officers and employees are also advised that Sect. 112.313(7) F.S. prohibits them from having any employment or contractual relationship with any business entity or any agency, which is subject to the regulation of, or doing business with, an agency of which he or she is an officer or employee, with limited exceptions.

Section 112.313(3), Florida Statutes, addresses "Prohibited Employment and Business Relationships". The statute prohibits a public employee or public officer, acting in their public capacity, from purchasing, renting, or leasing any realty, goods, or services from a business entity in which he, his spouse, or child owns

more than a 5% interest. Also, a public employee or public officer, acting in a private capacity, is prohibited from renting, leasing or selling any realty, goods, or services to his own agency (the City), if he is an officer or employee of the City.

There are some exemptions to the requirements and an employee must make himself/herself familiar with those provisions in Florida Statutes before engaging in the activities described above while working in their public capacity. Employees are also advised to abide by the City's restrictions on "Doing Business with One's Agency" as provided in the City's Purchasing Manual.

It is the responsibility of the public officer or employee to make known a potential conflicting business relationship before engaging in commercial activity with or on behalf of the City.

Telephone, Fax or E-mail quotation requests will not be solicited from businesses, which are known to present a potential conflict of interest with a public officer or employee. Sealed bids may be accepted from businesses with potential conflicts as described in Section 112, Florida Statutes, only if such bids are accompanied by the required disclosure forms.

Upon written notice, a public officer or employee may request that the City solicit no bids whatsoever from businesses with which the officer or employee may have a potential conflict of interest.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATES:** January 1, 1989,  
November 4, 2003

## **POLITICAL ACTIVITY**

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**S**tate law prohibits employees from using their official authority or influence for the purpose of interfering with an election, or a nomination for office, or coercing or influencing another person's vote, or affecting the results thereof.

Employees may not directly or indirectly coerce or attempt to coerce, command or advise any other employee to pay, lend or contribute any part of his or her salary, kick back any sum of money or anything else of value to any party, committee, organization, agency, person, labor union, or other employee organization for political purposes.

All City employees are encouraged to be politically aware and active, and to regularly exercise their right to vote. Active political campaigning or solicitation for political contributions while on duty is prohibited.

An employee may not serve on the Lakeland City Commission while maintaining active employment status.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989



## **SAFETY REGULATIONS**

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**P**roviding safe working conditions is a major responsibility of every City supervisor. Unsafe acts or conditions cause accidents, and both of these are under the supervisor's control. Unsafe working conditions can be minimized by identifying the hazards, correcting unsafe work practices, and using proper equipment.

Management selects qualified personnel, trains them to work in a safe manner, and provides supervision to ensure compliance. In each of these areas, management will maintain positive control toward prevention of unsafe acts by employees. If an accident occurs, the most important factor in accident investigation is to determine how to prevent a recurrence of the accident. The Office of Risk Management should immediately be made aware of any safety hazards or potential hazards.

Occupational Safety and Health regulations that are applicable to all City departments are contained in the Risk Management Manual, which has been provided to all supervisory, and management personnel. In addition to these regulations, the various departments may have other safety rules that apply to the particular operation.

All safety rules and regulations, both City-wide and departmental, are to be carefully observed so that employee accidents and injuries may be kept to a minimum.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

## **SMOKING IN GOVERNMENT BUILDINGS AND PLACES OF EMPLOYMENT**

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**T**he "Florida Clean Indoor Air Act" prohibits smoking in public places including, but not limited to, government buildings and places of employment, except in designated smoking areas.

Employees are not permitted to smoke in any City building except in those locations that may be designated as smoking areas. Smoking areas will be identified as such by signs, stating "Smoking Area." Smoking is forbidden in all other areas.

The designation of smoking areas is not mandatory. However, such areas may be established if it will not require any alterations or modification to existing facilities, including physical barriers or ventilation, heating and air conditioning systems.

Due consideration will be given to the rights of smokers and non-smokers, in keeping with applicable laws; therefore, the following procedures have been adopted for the designation of smoking areas:

1. The respective Department Directors or their designees shall determine whether smoking areas should be established in buildings that are within their sphere of responsibility.

2. When it is determined that a smoking area is to be permitted in a workplace, it may be so designated, provided that:
  - (a) The proportion of smokers and non-smokers has been taken into consideration;
  - (b) It will not require any alterations to existing facilities; and
  - (c) All other provisions of applicable laws and regulations are met.
3. Areas that are designated for smoking shall be posted with approved "Smoking Area" signs that are available from the City Purchasing Department.
4. Smoking is prohibited in all city vehicles.

**REFERENCE:** Chapter 386.201-209, Florida Statutes

**ORIGINAL EFFECTIVE DATES:** January 1, 1989,  
February 9, 2006

## **SOLICITATION AND DISTRIBUTION**

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**N**on-employees shall not engage in any solicitation or distribution of literature upon City property at any time, except those who have prior approval of the City to do so.

Soliciting employees during working hours is prohibited. Distribution of literature by employees during working hours in areas where the actual work of employees is performed is also prohibited.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATES:** January 1, 1989  
December 22, 2003



## **SUGGESTION AWARDS PROGRAM**

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**T**he City, as any other employer, benefits greatly from the creative thinking, innovations, and accomplishments of its employees. This policy establishes the criteria by which employees' suggestions, which contribute, to the efficiency, economy, or other improvements in the operations of the City are to be considered and rewarded.

The Employee Suggestion Program offers non-monetary and monetary awards to employees who propose procedures or ideas, which, if adopted, result in the elimination or reduction of unnecessary expenditures or improving operations.

Suggestions from all employees for improving the efficiency, economy and public image of the City are solicited and welcomed, but only employees below the level of Assistant Division Head are eligible for the monetary awards available under provisions of the program.

### **GUIDELINES**

1. Suggestions relating to improvements in the following areas shall be eligible for consideration:
  - (a) Improvement in service to the public without a corresponding increase in cost;
  - (b) Monetary savings to the City;
  - (c) Improvements in safety conditions;

- (d) Improvements in working conditions;
  - (e) Improvements in work methods;
  - (f) Conservation of energy;
  - (g) Increased efficiency; and
  - (h) Improvements in public image.
2. Suggestions, which are in the following categories, are not eligible for an award:
- (a) Grievances or complaints;
  - (b) Suggestions for changes that are already under consideration by the City;
  - (c) Suggestions that concern routine maintenance matters such as repairing or replacing worn equipment or tools;
  - (d) Pay, employee benefits, and job classification matters; and
  - (e) Employee Retirement Fund administration.

## **PROGRAM ADMINISTRATION**

1. The Suggestion Awards Committee will consist of the Finance Director or designee, the chairperson of the Employees' Association Employee Affairs Committee, and the Employee Relations Director or designee.
2. The Suggestion Awards Committee will evaluate suggestions and determine type and amount of award.
3. Where suggestions involve department operations, the appropriate Department Directors or designees shall submit their written recommendations to the Suggestion Awards Committee.
4. Suggestions that, for proper review, require research and expertise of a particular department, division, or activity will be referred for such review. The persons responsible for such review will report their findings to the Suggestion Awards Committee.

## **AWARDS**

1. Suggestions that either increase the efficiency of operations or improve the methods or procedures of the City will be referred to as intangible ideas. This concerns suggestions for which a monetary value cannot be readily determined. When a suggestion in this category is adopted, the committee will recommend to the City Manager that the suggestor be awarded a certificate of appreciation. The committee may also recommend a monetary award of up to \$100.

2. If the Committee finds that a suggestion would result in actual monetary savings to the City, it may recommend to the City Manager that a monetary award be paid to the suggestor in the amount of 10 percent of the estimated or actual monetary savings of the first year, not to exceed \$1,000.
3. Monetary awards more than \$50 will require approval by the City Manager. Monetary awards in excess of \$300 will require approval of the City Commission.
4. Monetary awards granted for suggestions submitted jointly by more than one employee shall be shared equally by the suggestors. In the event that two or more employees submit similar suggestions separately, the suggestion submitted first will be the only one eligible for an award.

### **GENERAL PROCEDURE**

1. All suggestions must be submitted to the Employee Relations Office on the form designated for this purpose. Forms are available on Outlook and from the Employee Relations Office.
2. After a determination is made by the Awards Committee on each suggestion, the Committee will notify the suggesting employee(s) of its decision. In the event a decision is delayed, the Committee will notify the suggesting employee(s) of the status of the suggestion.

3. The Employee Suggestion Awards Program is excluded from the City Grievance Procedure.
4. The acceptance of any award from the City for a suggestion shall be considered compensation in full, and further claims, which may arise as a consequence of the City adopting, and implementing the suggestion will not be considered.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

**REVISED EFFECTIVE DATES:** April 1, 1991,  
August 1, 1999, December 22, 2003



## **TRAVEL EXPENSES**

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**Purpose:** To reimburse City employees traveling on City Business. It is the intent of the City of Lakeland to accommodate business-related travel by employees in an economical manner that results in the overall lowest cost to the City. Accordingly, when evaluating the various travel options available in any given situation, the City will limit its obligation to the most economical travel options available.

City employees, traveling on City business, are eligible for reimbursement of associated expenses as follows:

A. Lodging

The City will pay the actual cost of lodging at a single occupancy rate.

B. Meal Reimbursement

The City will pay a per diem meal allowance using the Internal Revenue Services (IRS) High-Low schedule, which identifies “High” and “Low” travel areas. If the employee is traveling in a “High” rate area then the “High” rate is used, otherwise, the “Low” rate will be used.

	<u>LOW</u>	<u>HIGH</u>
Breakfast	\$8	\$10
Lunch	\$12	\$15
Dinner	\$22	\$30
Total:	\$42	\$55

No employee shall be reimbursed for any meal or lodging included in a conference or convention registration fee paid by the City. To qualify for a meal allowance the employee must meet the following time requirements:

- Breakfast:** When travel begins before 6:00 AM and extends beyond 8:00 AM
- Lunch:** When travel begins before 12:00 PM and extends beyond 2:00 PM
- Dinner:** When travel begins before 6:00 PM and extends beyond 8:00 PM

A meal allowance will not be paid for meetings or seminars held in Lakeland or the immediate vicinity (10-mile radius) unless included in the registration fee for the specific event.

C. Availability of City Transportation

A City vehicle shall be used for travel on City business whenever possible.

**MILEAGE REIMBURSEMENT**

- 1.) When a City car is not available for travel within the State of Florida, private auto usage for City travel or other City business may be reimbursed at the rates, established by IRS/GSA Regulations then in effect.

**NOTE:** Check with your timekeeper or department administrative support for current applicable rates.

- 2.) Personal cars may not be used for interstate travel unless the cost of tourist/economy airfare exceeds the allowance for Privately Owned Vehicle (POV) mileage reimbursement referred to above. At no time shall the City reimburse an amount higher than the prevailing cost of tourist/economy airfare.
- 3.) The employee's supervisor must approve of the use of a personal vehicle when a City car is available for out of town travel. For in town travel, a City pool vehicle should be used when possible.

When an employee uses his/her own personal vehicle for City business, the employee's personal automobile insurance would be the first line of coverage should an accident occur. When a personal auto is used, the mileage allowance shall be 75% of the Rate paid for POV use when a city vehicle is not available.

- 4.) Department Directors receiving a monthly mileage allowance in lieu of a City car shall be eligible for mileage reimbursement at the reduced rate specified above for travel outside Polk County.
- 5.) Travel time to and from work and/or occurring before and after the normal work day is not compensable. The number of compensable travel related hours (those which occur during the normal work day) are limited to no more than the number of hours associated with the most efficient travel alternative, usually by air for out of state travel.

D. Required Receipts

Itemized expense vouchers must be submitted for each trip and approved by the Finance Director or his designated representative.

Receipts are required for the following:

1. Hotel or motel accommodations
2. Transportation expense:
  - (a) Gasoline receipt, if driving a City vehicle
  - (b) Air fare
3. Registration fees
4. Parking
5. Other miscellaneous reimbursable expenses (i.e. road tolls, taxi, telephone calls for official city business, etc...)
6. Money refunded to the City for an excessive advance.

**REFERENCE:** Florida Statutes, Chapter 112.061,  
City Commission Action June 6, 1994

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

**REVISED EFFECTIVE DATES:** February 18, 1991,  
July 1, 1994, August 1, 1999, October 17, 2005, January 1, 2006,  
March 15, 2007.

This policy supersedes the policy dated March 15, 2007 of the  
same name.

**NEW REVISED EFFECTIVE DATE:** January 1, 2008

**CITY MANAGER APPROVED:**

A handwritten signature in black ink, reading "Doug B. Thomas". The signature is written in a cursive style with a large initial "D" and "T".



## IRS-HI LOW TABLE

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**Table 2.** Localities Eligible for \$246 (\$58 M&IE) Per Diem Amount Under the High-Low Substantiation Method (Effective October 1, 2006)

**Note:** The standard (low) rate of \$148 (\$103 for lodging and \$45 for M&IE) applies to all locations within the continental United States (CONUS) not specifically listed below or encompassed by the boundary destination of a listed point.

Per Diem Locality		
State	Key City	County and/or Other Defined Location
AZ	Phoenix, Scottsdale	Maricopa
CA	San Francisco	San Francisco
	Santa Barbara	Santa Barbara
	Santa Monica	City limits of Santa Monica
	South Lake Tahoe	El Dorado
CO	Aspen	Pitkin
	Crested Butte, Gunnison	Gunnison
	Steamboat Springs	Routt
	Telluride	San Miguel
	Vail	Eagle
DC	Washington, DC (also the cities of Alexandria, Fairfax, and Falls Church, and the counties of Arlington and Fairfax, in Virginia, and the counties of Montgomery and Prince George's in Maryland)	
FL	Fort Lauderdale	Broward
	Fort Walton Beach, DeFuniak Springs	Okaloosa, Walton
	Key West	Monroe
	Miami	Miami-Dade
	Naples	Collier
	Palm Beach	Palm Beach (also the cities of Boca Raton, Delray Beach, Jupiter, Palm Beach Gardens, Palm Beach Shores, Singer Island, and West Palm Beach)
	Stuart	Martin
IL	Chicago	Cook, Lake
LA	New Orleans	Orleans, St. Bernard, Jefferson, and Plaquemines Parishes
MA	Boston, Cambridge	Suffolk, City of Cambridge
	Martha's Vineyard	Dukes
	Nantucket	Nantucket
MD	Counties of Montgomery and Prince George's	
	Baltimore	Baltimore City
	Cambridge, St. Michael's	Dorchester, Talbot
	Ocean City	Worcester

Table 2. (Effective October 1, 2006) (Continued)

Per Diem Locality		
State	Key City	County and/or Other Defined Location
NY	Floral Park, Garden City, Glen Cove, Great Neck, Roslyn	Nassau
	Lake Placid	Essex
	Manhattan	Boroughs of Manhattan, Brooklyn, the Bronx, and Staten Island
	Queens	Queens
	Saratoga Springs, Schenectady	Saratoga, Schenectady
PA	Philadelphia	Philadelphia
RI	Jamestown, Middletown, Newport	Newport
	Providence	Providence
UT	Park City	Summit
VA	Cities of Alexandria, Falls Church, and Fairfax; counties of Arlington and Fairfax	
WA	Seattle	King

## **UNLAWFUL EMPLOYEE HARASSMENT**

**T**he City expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, or marital status. Improper interference with the ability of City employees to perform their expected job duties will not be tolerated. Such conduct may result in disciplinary action, up to and including termination.

### **SEXUAL HARRASSMENT**

Any complaint of sexual harassment or any other type of harassment or discrimination will be immediately referred to the Employee Relations Director or designee.

With respect to sexual harassment, the City prohibits:

1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where;
  - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
  - (b) Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or

- (c) Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
2. Offensive material of a sexual nature, offensive comments, jokes, innuendos, and other sexually oriented statements.

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers.

Any person who believes he/she is a victim of harassment or discrimination based on sex, race, or another factor should immediately report the matter to their immediate supervisor, who is required to refer the matter to the Employee Relations Director or his/her designee. Should the immediate supervisor be the alleged offender, the employee should report the complaint to the level of management above the supervisor, who is required to refer the matter to the Employee Relations Director or his/her designee. Should the employee wish to report the matter directly to the Employee Relations Director, he/she may do so. The complaint will be investigated promptly and if found to have merit steps will be taken to end the harassment including any appropriate disciplinary action against the offending employee up to and including termination.

## **HOSTILE WORK ENVIRONMENT**

Employees of the City of Lakeland are prohibited from acting in a hostile manner against any other employees, direct reports, or supervisors. Such conduct may result in disciplinary action, up to and including termination.

Managers are responsible for providing a work environment free from intimidation, fear, and threats, whether physical or career related. Employees who judge that they are subject to a hostile work environment are encouraged to first speak to their supervisors and are free to report the complaint to the Employee Relations Director or his/her designee. Disciplinary actions, which are founded and positively administered, are not considered hostile actions.

Any form of retaliation against any employee for filing a bona fide complaint under this policy or assisting in a complaint investigation is prohibited. However, if, after investigating any complaint of harassment or unlawful discrimination, it is determined that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave false information, up to and including termination.

Questions pertaining to this policy should be directed to the Employee Relations Office.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

**REVISED EFFECTIVE DATES:** February 1, 1994,  
April 6, 2005

## UNION REPRESENTATION

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**T**he laws of the state of Florida provide that public sector employees have the right to organize or join labor unions or organizations and to collectively bargain over the terms and conditions of their employment. The law equally protects the rights of public sector employees to not form or join labor organizations or engage in collective bargaining.

The City Commission and City administration firmly believe that labor unions/organizations do not serve the best interests of the employees or residents of the City. Unions have no responsibility to produce the revenue required to provide salaries, benefits, buildings, or equipment necessary to keep the City functioning at a satisfactory level of service. A significant part of the City's ability to function depends upon the hiring, promoting and training of capable employees.

As a result, the City will always have a greater interest in its employees as individuals than would a labor union/organization. The same state law that provides for collective bargaining gives the City Commission ultimate authority in determining what issues, if any, may be negotiated.

The City has operated for many years on the fundamental philosophy of fair treatment in all relations with its employees. The City will continue to strive for good salaries, benefits, and working conditions and encourage all levels of management to maintain and promote good employee relations.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** January 1, 1989

## VOLUNTEER SERVICE TO COMMUNITY SCHOOLS

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**E**mployees are encouraged to participate in mentoring and other activities related to children's education. Each employee may be granted up to 36 hours of administrative leave per calendar year to participate in volunteer services to local schools, such as mentoring, tutoring, assisting in career days, helping in after-school homework programs, participating in Partners for Excellence programs. This policy applies to both public and private schools in the Lakeland Electric service area only.

A Request for Leave form must be completed by the employee PRIOR to participation and approved in advance by the employee's Department Director. Approval will be granted at the discretion of the Department Director and may be withheld, if the leave creates scheduling difficulties and/or requires overtime. Confirmation from the school receiving service must be documented on the Request for Leave form for the employee to receive paid time off. The City shall reimburse no employee-incurred expenses associated with this program. Travel time is included in the 36-hour annual maximum.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** February 1, 2002

**REVISED EFFECTIVE DATE:** October 1, 2005

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## **WORKPLACE VIOLENCE**

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**T**he City of Lakeland recognizes the need for an environment free from violence, intimidation, and harassment. The City of Lakeland supports a “zero tolerance” Workplace Violence policy and will not permit, tolerate or condone any acts of workplace violence. All employees are prohibited from engaging in any behavior that results in, or could be perceived as, workplace violence. All employees are responsible for maintaining a safe and secure work environment by reporting all threats and/or acts of violence, and by cooperating fully in an investigation of such threats and/or acts. The City of Lakeland will take any and all steps deemed necessary to protect its employees and customers from any and all forms of violence. Any employee, engaged in any form of workplace violence, may be subject to disciplinary action, up to and including termination.

### **DEFINITIONS**

1. City of Lakeland Employee: Any person working for and receiving compensation from the City of Lakeland and its authorities, regardless of location at which work is performed. This includes contract and temporary personnel.
2. Harassment: Any action that creates a hostile work environment through unwelcome words, gestures, actions, and/or physical contact.
3. Threat: Expressions of intent to cause physical harm to person(s), their property and/or City of Lakeland property.

4. Violence: Any act that causes physical tampering/ damage to any person(s), their property and/or City of Lakeland property.
5. Weapon: Any instrument or device of any kind used for the purpose of intimidating, threatening, injuring, and/or killing others.

Workplace violence is defined as, but not limited to the following:

1. Verbal or physical threats of violence, whether or not any intention exists to carry out the threat.
2. The possession of a weapon (whether real or fake), as defined in the preceding section.
3. The display or use of any weapon, tool, instrument or other device when such a display or use intimidates, harasses, injures, or kills another.
4. Any verbal, visual or physical actions that have an intimidating or harassing effect on others.
5. Verbally abusive language, with or without the use of profanity that has the effect of intimidating or harassing another.

## **REPORTING PROCEDURES**

All incidents must be reported immediately to your direct supervisor and/or Employee Relations Director or designee. A consultation may occur with all/one or several of the following areas: Employee Relations Director or designees, City Manager or designee, and Risk Management Director or designee, to assess the situation and make recommendations or immediate and future courses of action to resolve the situation. The response team will evaluate the situation and recommend the necessary action for cases involving immediate threats or acts. Appropriate personnel (police) will actively intervene at any indication of a possible hostile or violent situation. All reports of incidences will be forwarded to Employee Relations for investigation and resolution. Information will only be disclosed on a need to know basis for future risk management, situation assessment, policy revision, etc.

**REFERENCE:** Administrative Directive

**ORIGINAL EFFECTIVE DATE:** September 14, 2001

