



**City Council Meeting**  
**City of Belleair Beach, Florida**

**Monday, August 7, 2023**  
**Community Center, 6:00 PM**

**PUBLIC MEETING NOTICE**  
**AGENDA**

Call to Order  
Prayer of Invocation by Councilmember Mike Zabel  
Pledge of Allegiance  
Roll Call

1. Approval of Agenda.
2. Citizens Comments. (Each speaker will be recognized once and will be limited to a (3) three-minute presentation on any subject that is not on the Agenda)
3. Presentation: Pinellas County Sheriff's Office.
  - Law Enforcement monthly report
  - Code Enforcement monthly report
4. Presentation: Pinellas Suncoast Fire & Rescue District.
5. City Attorney Report.
6. City Manager Report.
7. City Clerk Report.

**Consent Agenda**

8. Approval of July 10, 2023, City Council Meeting Minutes.
9. Approval of July 17, 2023, Budget Workshop Minutes.
10. Approval of July 17, 2023, Special City Council Meeting Minutes.
11. Approval of July 24, 2023, City Council Work Session Minutes.

**Regular Agenda**

12. Consideration of Ordinance 23-04, An Ordinance Of The City Council Of The City Of Belleair Beach, Florida, Repealing Previously Adopted Versions Of The City's Personnel Manual; Providing For The Creation Of Chapter 2, Article Iv, Division 1, Section 2-143 "Personnel Policy Manual" Making Provision For The Adoption And Amendment Of Personnel Policies Via Resolution; Providing For Severability; And Providing For An Effective Date. (First Reading) (City Manager Riefler)
13. Authorize the City Manager to Execute an Extension to the Memorandum of Understanding for Accounting Services. (City Manager Riefler)
  - Extending the Agreement for FY 23/24 with a 3% increase
14. Authorize the City Manager to Execute a Service Agreement with Victor Burianek. (City Manager Riefler)
  - Authorize a service agreement for live video recordings of regular council meetings
15. Unfinished Business.
16. City Council Comments.

**Adjournment**

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The law does not require the City Clerk to transcribe verbatim minutes, therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-595-4646 or fax a written request to 727-593-1409.

Patricia A. Gentry, CMC  
City Clerk

**Upcoming Meetings and Events**

as of August 3, 2023

**Park and Recreation Board Meeting**

Thursday, August 24, 2023

2:30pm



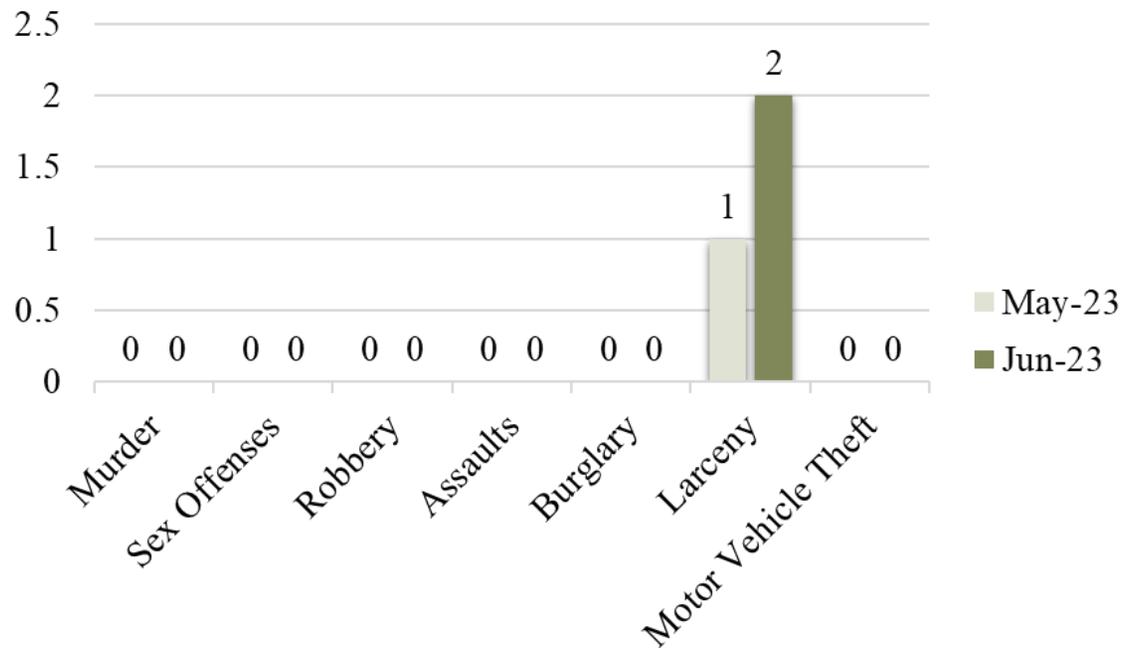
STRATEGIC PLANNING DIVISION

BELLEAIR BEACH MONTHLY ANALYSIS

Select UCR Property & Person Crimes

June 2023

Select UCR Property & Person Crimes	May 2023	June 2023	June 2022 YTD	June 2023 YTD
Murder	0	0	0	0
Sex Offenses	0	0	1	0
Robbery	0	0	0	0
Assaults	0	0	7	6
Burglary	0	0	3	0
Larceny	1	2	9	4
Motor Vehicle Theft	0	0	0	0
<b>GRAND TOTAL</b>	<b>1</b>	<b>2</b>	<b>20</b>	<b>10</b>



## Arrests

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### June 2023

There was a total of **4** people arrested in the City of Belleair Beach during the month of June resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
<b>Felony</b>	<b>1</b>
Violation Of Probation/Community Control-Adult	1
<b>Traffic Misdemeanor</b>	<b>3</b>
Driver's License Suspended/Revoked-1st Conviction	1
Driver's License Suspended/Revoked-2nd Conviction	1
Driving Under The Influence	1
<b>Grand Total</b>	<b>4</b>

\*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

## Deputy Activity

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There was a total of **789** events in the City of Belleair Beach during the month of June resulting in **876** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Belleair Beach for the month of June. \*CAD data is filtered by problem type.

### June 2023

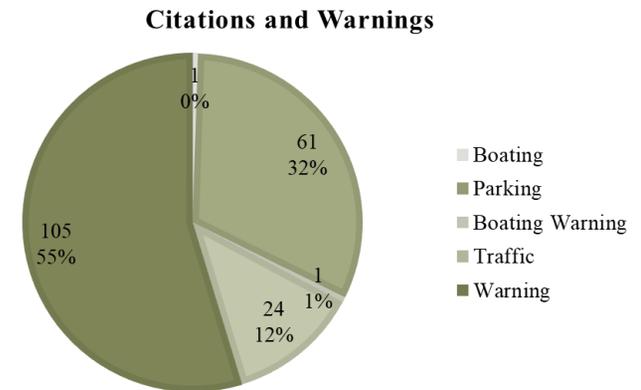
DEPUTY ACTIVITY	TOTAL
Directed Patrol	181
House Check	179
Traffic Stop	128
Vehicle Abandoned/Illegally Parked	74
Area Check	47
Contact	37
Ordinance Violation	34
Traffic Control	19
911 Hang-up Or Open Line	14
Suspicious Vehicle	10
Assist Citizen	9
Suspicious Person	7
Information/Other	7
Transport Prisoner	5
Domestic-In Progress	3
Traffic/DWLSR	3
Fraud/Forgery-Not In Progress	3
Traffic Violation	3
Open Door/Window	3
Boating Vessel Stop	3
Assist Other Agency	2
Lost/Found/Abandoned Property	2
Alarm	2
Traffic Hazard/Obstruction	2
Drug Call-Not In Progress	2

## Crash & Citation Analysis

There was **NO** crashes in the City of Belleair Beach during June 2023. \*Crash data is filtered by disposition type and may include “accident and hit and run” problem types.

There were a total of **192** citations and warnings issued in the City of Belleair Beach during June 2023.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
Gulf Blvd & Causeway Blvd	4
Gulf Blvd & 18th St	3
444 Causeway Blvd	2
Gulf Blvd & 2nd St	2
Gulf Blvd & 25th St	2
Causeway Blvd & Spruce Drive	2
Gulf Blvd & 13th St	2
Gulf Blvd & 6th St	1
Gulf Blvd & 5th St	1
Gulf Blvd & 14th St	1



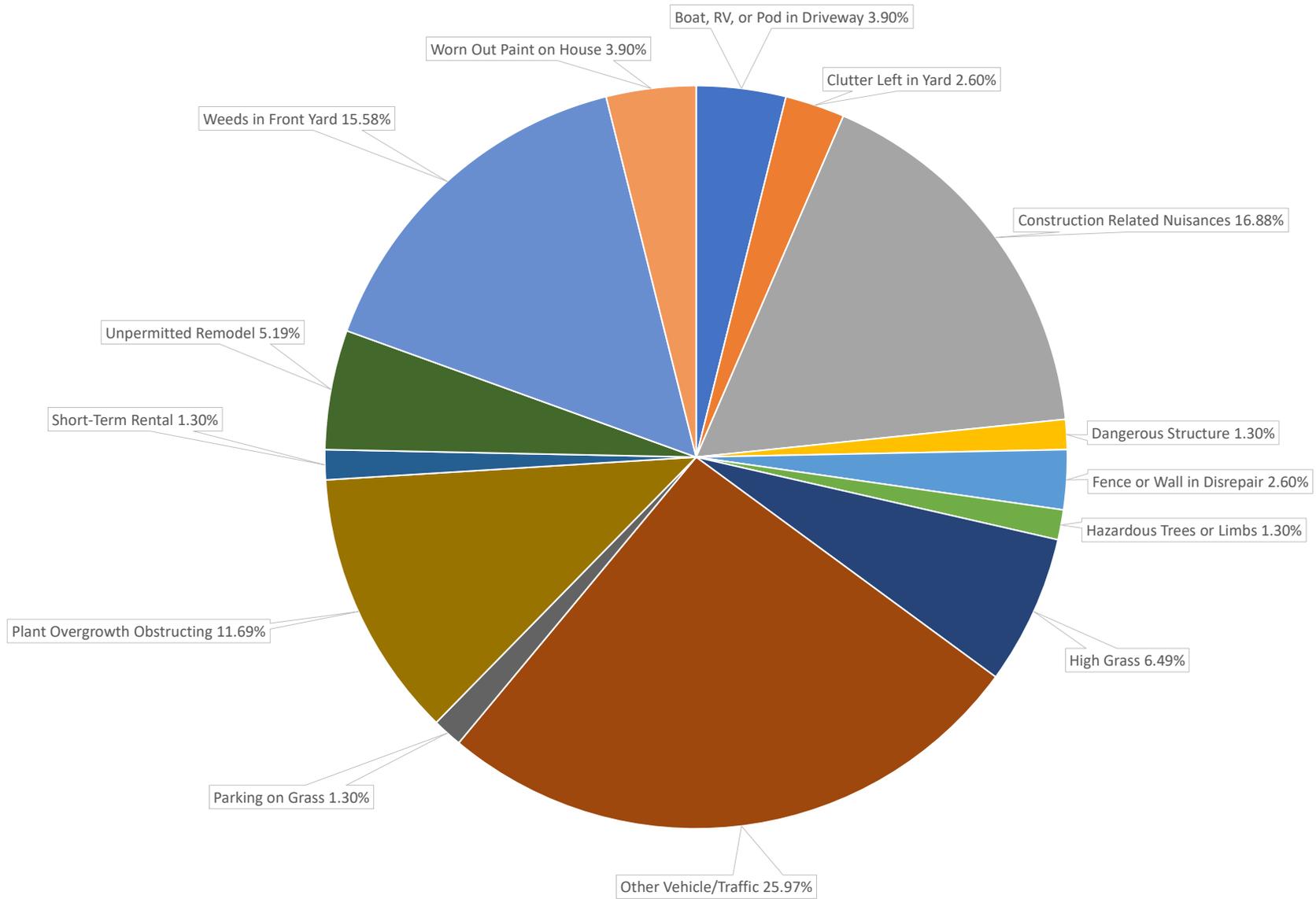


# MONTHLY CODE ENFORCEMENT REPORT

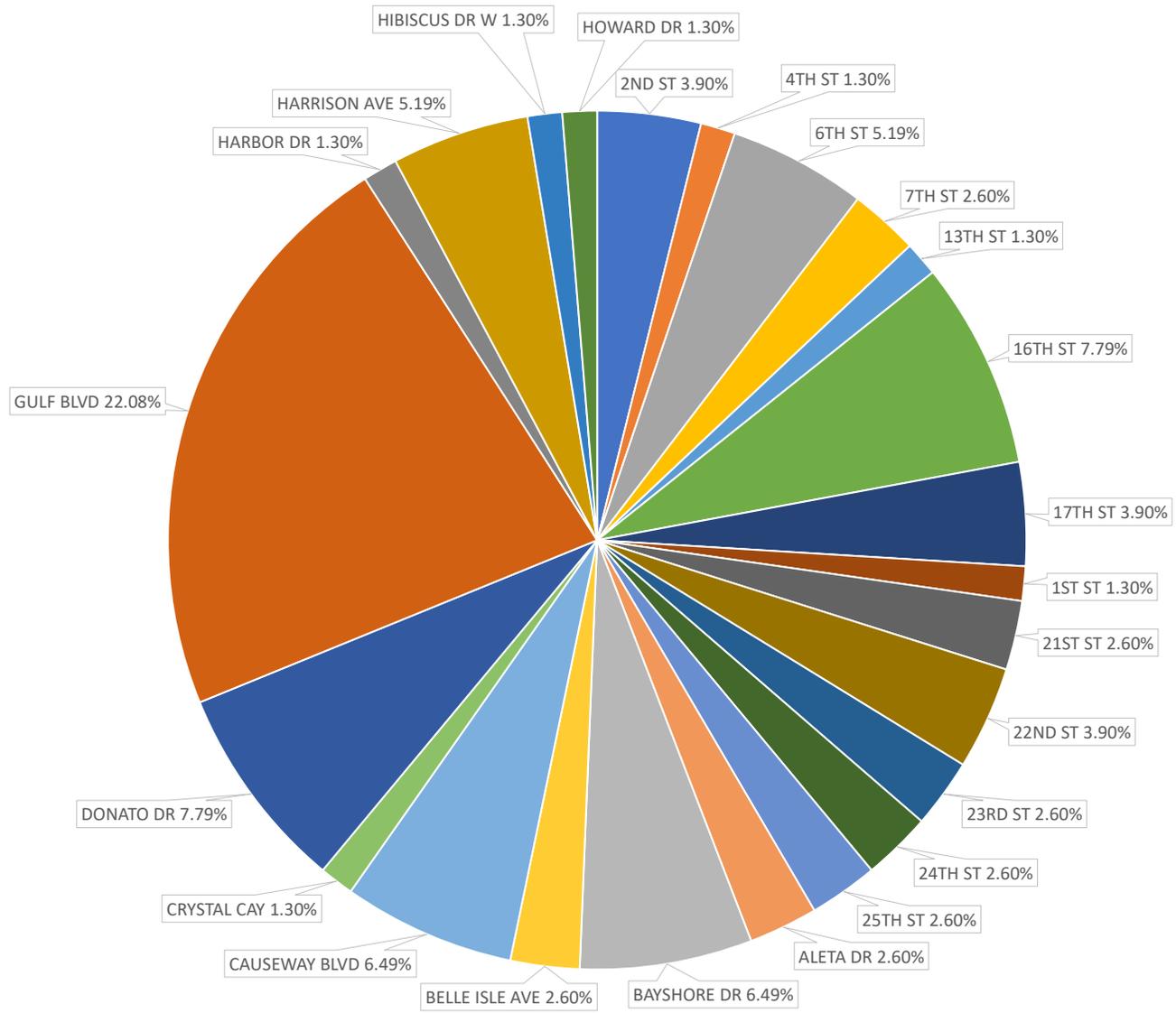
Category	Action DATE	Open DATE	Closed DATE	DAYS OPEN	#	Street Name	SOURCE	STAFF	COMMENTS
Other Vehicle/Traffic	7/4/2023	7/4/2023	7/4/2023	0	Gulf Bl	CAUSEWAY BLVD	On View	PCSO	Traffic Infraction
Weeds in Front Yard	7/4/2023	6/30/2023	7/4/2023	4	106	2ND ST	On View	PCSO	Follow up Ord Violation Closed
Weeds in Front Yard	7/4/2023	6/30/2023	7/4/2023	4	703	HARBOR DR	On View	PCSO	Follow up Ord Violation Closed
Parking on Grass	7/4/2023	6/30/2023	7/4/2023	4	105	CAUSEWAY BLVD	On View	PCSO	Follow up Ord Violation Closed
Construction Related Nuisances	7/4/2023	6/30/2023	7/4/2023	4	113	17TH ST	On View	PCSO	Follow up Ord Violation Closed
High Grass	7/4/2023	6/30/2023	7/4/2023	4	103	21ST ST	On View	PCSO	Follow up Ord Violation Closed
Other Vehicle/Traffic	7/4/2023	6/30/2023	7/4/2023	4	120	ALETA DR	On View	PCSO	Follow up Ord Violation Closed
Other Vehicle/Traffic	7/4/2023	7/4/2023	7/4/2023	0	107	HARRISON AVE	On View	PCSO	Street Parking / Moved Closed
High Grass	7/6/2023	7/6/2023	7/14/2023	8	103	7TH ST	On View	PCSO	5 Day Notice
Other Vehicle/Traffic	7/6/2023	7/6/2023	7/6/2023	0	444	CAUSEWAY BLVD	On View	PCSO	Parking Violation Citation
Worn Out Paint on House	7/6/2023	5/11/2023	7/6/2023	56	102	13TH ST	On View	PCSO	Violation Corrected
Clutter Left in Yard	7/6/2023	6/22/2023	7/6/2023	14	301	22ND ST	On View	PCSO	Violation Corrected
Plant Overgrowth Obstructing	7/6/2023	6/21/2023	7/10/2023	19	2221	GULF BLVD	On View	PCSO	Still in Violation
Boat, RV, or Pod in Driveway	7/6/2023	7/6/2023	7/14/2023	8	108	21ST ST	On View	PCSO	5 Day Notice
Construction Related Nuisances	7/6/2023	7/6/2023	7/10/2023	4	103	25TH ST	On View	PCSO	5 Day Notice
Unpermitted Remodel	7/6/2023	7/6/2023	OPEN	32	2450	BAYSHORE DR	On View	PCSO	Stop Work Order
Other Vehicle/Traffic	7/6/2023	7/6/2023	7/6/2023	0	2250	DONATO DR	Call for Service	PCSO	Civil Issue / Closed
Clutter Left in Yard	7/7/2023	7/7/2023	7/14/2023	7	112	16TH ST	On View	PCSO	5 Day Notice
High Grass	7/7/2023	7/7/2023	7/10/2023	3	113	17TH ST	On View	PCSO	5 Day Notice
Fence or Wall in Disrepair	7/7/2023	6/16/2023	7/7/2023	21	301	22ND ST	On View	PCSO	Violation Corrected
Construction Related Nuisances	7/7/2023	7/7/2023	7/7/2023	0	105	24TH ST	On View	PCSO	Open Door / Report
Unpermitted Remodel	7/7/2023	11/4/2022	7/7/2023	245	2720	HIBISCUS DR W	On View	PCSO	Permit Issued
Other Vehicle/Traffic	7/7/2023	7/7/2023	7/7/2023	1	2650	GULF BLVD	On View	PCSO	Parking Violation Citation
High Grass	7/10/2023	7/7/2023	7/10/2023	3	113	17TH ST	On View	PCSO	Violation Corrected
Construction Related Nuisances	7/10/2023	7/7/2023	7/10/2023	3	103	25TH ST	On View	PCSO	Violation Corrected
Plant Overgrowth Obstructing	7/10/2023	7/7/2023	7/10/2023	3	2221	GULF BLVD	On View	PCSO	Violation Corrected
Construction Related Nuisances	7/10/2023	7/10/2023	7/10/2023	0	211	HOWARD DR	On View	PCSO	Valid Permit
Plant Overgrowth Obstructing	7/10/2023	7/10/2023	7/19/2023	9	205	HARRISON AVE	On View	PCSO	5 Day Notice
Other Vehicle/Traffic	7/10/2023	7/10/2023	7/10/2023	0	2650	GULF BLVD	On View	PCSO	Parking Violation Citation
Construction Related Nuisances	7/11/2023	7/11/2023	7/11/2023	0	705	GULF BLVD	On View	PCSO	Valid Permit
Plant Overgrowth Obstructing	7/11/2023	7/11/2023	OPEN	27	120	CAUSEWAY BLVD	Call for Service	PCSO	5 Day Notice
Other Vehicle/Traffic	7/11/2023	7/11/2023	7/11/2023	0	120	CAUSEWAY BLVD	Call for Service	PCSO	Violation Notice Sent
High Grass	7/14/2023	7/6/2023	7/14/2023	8	103	7TH ST	On View	PCSO	Violation Corrected
Boat, RV, or Pod in Driveway	7/14/2023	7/6/2023	7/14/2023	8	108	24TH ST	On View	PCSO	Violation Corrected
Construction Related Nuisances	7/14/2023	7/14/2023	7/14/2023	0	2311	BAYSHORE DR	On View	PCSO	A/C install Valid Permit
Other Vehicle/Traffic	7/14/2023	7/14/2023	7/14/2023	0	2650	GULF BLVD	On View	PCSO	2 Parking Citations
Other Vehicle/Traffic	7/16/2023	7/16/2023	7/16/2023	0	9th	GULF BLVD	On View	PCSO	Traffic Infraction
Weeds in Front Yard	7/16/2023	7/16/2023	7/25/2023	9	109	6TH ST	On View	PCSO	5 Day Notice
Weeds in Front Yard	7/16/2023	7/16/2023	7/25/2023	9	108	6TH ST	On View	PCSO	5 Day Notice
Plant Overgrowth Obstructing	7/16/2023	7/16/2023	OPEN	22	2234	DONATO DR	On View	PCSO	5 Day Notice
Construction Related Nuisances	7/16/2023	7/16/2023	7/17/2023	1	2234	DONATO DR	On View	PCSO	No Permit

Category	Action DATE	Open DATE	Closed DATE	DAYS OPEN	#	Street Name	SOURCE	STAFF	COMMENTS
Worn Out Paint on House	7/16/2023	6/26/2023	OPEN	42	111	23RD ST	On View	PCSO	Follow up/Still in Violation
Construction Related Nuisances	7/16/2023	7/16/2023	7/16/2023	0	3102	CRYSTAL CAY	On View	PCSO	No Work on Sunday
Construction Related Nuisances	7/16/2023	7/16/2023	7/16/2023	0	424	BELLE ISLE AVE	On View	PCSO	No Work on Sunday
Other Vehicle/Traffic	7/16/2023	7/16/2023	7/16/2023	0	2650	GULF BLVD	On View	PCSO	Parking Violation Citation
Construction Related Nuisances	7/16/2023	7/16/2023	7/16/2023	0	102	4TH ST	On View	PCSO	No Work on Sunday
Unpermitted Remodel	7/17/2023	6/5/2023	OPEN	63	112	1ST ST	On View	PCSO	Follow up Pending
Construction Related Nuisances	7/17/2023	7/16/2023	7/17/2023	1	2234	DONATO DR	On View	PCSO	Valid Permit
Plant Overgrowth Obstructing	7/17/2023	7/17/2023	7/28/2023	11	3221	GULF BLVD	On View	PCSO	5 Day Notice
Weeds in Front Yard	7/19/2023	7/19/2023	OPEN	19	106	2ND ST	On View	PCSO	5 Day Notice
Plant Overgrowth Obstructing	7/19/2023	7/10/2023	7/19/2023	9	205	HARRISON AVE	On View	PCSO	Follow up Case Closed
Other Vehicle/Traffic	7/19/2023	7/19/2023	7/19/2023	0	21ST	GULF BLVD	On View	PCSO	Traffic Infraction
Dangerous Structure	7/19/2023	3/13/2023	OPEN	147	2244	DONATO DR	On View	PCSO	Code Violation Notice
Fence or Wall in Disrepair	7/19/2023	7/19/2023	OPEN	19	113	ALETA DR	On View	CM	5 Day Notice
Other Vehicle/Traffic	7/24/2023	7/24/2023	7/24/2023	0	2507	BAYSHORE DR	Call for Service	PCSO	Back up / Domestic
Hazardous Trees or Limbs	7/24/2023	6/22/2023	7/24/2023	32	617	BELLE ISLE AVE	On View	PCSO	Corrected / Case Closed
Plant Overgrowth Obstructing	7/24/2023	7/16/2023	OPEN	22	2234	DONATO DR	On View	PCSO	Case Pending
Worn Out Paint on House	7/24/2023	7/4/2023	OPEN	34	111	23RD ST	On View	PCSO	Code Violation Notice
Weeds in Front Yard	7/25/2023	7/19/2023	OPEN	19	106	2ND ST	On View	PCSO	Follow up / Pending
Weeds in Front Yard	7/25/2023	7/16/2023	7/25/2023	9	109	6TH ST	On View	PCSO	Corrected / Case Closed
Weeds in Front Yard	7/25/2023	7/16/2023	7/23/2023	7	108	6TH ST	On View	PCSO	Corrected / Case Closed
Weeds in Front Yard	7/25/2023	7/25/2023	OPEN	13	106	16TH ST	On View	PCSO	5 Day Notice
Weeds in Front Yard	7/25/2023	7/25/2023	OPEN	13	108	16TH ST	On View	PCSO	5 Day Notice
Unpermitted Remodel	7/25/2023	6/17/2023	OPEN	51	109	16TH ST	On View	PCSO	Follow up
Other Vehicle/Traffic	7/25/2023	7/25/2023	7/25/2023	0	107	HARRISON AVE	On View	PCSO	Vehicle Moved / Warning
Other Vehicle/Traffic	7/28/2023	7/28/2023	7/28/2023	0	25th	BAYSHORE DR	On View	PCSO	Vehicle Moved / Warning
Boat, RV, or Pod in Driveway	7/28/2023	7/28/2023	OPEN	10	2507	BAYSHORE DR	On View	PCSO	5 Day Notice
Other Vehicle/Traffic	7/28/2023	7/28/2023	7/28/2023	0	25th	GULF BLVD	On View	PCSO	Traffic Infraction
Construction Related Nuisances	7/28/2023	7/17/2023	7/28/2023	11	3221	GULF BLVD	On View	PCSO	Corrected / Case Closed
Other Vehicle/Traffic	7/28/2023	7/28/2023	7/28/2023	0	2650	GULF BLVD	On View	PCSO	3 Parking Citations
Plant Overgrowth Obstructing	7/31/2023	7/11/2023	7/31/2023	20	120	GULF BLVD	On View	PCSO	Corrected / Case Closed
Other Vehicle/Traffic	7/31/2023	7/31/2023	7/31/2023	0	15th	GULF BLVD	On View	PCSO	Soliciting / Warning Issued
Weeds in Front Yard	7/31/2023	7/25/2023	7/31/2023	6	106	16TH ST	On View	PCSO	Corrected / Case Closed
Weeds in Front Yard	7/31/2023	7/25/2023	7/31/2023	6	108	16TH ST	On View	PCSO	Corrected / Case Closed
Other Vehicle/Traffic	7/31/2023	7/31/2023	7/31/2023	0	40	GULF BLVD	Call for Service	PCSO	Trespassers
Other Vehicle/Traffic	7/31/2023	7/31/2023	7/31/2023	0	2650	GULF BLVD	On View	PCSO	Parking Violation Citation
Short-Term Rental	7/31/2023	7/31/2023	7/31/2023	0	205	22ND ST	Call for Service	PCSO	No Violation

# Categories



# Utggu



# OUTSTANDING CODE VIOLATIONS

Violation Category	#	STREET NAME	START DATE	DAYS OPEN	COMMENTS
Construction Related Nuisances	<b>103</b>	25th Street	1/22/21	<b>927</b>	Approximately \$275,000.00 in unpaid fines.
Dangerous Structure	<b>105</b>	8th Street	6/12/2022	<b>421</b>	Owner has submitted an application to Pinellas County a full independent assessment.
Short-Term Rental	<b>109</b>	13th Street	12/27/2022	<b>223</b>	\$17,359.45 in fines owed. House is in foreclosure.



**City Manager Report  
August 2023**

<b>Project</b>	<b>Key Dates</b>	<b>Unforeseen Issues</b>	<b>Assistance Required</b>	<b>Status</b>
FY2023-24 Budget	<p>August 18<sup>th</sup> - RFP submission deadline for solid waste/recycling collection services.</p> <p>September 6<sup>th</sup> – First Public Hearing on the Proposed Millage Rate and Budget.</p>	None	None	Manager and Financial Consultant preparing draft for First Public Hearing.
Gulf Blvd Undergrounding	August – Utility Consultants of Florida finishing Phase 1.	None	None	UCF completed the 3-inch and 4-inch conduit. They will install the 6-inch conduit, vaults, and equipment pads over the next two weeks.
Stormwater Improvement Projects	August 21 <sup>st</sup> – Gemini Engineering and Sciences presenting project design to Council at next work session.	None	None	Reviewed 60-percent plan submittal with engineering team on August 1 <sup>st</sup> .
Personnel Policy Manual	August 7 <sup>th</sup> – First reading of Ordinance 23-04 to allow Personnel Policy Manual updates via resolutions.	None	None	Manager included revised Personnel Policy Manual to be adopted via resolution after second reading of Ordinance 23-04 on September 6 <sup>th</sup> .



## City Clerk Report July 2023

Item	Description
4 Council Meetings	Regular Meeting, Budget Workshop, Special Meeting, Work Session
1 Code Enforcement Hearing	Expired Building Permit
1 Committee Meeting	To review DRAFT FY 2023-2024 Budget
1 Park and Recreation Board Mtg	Regular Meeting
1 BIG C Meeting	Hosted by the City of Belleair Beach Topic - Beach Nourishment County Administrator Barry Burton and key Pinellas County personnel attended and gave a presentation and Q&A from the BIG C Mayors
3 Public Records Requests	Subpoena Utilities City Clerk's salary
City Email List	" Two new contacts received



**City Council Meeting  
City of Belleair Beach, Florida**

**Monday, July 10, 2023  
Community Center, 6:00 PM**

## **PUBLIC MEETING MINUTES**

The meeting was called to order by Mayor Dave Gattis. The invocation was given by Vice Mayor Jody Shirley followed by a Pledge of Allegiance to the Flag of the United States of America.

**Roll Call:** Present were Councilmembers Frank Bankard, Belinda Livingstone, Leslie Notaro, Lloyd Roberts, and Mike Zabel; Mayor Dave Gattis, Vice Mayor Jody Shirley, City Manager Kyle Riefler, City Clerk Patricia Gentry, and City Attorney Thomas J. Trask.

**For continuity, items are listed in agenda order although not necessarily discussed in that order.**

### **1. Approval of Agenda.**

**MOTION** was made by Councilmember Bankard and seconded by Councilmember Zabel to approve the Agenda.

**Motion passed 7-0.**

### **2. Citizens Comments. (Each speaker will be recognized once and will be limited to a (3) three-minute presentation on any subject that is not on the Agenda)**

BBCF Chair Tammie Levenda gave updates, in part:

- The Adopt-A-Park Program
- Engraved Brick Program
- Belleair Beach Causeway Bridge Cleanup
- Volunteers to plant sea oats
- Permits for the 16th Street kayak launch
- Volunteers are needed for the Foundation

**3. Presentation: Pinellas County Sheriff's Office.**

- **Law Enforcement monthly report**  
A PCSO Representative was not present to give the report.
- **Code Enforcement monthly report**  
Deputy Klapka reviewed the monthly report.  
Weed, grass, and overgrowth violations are up, and unpermitted work is down.

**4. Presentation: Pinellas Suncoast Fire & Rescue District.**

- No report

**5. Presentation: Award of Distinguished Service to Rudy Davis.**

Mayor Gattis presented the award to Mr. Davis for his 20+ years of service to the City.

**6. Quarterly Board Reports.**

- **Board of Adjustment**  
Chair Mike Kelly stated, in part, that the Board has had two hearings this quarter.
- **Citizens Advisory Committee**  
Chair Ron Ciganek stated, in part, that the Committee had met on the Annual Comprehensive Financial Report (ACFR) and will be meeting to review the Annual Budget.
- **Park and Recreation Board**  
Chair Tammie Levenda reviewed, in part, the beach cleanups, welcome bags, and the upcoming third annual Health & Wellness Fair.
- **Planning and Zoning Board**  
Chair J.C. Imfeld stated, in part, that the Board had reviewed the Comprehensive Plan; and that they had reviewed the sign ordinance and would continue the work on it.

**7. City Attorney Report.**

City Attorney Trask spoke regarding Senate Bill 170.

**8. City Manager Report.**

City Manager Riefler reviewed his monthly report in the Agenda Packet and added, in part:

- Discussion at the Budget Workshop included a future savings plan for a boat to do code enforcement from the water
- He has received permission from the property owner to get a thorough analysis of the condition of the tree that has been an ongoing code enforcement item

- He had sent additional information to Council for review regarding waste collection services including:
  - Document from 2019 to current year showing the different contracts that went out for RFP and the percentage of increase per municipality
  - A Waste Management document that summarized all of their cost increases in the different areas of the contract
  - Stated that he is still in negotiations with Waste Management on the increase - they have asked to continue the negotiations - if it is sent for RFP, they will probably not be able to offer the same contract
  - When asked, he stated that his recommendation - based on the figures provided, his discussions with other municipalities regarding their dissatisfaction after they had changed to other providers, feedback on Resident's satisfaction, and the City's relationship with Waste Management - was to stay with Waste Management

Council Comments included, in part:

- Their due diligence to see, through the RFP process, what other companies offer in pricing

**MOTION** was made by Councilmember Bankard and seconded by Councilmember Zabel to put the contract for waste disposal out for RFP.

**Motion passed 6-1 with Councilmember Notaro opposed.**

**9. City Clerk Report.**

None.

**Consent Agenda**

**10. Approval of April 17, 2023, City Council Work Session Minutes.**

**11. Approval of May 22, 2023, City Council Work Session Minutes.**

**12. Approval of June 5, 2023, City Council Meeting Minutes.**

**13. Approval of June 19, 2023, Budget Workshop Minutes.**

**14. Approval of June 21, 2023, City Council Meeting Minutes.**

**MOTION** was made by Councilmember Bankard and seconded by Councilmember Notaro to approve the Consent Agenda.

**Motion passed 7-0.**

**Regular Agenda**

**15. Consideration of Appointments to the Park and Recreation Board.**

- **Susan Conti**
- **Michael Leeks**

**MOTION** was made by Councilmember Bankard and seconded by Councilmember Roberts for the Vote.

**Motion passed 7-0.**

**Vote:**

Councilmember Bankard voted for Mr. Leeks to fill the term ending July 2025, and Ms. Conti to fill the term ending September 2023.

Councilmember Livingstone voted for Mr. Leeks to fill the term ending July 2025, and Ms. Conti to fill the term ending September 2023.

Councilmember Notaro voted for Mr. Leeks to fill the term ending July 2025, and Ms. Conti to fill the term ending September 2023.

Councilmember Roberts voted for Mr. Leeks to fill the term ending July 2025, and Ms. Conti to fill the term ending September 2023.

Councilmember Zabel voted for Mr. Leeks to fill the term ending July 2025, and Ms. Conti to fill the term ending September 2023.

Vice Mayor Shirley voted for Mr. Leeks to fill the term ending July 2025, and Ms. Conti to fill the term ending September 2023.

Mayor Gattis voted for Mr. Leeks to fill the term ending July 2025, and Ms. Conti to fill the term ending September 2023.

Mr. Leeks was appointed to fill the term ending July 2025.

Ms. Conti was appointed to fill the term ending September 2023.

**16. Consideration of Resolution 2023-04, A Resolution Of The City Council Of The City Of Belleair Beach, Florida, Approving The Fiscal Year 2023-24 Non-Ad Valorem Assessment Roll For The Bellevue Estates Island Assessment Area; Directing Certification Of The Assessment Roll To The Pinellas County Tax Collector; And Providing An Effective Date.**

City Attorney Trask read Resolution 2023-04 by Title only.

**MOTION** was made by Councilmember Notaro and seconded by Vice Mayor Shirley for Resolution 2023-04.

Councilmember Bankard	Yes
Councilmember Livingstone	Yes
Councilmember Notaro	Yes
Councilmember Roberts	Aye
Councilmember Zabel	Aye
Vice Mayor Shirley	Aye
Mayor Gattis	Aye

**Motion passed 7-0.**

**17. Authorize the City Manager to Execute the Contract for Law Enforcement Services with the Pinellas County Sheriff for FY 2023-24.**

**MOTION** was made by Vice Mayor Shirley and seconded by Councilmember Roberts to Authorize the City Manager to Execute the Contract for Law Enforcement Services with the Pinellas County Sheriff for FY 2023-24.

**MOTION** was made by Councilmember Bankard to **TABLE** the contract pending a review of how much time is spent by the PCSO working for the Town of Belleair Shore.

**Motion died for lack of a second.**

Mayor Gattis expressed his disappointment that a representative from the PCSO was not present for the consideration of their Contract. He also stated that this is not the first public meeting that there has not been a Deputy present for the safety of the Council, the Community, and the Staff, and that he wants that resolved.

Councilmember Bankard	No
Councilmember Livingstone	Yes
Councilmember Notaro	Yes
Councilmember Roberts	Aye
Councilmember Zabel	Aye
Vice Mayor Shirley	Aye
Mayor Gattis	Aye

**Motion passed 6-1 with Councilmember Bankard opposed.**

**18. Unfinished Business.**

None.

**19. City Council Comments.**

Councilmember Zabel stated that beach nourishment and high insurance rates are the major topics at this time. He advised that the City of Belleair Beach would be hosting the July 26th BIG C meeting and beach nourishment would be the topic.

Councilmember Notaro had no further comments.

Councilmember Bankard advised that he had met with Representative Berfield regarding wind and flood insurance, and insurance fraud. Following their discussion, she advised that she will get back with him. He has not had good results from Senator Scott’s office yet. He plans to meet with FEMA regarding flood elevation certificates.

Councilmember Roberts complimented Councilmembers Zabel and Bankard regarding their ideas on sandbag distribution traffic flow challenges and he thanked Council for working through it together.

Councilmember Livingstone thanked Ms. Conti and Mr. Leeks for volunteering for the Board.

Vice Mayor Shirley had no further comments.

Mayor Gattis reported there had been no movement on beach nourishment by the USACE. Millions in bed taxes continue to be collected and spent for advertising to bring people to the beaches while the beaches continue to diminish. He encouraged everyone to contact each and every one of the County Commissioners to demand that they create a plan and fully fund the beach nourishment.

Mayor Gattis also asked if there is any interest in reducing the number of Councilmembers and extending the terms and term limits, as these things have an impact on the City’s ability to gain traction and build relationships with other agencies in the County. He asked if Council would be willing to have a conversation to restructure in the election cycle.

**ADJOURN**

**MOTION** was made by Councilmember Bankard and seconded by Councilmember Notaro to adjourn at 7:31pm.

**Motion passed 7-0.**

\_\_\_\_\_  
Date Approved

APPROVED: \_\_\_\_\_  
Dave Gattis, Mayor

ATTEST: \_\_\_\_\_  
Patricia A. Gentry, City Clerk

**CITY COUNCIL BUDGET WORKSHOP  
CITY OF BELLEAIR BEACH  
July 17, 2023  
6:00 PM**

**PUBLIC MEETING MINUTES**

The meeting was called to order by Mayor Dave Gattis followed by a Pledge of Allegiance to the Flag of the United States of America.

**Roll Call:** Present were Councilmembers Frank Bankard, Belinda Livingstone, Leslie Notaro, Lloyd Roberts, and Mike Zabel; Mayor Dave Gattis, City Manager Kyle Riefler, and City Clerk Patricia Gentry. Vice Mayor Jody Shirley was unable to attend.

**For continuity, items are listed in agenda order although not necessarily discussed in that order.**

**1. Discussion and Review of FY 2023/2024 Budget.**

Discussion included, in part:

- Community Center Rental Income was increased to \$30K
- Savings for Marina repairs was increased
- Recording of Council meetings was increased by \$4K to enhance the live video function for people viewing remotely; and troubleshooting, and moderating
- A \$30K increase to hire an experienced consultant to update the Land Development Code and other sections that need updating

Consensus of Council: Add \$30,000.00 to modify the City Code of Ordinances.

Consensus of Council: Add \$15,000.00 to legal services for City Attorney Mora to do a review and update of the City Charter.

Consensus of Council: Add funding for one additional public works employee.

Consensus of Council: Authorize immediate purchase of a boat for code enforcement of docks, seawalls, condition of the community, proper drainage, compliance of boats moored in the intracoastal, etc – City Manager Riefler will research the possibility of renting a boat to be used for City business with the liability of carrying tools, removing floating pilings, debris, etc.

**CITY COUNCIL BUDGET WORKSHOP**  
**July 17, 2023**  
**6:00 PM**

City Manager Riefler advised that he had met with an insurer to compare prices with our insurance policy at the Florida League of Cities (FLC). The insurer advised that they could not offer a quote anywhere near our current rate based on the lawsuits the City has had in the last five years – they reviewed the cases and the activity.

Council agreed on the budget as presented.

Mayor Gattis thanked City Manager Riefler for a great job on the budget.

**ADJOURN**

**MOTION** was made by Councilmember Zabel and seconded by Councilmember Bankard to adjourn at 6:51pm.

**Motion passed 6-0.**

\_\_\_\_\_  
Date Approved

APPROVED: \_\_\_\_\_  
Dave Gattis, Mayor

ATTEST: \_\_\_\_\_  
Patricia A. Gentry, City Clerk

**Special City Council Meeting  
City of Belleair Beach, Florida**

**Monday, July 17, 2023  
Community Center  
Immediately Following  
6:00PM City Council Budget Workshop**

## **PUBLIC MEETING MINUTES**

The meeting was called to order at 7:00pm by Mayor Dave Gattis followed by a Pledge of Allegiance to the Flag of the United States of America.

**Roll Call:** Present were Councilmembers Frank Bankard, Belinda Livingstone, Leslie Notaro, Lloyd Roberts, and Mike Zabel; Mayor Dave Gattis, Vice Mayor Jody Shirley via telephone, City Manager Kyle Riefler, and City Clerk Patricia Gentry.

**For continuity, items are listed in agenda order although not necessarily discussed in that order.**

### **1. Consideration of setting the Tentative Millage Rate for FY 2023/2024.**

City Manager Riefler stated, in part:

- The City's 2023 gross taxable value from the Pinellas County Property Appraiser's Office is \$809,623,280.00, an increase over last year's gross taxable value of approximately \$79,000.00 [\$79,268,227.00], a 10.85% increase over the prior year final gross taxable value. The rolled back rate calculated at that value would be 1.894 mills which would generate revenue of \$1,427,425.00 at a 96% collection rate
- The final millage rate cannot exceed the tentatively adopted millage rate, but can be lower
- Setting the millage rate at the 2.0394%, as it is currently and has been for a number of years, the net ad valorem revenue will be \$1,585,100.00 [a 9.32% increase from the roll back rate]
- The First Public Hearing will be Wednesday, September 6, 2023, at 6:00pm
- The Final Public Hearing will be Monday, September 18, 2023, at 5:05pm

City Manager Riefler advised that the budget projections for the past year for the bond issue and stormwater project had been based on a millage rate of 2.0394% and he recommended that the Tentative Millage Rate be set at 2.0394%.

There were no public comments.

**MOTION** was made by Councilmember Bankard and seconded by Councilmember Notaro to set the Tentative Millage Rate at 2.0394%.

Councilmember Bankard	Yes
Councilmember Livingstone	Yes
Councilmember Notaro	Yes
Councilmember Roberts	Aye
Councilmember Zabel	Aye
Vice Mayor Shirley	Aye
Mayor Gattis	Aye

**Motion passed 7-0.**

**ADJOURN**

**MOTION** was made by Councilmember Bankard and seconded by Councilmember Notaro to adjourn at 7:06pm.

**Motion passed 7-0.**

\_\_\_\_\_  
Date Approved

APPROVED: \_\_\_\_\_  
Dave Gattis, Mayor

ATTEST: \_\_\_\_\_  
Patricia A. Gentry, City Clerk



**City Council Work Session  
City of Belleair Beach, Florida**

**Monday, July 24, 2023  
Community Center, 6:00pm**

### **PUBLIC MEETING MINUTES**

The meeting was called to order by Mayor Dave Gattis followed by a Pledge of Allegiance to the Flag of the United States of America.

**Roll Call:** Present were Councilmembers Belinda Livingstone, Leslie Notaro, Lloyd Roberts, and Mike Zabel; Mayor Dave Gattis, Vice Mayor Jody Shirley, City Manager Kyle Riefler, City Clerk Patricia Gentry, and City Attorney Randy D. Mora. Councilmember Frank Bankard was unable to attend.

**For continuity, items are listed in agenda order although not necessarily discussed in that order.**

Mayor Gattis stated that due to recent events, especially on social media, and a lot of confusion and disinformation concerning the proposal of possibly purchasing a boat for code enforcement, that City Manager Riefler has asked to add an agenda item to present information on a boat and its use.

#### **0. Discussion of the Boat Purchase.**

City Manager Riefler advised he would like to go over the timeline of events of the proposal for a boat, and the uses for a boat. He stated, in part:

- At the June 19th budget workshop it was suggested to start a savings account for a boat to address the inshore issues that come up
- Following research of government contracts, a five-year savings program was put in the budget for consideration at the next budget workshop
- At the following budget workshop a faster timeline to purchase the boat was considered, and after further research using the same GSA specifications to go out for bid, it was determined that there are vendors that can offer a similar boat immediately for approximately \$70,000.00
- The boat acquisition will allow the City to perform and address maintenance issues in the Intracoastal Waterway and Clearwater Harbor that are unable to be addressed with the current small john boat:

- Stormwater outfalls - one of the major components of maintenance is the struggle to get access to the stormwater outfalls. We maintain 46 outfalls throughout the City that are on a monthly inspection and clean-out schedule. To be able to get in the water and reach the check valves to clean them out we have to get permission from each homeowner to access their private property. With a boat we could access the outfalls and also do inspections to prevent oyster buildup that contributes to street flooding, instead of just waiting for signs of problems
- Buoy maintenance - there are 16 buoys on the beach side and 14 buoys on the Clearwater Harbor side that require continual maintenance. Preventative maintenance by the City would reduce the need to hire divers for some repairs. We would also be able to do sign installation and replacement on the buoys
- Visually checking the condition of seawalls, docks, and boat lifts - there would be less chance of floating debris in the waterways, especially after a storm event
- Monitoring the south island behind the Community Center - it attracts a lot of people on weekends and has accumulated tables, chairs, trash, and debris. A makeshift flagpole had been erected and was displaying political signs - this could not be removed by the current john boat
- Objects in the water - emergency calls regarding concerns for damage to boats and docks due to trees that have fallen in the water, or contractor's loose pilings or materials floating
- Fish from Red Tide - fish are not only on the beach, they also float in the channels. The City would be able to provide faster cleanup of the decaying fish to reduce the odor throughout the City
- Underwater debris - concrete and other sunken debris can be located and marked to prevent damage to boats and motors
- Derelict vessels - the City could contribute to the PCSO monitoring of vessels, to prevent such incidents as a loose boat floating into the bridge again
- Proposed boat usage of two routine biweekly patrols per month plus maintenance issues and projects

City Manager Riefler reviewed the pros and cons of renting a boat, in part:

- Timely accessibility to a rental boat
- Having a suitable model of boat available that would be required
- Liability

City Manager Riefler reviewed the statistics of taxable values and comparative maintenance costs, in part:

- The 350 Clearwater Harbor waterfront homes make up roughly 45 percent of all single-family homes
- The taxable value of single-family homes on the water makes up about 63% of the total taxable value of single-family homes. They make up about 44% of the total City's taxable value

- The total homesteaded taxable value of the waterfront homes actually makes up about 64% which is almost half the single-family owned population that is living on the water
- These waterfront homes are a significant portion of the taxable value that comes to the City
- The coastline of the City is 7.5 miles and our Clearwater Harbor waterfront makes up 6.65 of those miles. In comparison we have 7.25 miles of City streets that we maintain and 2.8 miles of stormwater utility pipes
- For comparison, we budget a savings plan of fifty thousand dollars for a tractor for beach raking four to five times a year

Mayor Gattis thanked City Manager Riefler for the very detailed information and recommended that anyone who contacted City Manager Riefler could also listen to the recording of this meeting.

**1. Discussion of Consideration to Reduce the City Council from Seven Members to Five Members. (Mayor Gattis)**

Consensus of Council: Yes - move forward to reduce the City Council from seven members to five members.

**2. Discussion of Consideration of Extending Councilmember Terms From Three Years to Four Years. (Mayor Gattis)**

Consensus of Council: Yes - move forward to extending Councilmember terms from three years to four years.

**3. Discussion of Increasing Term Limits From Two Terms to Three Terms. (Mayor Gattis)**

Council: Five Councilmembers agreed, Councilmember Notaro and Vice Mayor Shirley were opposed.

**4. Discussion of Aligning Our Election Cycles With General and Mid-Term Elections. (Mayor Gattis)**

Consensus of Council: City Attorney Mora will draft a timeline of the process to put these measures to the voters.

**5. Discussion of Marina Rental Policies. (Councilmember Zabel)**

Break from 7:24pm to 7:30pm.

Consensus of Council: Councilmember Zabel will make the changes suggested and send to City Manager Riefler.

**6. Discussion of Sandbag Station Proposal. (Councilmember Zabel)**

Consensus of Council: Consideration of a second sandbag station with volunteer workers.

**7. General Business.**

None.

**ADJOURN**

**MOTION** was made by Councilmember Notaro and duly seconded to adjourn at 8:17pm.

**Motion passed 6-0.**

\_\_\_\_\_  
Date Approved

APPROVED: \_\_\_\_\_  
Dave Gattis, Mayor

ATTEST: \_\_\_\_\_  
Patricia A. Gentry, City Clerk

**ORDINANCE NO. 23-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH, FLORIDA, REPEALING PREVIOUSLY ADOPTED VERSIONS OF THE CITY'S PERSONNEL MANUAL; PROVIDING FOR THE CREATION OF CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION 2-143 "PERSONNEL POLICY MANUAL" MAKING PROVISION FOR THE ADOPTION AND AMENDMENT OF PERSONNEL POLICIES VIA RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council previously adopted and amended its Personnel Manual by the adoption of Ordinances 00-10, 04-03, 04-08, 05-0, 07-16;

**WHEREAS**, the City Manager, as the officer charged with the direction and supervision of all departments, offices and agencies of the City has advised the Council that it is desirable and prudent to revise and modernize the City's personnel policies;

**WHEREAS**, the City Council, upon the advice of the Manager and legal counsel, desires to amend and consolidate its personnel policies, and to provide for the future adoption of personnel policies via resolution;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BELLEAIR BEACH** as follows:

**Section 1. Repealing Previous Ordinances.** The existing version of the Belleair Beach Personnel Manual and all appendices thereto, adopted in previous ordinances, are hereby repealed in their entirety.

**Section 2. New Codified Provision.** The City's Code of Ordinances shall be amended to add Chapter 2, Article IV, Division 1, Section 2-143, entitled "Personnel Policy Manual," which shall read as follows:

Sec. 2-143 – Personnel Policy Manual

The city shall have a personnel policy manual that will set forth personnel rules, employment-related procedures, and other terms and conditions of employment. Such personnel policy manual must be adopted by a resolution of the city council before becoming effective. The city council may, from time to time, adopt revisions to the personnel policy manual, or to any related employee benefits, through the adoption of a resolution, whether on recommendation from the mayor, city attorney, city manager, or on its own initiative.

**Section 3. Severability.** It is declared to be the intent of the City Council of the City of Belleair Beach that if any section, subsection, sentence, term, clause, or provision of this Ordinance is held invalid, or unconstitutional by any court of competent jurisdiction, the remainder of the Ordinance shall be construed, the invalidated portion shall be severed from this Ordinance and the remainder shall be construed as not having contained said section, subsection, sentence, term, clause or provision, and shall not be affected by such holding.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon its adoption upon its second and final reading.

The above and foregoing Ordinance was read by title only and passed by a majority vote upon its first reading at a meeting of the City Council of the City of Belleair Beach, Florida, held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

The above and foregoing Ordinance was read by title only and passed by a majority vote upon its second reading at a meeting of the City Council of the City of Belleair Beach, Florida, held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Patricia A. Gentry, City Clerk

\_\_\_\_\_  
David Gattis, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Randol D. Mora, City Attorney



# **City of Belleair Beach Personnel Policy Manual**

Adopted by Resolution 2023-\*\*

# Welcome

Welcome to the City of Belleair Beach! We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further our organization's goals.

You are joining an organization that has a reputation for outstanding leadership, innovation, and expertise. Our employees use their creativity and talent to invent new solutions, meet new demands, and offer the most effective services/products in the industry. With your active involvement, creativity, and support, the City of Belleair Beach will continue to achieve its goals. We sincerely hope you will take pride in being an important part of our success.

This manual was created to provide a guide for employees. It contains policies and procedures that affect your employment. As such, please take time to review the policies contained in this manual. If you have questions, feel free to ask the City Manager.

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## Purpose of the Personnel Policy Manual; General Employment Policy Statement

Excellence in government public service is attained, in part, through personnel systems that reflect merit principles and sound administrative management. It is the intent of the Belleair Beach City Council that its Personnel Policy Manual provide firm and clear direction to its employees.

Furthermore, it is the intent of the Council that no unlawful discrimination will exist in the application and administration of any Belleair Beach policy, practice, rule, or regulation.

The City Manager is charged with ensuring that the provisions of this Policy are implemented and made known to the employees of Belleair Beach.

This Personnel Policy Manual contains information about the employment policies and practices of the City. These policies reflect the City's values, and we expect each employee to read this Personnel Policy Manual carefully as it is a valuable reference for understanding your job and the City. The provisions contained within this Manual are and shall be considered as part of the terms and conditions of employment of all employees of the City and should thus be adhered to by all City employees. The City Council reserves the right to establish, modify, or make exceptions to these rules when necessary. Any question concerning the interpretation or application of these rules shall be referred to the City Manager for resolution.

This Personnel Policy Manual supersedes all previously issued handbooks or policy manuals. No oral statements or representations can change the provisions of this Personnel Policy Manual.

The City endeavors to include a comprehensive overview of the rules and policies governing employment with the City within this Personnel Policy Manual. However, there may from time to time be additional personnel rules, procedures or policies issued by the Council. The Manager may also issue additional administrative rules so long as such additional rules do not conflict with the provisions in this Manual. All such additional rules shall be in writing and constitute a part of an employee's terms of employment.

Nothing in this Personnel Policy Manual or in any other document or policy is intended to violate any local, state, or federal law. Nothing in this Personnel Policy Manual is intended to limit any concerted activities by employees relating to their wages, hours or working conditions, or any other conduct protected by Florida Statutes Chapter 447. Furthermore, nothing in this Personnel Policy Manual prohibits an employee from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct the employee believes violates any laws or regulations.

## Employment at Will

Employment at the City of Belleair Beach is on an at-will basis unless otherwise stated in a written individual employment agreement.

This means that either the employee or the City may terminate the employment relationship at any time, for any or no reason, with or without notice.

Nothing in this Manual creates or is intended to create an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no City representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship. To the extent the City's personnel forms or procedures use words such as 'provisional,' 'probationary,' or 'regular' employee, the use of such words shall have no interpretation which is contrary to City employees' at-will status. The City neither guarantees employment nor offers tenure.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

## Equal Employment Opportunity and Discrimination Policy

### Equal Opportunity

It is the continuing policy of the Belleair Beach Council to promote the concepts of equal employment opportunity in its employment function, and to comply with all federal, state, and local laws, rules and regulations pertaining to fair employment practices.

1. All employees and applicants for employment will be treated fairly with respect to all terms and conditions of employment regardless of race, color, religion, national origin, ancestry, sex, age, marital status, genetic profile, or any physical or mental disability which does not preclude the performance of the employee's essential job functions with or without reasonable accommodation(s).
2. All personnel opportunities and decisions related to employment, promotions, transfers, reclassifications, compensation, benefits, performance ratings, training courses and programs, layoffs, returns from layoff, terminations, and all other aspects of employment with the City will be in accordance with the principles of the merit system, which afford equal opportunity by imposing only valid requirements.
3. The City Council reaffirms its commitment to equal employment opportunity through open and non-exclusive advertisements of job openings, promotion opportunities, as well as through all other constitutional efforts at affirmative action.
4. Employees who allege that they have been unlawfully discriminated against or treated unfairly in the application or employment process must follow the steps outlined in this Personnel Policy on Illegal Harassment or Discrimination. Non-employee applicants and applicants for temporary employment alleging unlawful discrimination must submit their complaint in writing to the City Manager, who will conduct an investigation in accordance with the applicable portions of this Manual.

The City of Belleair Beach expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above.

## Americans with Disabilities Act (ADA) and Reasonable Accommodation

To comply with applicable laws ensuring equal employment opportunities for individuals with disabilities, the City of Belleair Beach will make reasonable accommodations for the known physical or mental impairments of an otherwise qualified individual with a disability who is an employee or applicant for employment unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result.

Any employee who requires an accommodation to perform the essential functions of their job, enjoy an equal employment opportunity and/or obtain equal job benefits should contact the City Manager to request such an accommodation. The City Manager will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation may be appropriate. In some cases, this interactive process may be triggered without a request from the employee, such as when the City receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform their essential job functions.

Employees who believe they need an accommodation must specify, preferably in writing, what barriers or limitations prompted the request. The City will evaluate information obtained from the employee, and possibly their health care provider or another appropriate health care provider, regarding any reported or apparent barriers or limitations and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). If an identified accommodation is reasonable and will not impose an undue hardship on the City and/or a direct threat to the health and/or safety of the individual or others, the City will generally make the accommodation, or it may propose another reasonable accommodation that may also be effective. Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation and being willing to consider alternative accommodations when applicable.

The City of Belleair Beach will also consider requests for reasonable accommodations for medical conditions related to pregnancy, childbirth, and lactation when supported by medical documentation and/or as required by applicable federal, state, or local law.

The City will not retaliate or otherwise discriminate against an employee or applicant who requests an accommodation in accordance with this policy.

## Illegal Discrimination or Harassment

## 1. Policy

- a. Belleair Beach is committed to providing workplaces that are non-discriminatory and afford equal treatment to all. The City will not condone or tolerate illegal discriminatory behavior. This specifically includes sexual harassment and any other type of harassment or discriminatory conduct based on race, color, national origin, religion, sex, marital status, age, citizenship, or disability (protected classes).
- b. Employees shall not engage in conduct which violates this policy at any time during working hours, or on City premises while off duty, or while off duty and interacting with fellow employees (including interactions on social media).
- c. All administrative and supervisory personnel are expected to abide by the City's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced.
- d. Due to the severity of illegal discriminatory conduct, and the legal questions which are often involved in investigating such conduct, the procedures in this policy shall be used in investigating and dealing with illegal discrimination complaints.

## 2. Definitions

- a. Illegal harassment or discriminatory conduct can be any verbal or physical conduct that belittles or otherwise shows hostility or aversion toward an individual or group based upon that individual's or group's race, color, religion, gender (including sexual orientation or transgender status), national origin, marital status, age, citizenship, or disability, and that for a reasonable person:
  1. has the effect of creating an intimidating, hostile, or offensive work environment; or
  2. has the effect of unreasonably interfering with an individual's work performance; or
  3. otherwise adversely affects an individual's terms and conditions of employment.
- b. Examples of illegal harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, or other acts which are threatening, intimidating, or hostile in nature, that relate to a protected class, or any display of written or graphic material such as photographs or cartoons that belittles or shows hostility or aversion toward an individual or group because of the same.
- c. Sexual harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's sex, when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - (2) submission to such conduct by an individual is used as the basis for employment decisions affecting the individual; or
  - (3) such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.
- d. Examples of conduct which may constitute sexual harassment may include, but are not limited to, the following:
- (1) unwelcome sexual advances, flirtations, or propositions
  - (2) actual or implied demands for sexual favors in exchange for favorable treatment or continued employment
  - (3) unwelcome jokes or remarks of a sexually oriented nature
  - (4) verbal abuse of a sexual nature
  - (5) unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency
  - (6) any display in the workplace of sexually suggestive objects, pictures, posters, or reading material
  - (7) a coerced sexual act or assault
  - (8) uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person
  - (9) uninvited leering, whistling, or gestures of a sexual nature

### 3. Procedure

- a. Any employee or applicant who believes that he or she is being or has been illegally discriminated or retaliated against or harassed must file a timely written complaint with the Manager. To the extent the City maintains an official form for the purpose of filing a charge under this section, such form must be used, and all questions therein responded to fully.
- b. If the complaint is against the City Manager, the employee shall report the complaint to the Mayor or City Attorney.
- c. Supervisors **MUST NOT INITIATE INVESTIGATIONS ON THEIR OWN**. Rather, they are responsible for immediately bringing any allegation or concern related to potential cases of illegal discrimination or harassment to the attention of the Manager (or Mayor/City Attorney if the complaint is against the Manager).

- d. The Manager will be responsible for evaluating all complaints under this policy, obtaining advice of the City Attorney as needed, and making the determination on whether an internal investigation is warranted. In cases where such an investigation is determined to be warranted, the Manager will designate an appropriately qualified person or persons from outside the employee's operational area (who may be a City official or qualified external investigator) who shall be responsible for conducting a prompt, thorough and objective investigation.
- e. Employees questioned during the course of an investigation are obligated to cooperate in a full and honest manner. No employee shall face any form of reprisal for making a complaint or for his or her cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action which may include termination.
- f. Once an internal investigation has been concluded, the Manager (or City Council if the complaint was against the Manager) will review the investigator's written report. The Manager (or Council) will determine the remedial action to be taken if any is required. A final written report containing final findings and the actions taken will be generated at the conclusion of the investigation and review, with a copy provided to the complainant. Individuals against whom allegations were raised will likewise be entitled to receive a copy of the final report upon request.
- g. Once an investigation has been concluded, it shall be the responsibility of the Manager (or designee of the Council if the complaint is against the Manager) to implement the remedial actions which have been found to be necessary and appropriate. The Manager shall be responsible for monitoring the workplace situation, and should be contacted by the complainant or other affected parties if they at any point feel that either retaliation is taking place, or the illegal behavior is continuing.

This internal complaint and investigation process does not preclude an aggrieved employee from filing a complaint with the United States Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations. However, failing to first utilize this internal procedure may under the law result in the loss of important legal rights.

## Code of Conduct

### Code of Conduct

This code of conduct establishes policies for the City of Belleair Beach regarding conflicts of interest which may result from soliciting or accepting gifts, gratuities, or unauthorized compensation; the appropriateness of outside employment; the use of one's position; personal

contractual relationships; using or giving information for gain; or procuring and delivering contractual services or work; and related or associated matters.

All employees are expected to honor and adhere to the ethical obligations inherent in public service.

Article II, Section 8 of the Florida Constitution states, "a public office (or position) is a public trust." As stewards of the public trust, all employees must use the powers and resources of the City, entrusted to them by the public, to further the public interest and not for any personal gain or financial benefit. Therefore, City employees:

- Shall not accept benefits of any sort under any circumstance which could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of such employee.
- Shall not engage in outside employment or financial transactions of any kind with any person, entity, firm, or corporation doing business with the City when such transactions may constitute a conflict of interest.
- Should seek guidance, for their own protection, by submitting the details of questionable situations, in writing, to the personnel director before engaging in such questionable activity.

Many issues pertaining to conflicts of interest may require legal opinion in that such issues are broadly addressed by provisions of the state constitution, state statutes, and/or rules of the commission on ethics. The City Manager, in concert with the City Attorney, shall be responsible for rendering final determination regarding all issues pertaining to conflicts of interest.

Ethical violations such as described above and herein shall be considered as cause for disciplinary action up to and including dismissal from employment with the City of Belleair Beach.

## Standards of Conduct

### Disciplinary Actions and Discharges

Since employment with the City is at-will, employees may be discharged for any or no reason. However, the City wishes to provide employees with information on what standards will apply to their work with the City, and information on the City's disciplinary philosophy.

### General Provisions

- a. The level of discipline an employee will receive for a given offense varies in each case depending on the employee's past work and discipline record, seniority, and the severity of the offense.

- b. Employees may be disciplined by written notice alone (with or without other conditions), suspension, probation, demotion, discharge, or combinations of these for an action or failure to act which adversely affects job performance or the efficient operation of the City or the employee's work unit. It is the intent of the City that employees succeed within their own work units. Therefore, transferring of unsuccessful employees from one operational area to another is a disfavored practice, and will not generally be used to address employee performance or misconduct issues.
- c. In lieu of formal disciplinary action, the Manager may elect to offer and enter into a last chance agreement or voluntary separation agreement with an employee. The City Attorney shall assist in the drafting and review of any such agreements.

## Performance and Conduct Rules

To assure safety and security and provide the best possible work environment, the City expects employees to follow basic, common-sense rules of conduct that will protect everyone's interests and safety. It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions that may result in disciplinary action, up to and including termination of employment:

- Lying, falsifying an official document including employment applications, medical examination forms, accident records, insurance records, leave or payroll records, purchase orders, or any other dishonesty connected with the employee's job or the operation of the City;
- Incompetency or inefficiency in the performance of assigned duties;
- Inability to perform the essential functions of the employee's position with or without reasonable accommodation, including the inability to maintain regular attendance;
- Insubordination including refusing to perform work when assigned, or to comply with written or verbal instructions of the supervisory force, including the use of abusive or threatening language or behavior directed toward a supervisor;
- Conviction or guilt of a felony or a misdemeanor of the first or second degree as defined by Florida statutes or federal criminal law, without regard to or status of any criminal proceeding, or any violation of a county or municipal ordinance involving moral turpitude, while either on or off the job;
- Unlawful or improper conduct, either on or off the job, which would tend to affect the employee's relationship to his or her job, his or her fellow workers, or the City's reputation or goodwill in the community;
- Engaging in discriminatory or harassing behavior of a verbal or physical nature which includes, but is not limited to, slurs, epithets, jokes, negative stereotyping, or other acts that relate to race, religion, gender, national origin, marital status, age or disability; or any display or written or graphic material such as photographs or cartoons that denigrates or

shows hostility or aversion toward any individual or group because of same; as prohibited by the City's EEO/anti-discrimination or harassment policy;

- On or off the job conduct which adversely affects the ability of the employee to perform his/her duties or the ability of another employee to perform his/her duties. This includes conduct that adversely affects the efficient operation of the City or its work units;
- Failure to comply with ethical requirements in law or these Policies, including the acceptance of a gift under circumstances from which it could reasonably be inferred that the giver expects preferred treatment in a City-related matter;
- Recording the work time of another employee, or soliciting or allowing any employee to record another employee's work time, or allowing falsification of any timecard, whether yours or another employee's;
- Violation of Florida Statute § 447.505, prohibiting public employees from participating in any strike against a public employer;
- Theft or the deliberate or careless damage of any City property or the property of any employee or client;
- Failure to obtain and maintain, or suspension or revocation, of a state, federal or other license/certificate required or essential to the performance of the employee's job, and failure to inform the City of such suspension or revocation of license/certification;
- Failure to notify the Manager or employee's Manager of any criminal arrest, charge, or conviction within three (3) business days of such arrest, charge, or conviction;
- The loss, suspension, or revocation of a driver's license when driving duties and/or possession of a valid driver's license are requirements for the employee's job;
- Use of City materials, supplies, tools or products for personal reasons, or operating using, or possessing tools, equipment, or machines to which the employee has not been assigned, or performing other than assigned work;
- Use of City vehicles for other than City business, or the failure to use seat belts while driving or riding in City vehicles, or any other violation of the policies on the use of vehicles for City business;
- Carelessness or negligence in handling or control of City property or the improper appropriation of City property;
- Willful or negligent failure to follow safety rules or procedures;
- Abuse of the City's electronic resources, including sending personal emails during working time or in a manner that interferes with the employee's work performance;
- Possession, use, sale, purchase, or attempt to sell or purchase, any illegal controlled substance, on or off duty; misuse of prescription drugs while on duty;
- Consumption or possession of any alcoholic beverage on duty or while operating or riding in or on City vehicles or equipment or immediately prior to driving a City vehicle or operating City equipment;
- Reporting to work, or working with, the presence of alcohol or illegal drugs in one's body; or failure to inform supervisor of use of prescription or non-prescription medication which

may affect the employee's ability to safely and effectively perform job functions, or otherwise reporting to work while either mentally or physically unfit to perform duty;

- Refusal to submit to drug or alcohol testing as provided for in this policy or as may be required by law; attempting to contaminate test specimens or otherwise interfering with drug or alcohol testing procedures;
- Provoking a physical fight or engaging in physical fighting during working hours or on business premises;
- Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City or to testify at any hearing or proceeding when directed to do so;
- Interference with the work of another employee;
- Conducting personal business during duty hours;
- Carrying firearms, weapons, or dangerous substances at any time, on premises owned or occupied by the City, unless state law provides otherwise. Note: This prohibition applies only to the extent allowed by applicable state law. Florida specifically gives the employee the right to maintain a lawfully possessed firearm in a locked vehicle in the employer's parking lot; therefore, employees will be permitted to maintain a firearm in their own locked vehicle in compliance with the law. Under those circumstances, employees are strictly prohibited from removing the firearm from their vehicle or carrying it on their person or into a building;
- Threatening, intimidating, coercing, or interfering with fellow employees, supervision, or the public while on duty, including the use of abusive, foul, or obscene language;
- Discourteous, insulting, abusive, or inflammatory language or conduct toward any person, which disrupts the workplace or serves to offend any citizen, vendor, or other person with whom the employee comes into contact during the performance of duties;
- Failing to obtain permission to leave work during normal working hours or taking more than specified time for meals and rest periods;
- Failing to observe working schedules, including meal and rest breaks, or habitual failure to properly and timely complete record of time worked;
- Knowingly permitting another person to use a City identification or access card, or using another person's identification or access card, or altering a City identification or access card;
- Failure to keep the Manager notified of current address and telephone number;
- Failure to report a work-related accident, illness, or injury to the Manager;
- Unauthorized posting or removal of any matter on or from any City website, social media site/account, bulletin boards or other physical or digital City property or account;
- Failure to obtain and keep current the required authorization for outside employment;
- Failure to pay just debts due, including debts to the City, or failure to make reasonable provision for the future payment of such debts, thereby causing operational disruption to the City or its employees or agents;
- Productivity or workmanship not up to required standards of performance;

- Sleeping during work hours or disregarding job duties by loafing or neglecting work during working hours or stopping work, wasting time, or loitering, or temporarily leaving assigned work area during working hours without permission;
- Unauthorized distribution of written or printed matter of any description on City premises;
- Failure to report immediately to the Manager the loss of a City identification card or access keys;
- Failure to properly wear a complete City uniform as provided by the employee's department, or to display proper City identification as required by City rules;
- Unexcused absenteeism or tardiness, including failure to report to duty at any reasonable time;
- Failing to follow leave request procedures or giving false information to access leave, failure to provide medical documentation from a health care provider when requested or required to do so in support of a sick leave or reasonable accommodation request;
- Working overtime without authorization or refusing to work assigned hours;
- Being absent without permission or leave;
- Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation benefits, health insurance payments, or other benefits;
- Knowingly harboring without proper treatment, a communicable disease, which may endanger the health of other employees;
- Concerted curtailment or restriction of production or interference with work in or about the City's workstations including, but not limited to, instigating, leading or participating in any walkout, sit-down, stand-in, slowdown, sick-out, refusal to return to work at the assigned time for the scheduled shift, or participation in a strike or any concerted activity against the City as defined in Florida Statutes;
- Failure to report to the City Manager or City Clerk a request for information, or receipt of a subpoena from an attorney, law firm, or court of law in connection with City related litigation;
- Unauthorized vending, soliciting, or collecting contributions at any time on City premises;
- Failure to comply with the City's computer and internet use policies;
- Political campaigning in writing, orally, or by telephone while on the job or during work hours;
- Violating any safety, health or security policy, rule, or procedure of the City;
- Theft or misappropriation of City funds or other assets;
- Violation of a City rule, procedure, order or regulation, any statute or ordinance related to City employment, or any provision of this Policy; and
- Committing a fraudulent act or intentional breach of trust under any circumstances.

## Drugs and Alcohol

The City has zero tolerance for abuse of alcohol and/or drugs in the workplace. The City provides testing and treatment programs to ensure prevention of substance abuse. Employees with job classifications which are covered by Florida Department of Transportation (FDOT) regulations are subject to random drug and alcohol testing.

The Manager may use discretion in requiring drug or alcohol testing if a City employee is injured on the job or appears impaired by alcohol or drug abuse. Although the City has adopted a drug-free workplace policy, there must be “reasonable suspicion” that drug or alcohol abuse contributed to the accident or inability to perform.

## General Statement on Conduct and Performance Correction

- a. For corrective action taken against an employee who has violated City policy, the range of corrective action includes a verbal warning to a formal performance improvement program (PIP) which may include an unpaid suspension from employment. Corrective action will continue until the violation or infraction is corrected.
- b. Each employee’s past record, tenure, position held, and other factors will be considered on a case-by-case basis when determining how the employee’s misconduct or performance problems are addressed within the correction and disciplinary realm. However, in general, the City believes in the concept of progressive discipline. Therefore, the steps in corrective action will usually be:
  - (1) verbal counseling/warning
  - (2) written counseling/warning
  - (3) written disciplinary notice (which will find a violation has occurred and may impose a period of suspension or demotion)
  - (4) written disciplinary notice informing the employee of her or his termination.

In addition to these progressive discipline steps, the Manager may also develop a performance improvement plan providing for measures which are calculated to bring the employee’s conduct or performance back in line with the City’s conduct rules and required levels of job performance. An employee’s failure to successfully complete a performance improvement plan may result in termination.

## Name Clearing Hearings

When an employee is discharged, and where the employee believes that his or her file contains stigmatizing information connected with the discharge, or where a City official publishes information post-termination and connected with the discharge, and which information the

employee believes is stigmatizing, the employee may, within ten (10) calendar days of receiving notice of the publishing of the post-termination information, request a hearing for the sole purpose of responding to the information considered to be stigmatizing.

In the event such request is made, the City will appoint a hearing officer to conduct a name-clearing hearing, and shall provide the discharged employee an opportunity to clear his/her name as related to the alleged stigmatizing information.

Upon hearing from the former employee and any relevant City witnesses, a hearing officer appointed by the Manager may recommend to the Manager that a demonstrably false or incomplete statement or conclusion in a file be supplemented with the former employee's side, that the City issue a retraction or clarification of a demonstrably false or incomplete statement to the public, or some other measure requested by the former employee so as to eliminate or reduce the alleged unwarranted stigma. The hearing officer may also decide to make no recommendation if one is not warranted. The mere confirmation that the former employee had been discharged, the fulfillment of a public records request for documents related to the discharge, or the former employee's disagreement with a discharge decision, will not be proper foundations for a name-clearing hearing. Such a hearing shall not entitle the employee to any relief from discharge.

## Employee Ethics

1. Officer and Employee Ethics: City officers and employees are required to conduct the affairs of the City in an ethical manner in accordance with the Code of Ethics for Public Officers and Employees (Florida Statutes 112.311 - 112.326), including, but not limited to, the following:
  - a. Duties and obligations will be discharged in a manner that reflects credibility upon the City. Conduct that gives the appearance that decisions and actions are motivated by personal relationships or for personal gain do not meet the standards of conduct for employees under the Policy.
  - b. In conducting the affairs of the City, no employee shall seek or assure a favorable decision or service by any person or entity, public or private, through acceptance of gifts, loans, favors, or any other form of unethical or unlawful conduct.
  - c. Employees shall not be employed or accept employment with any business entity or agency or engage in a professional activity which might result in a conflict of interest or cause/require the employee to disclose confidential information acquired as a result of his/her official capacity with the City. Approval of secondary employment shall be obtained from the Manager.
  - d. No City officer or employee shall solicit or accept anything of value to the recipient such as a gift (including Christmas gift), favor, loan, reward, promise of future employment, preferred service, benefit, or concession that would reasonably tend to

- improperly influence the officer or employee in the discharge of his or her official duties or give the appearance of improperly influencing the officer or employee.
- e. No City officer or employee shall disclose/use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
  - f. No City officer or employee shall transact, or solicit to transact any business in his or her official capacity with any business entity of which the officer or employee, or his or her spouse or child is an officer, director, agent, or member, or in which the officer or employee or his/her spouse or child owns a financial interest, or otherwise has any material interest therein. No City officer or employee, acting in a private capacity, shall transact or solicit to transact any business with the City, or with any of its subdivisions or agencies.
  - g. No City officer or employee shall have personal investments in any business which would, in the opinion of the City, reasonably create a conflict between his or her private interests and the City's interest.
  - h. No City officer or employee or his or her spouse or minor child shall, at any time, accept any compensation, payment or thing of value when he or she knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.
  - i. No City officer or employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or is doing business with the City, or any part of the City of which he or she is an officer or employee. Nor shall any City officer or employee have or hold any employment or contractual relationship which will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties, or that would impede the full and faithful discharge of his or her public duties.
  - j. Violations of the Code of Ethics for Public Officers and Employees are violations of State law and can result in fines, removal from employment, and criminal conviction; as well as in discipline including discharge from City employment.
2. Certain City public officers and employees, including "Local Officers," "Procurement Employees," "Legislative Analysts," and those who are required by law to file either limited financial disclosure forms (Form 1), or full financial disclosure forms (Form 6), are under more stringent requirements, especially with regard to the acceptance of gifts and honoraria. These individuals may request additional guidance as to their ethical obligations from the City Attorney.
  3. City employees are encouraged to seek guidance from the Manager if there is any question whatsoever about the propriety of any contemplated action prior to such action

being undertaken. A copy of the statutory Code of Ethics may be obtained online or by contacting the City Clerk or Florida Commission on Ethics website. Employees may also request, with the approval of the Manager, a formal opinion from the Florida Commission on Ethics in Tallahassee. Such requests shall be directed to the City Attorney, who shall formulate the request and be the point of contact with the Commission.

4. Procedures Upon Offering of Group Gift – From time to time, including during holidays, City crews or individual employees may receive or be offered gifts including gift certificates, baskets, tickets, food, or other items of value, from developers, vendors, contractors, lobbyists and other persons who conduct, have conducted, or seek to conduct business with the City. In such instances, such gifts or offers should be reported to the Manager so that the gift or offer may be evaluated under the applicable ethics laws. In cases where it is determined that a gift or offer may not be accepted, the gift will be returned or offer declined. Nothing herein, however, prevents any person from presenting a gift to the City, which gift may be accepted on behalf of the City by the Manager or City Council and used at the City’s sole direction.
5. While City employees may, given their positions, attend meetings and provide information, no current employee of the City may serve as a member of any City board, commission, task force or other body, nor hold any other office of City government, including advisory bodies. Nothing herein shall be interpreted as preventing employees from holding any office of any other governmental entity, or from serving on the board of directors of any corporation, so long as no other ethical conflict prevents such service.

Employees who may wish to disclose information concerning alleged violations of law or gross mismanagement, malfeasance, waste of public funds or neglect of duty by a City agent, official or contractor must follow the City’s Whistle-Blower procedures.

## Political Activity

1. No person shall be appointed to, demoted, or dismissed from any City position, or in any way favored or discriminated against with respect to employment with the City, because of political opinion or affiliations.
2. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in the service of the City, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other political consideration.
3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the State of Florida and the Constitution and laws of the United States of America. However, no employee of the City shall:
  - a. Take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive

compensation from the City. This will include making or distributing flyers, hand cards, or other campaign or political items in the workplace; or making use of any City equipment, service, or facility in furtherance of any campaign or political purpose.

- b. Use the authority of their position to secure support for or oppose any candidate, party or issue in an election or affect the results thereof.
- c. Use any promise or reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate, or party.
- d. Display on their person (while on duty), City vehicles or in their workplace, any button, sign, decal, or other symbol of support for any elected official, political party, issue, or candidate for public office.
- e. Appear in any print, television, radio, or other form of advertisement for any elected official, political party, issue, or candidate while wearing a City uniform, or while identifying oneself as an employee of the City.

Nothing herein shall be interpreted as prohibiting a City employee from using City resources related to state or local referendum or initiative to the extent authorized by Florida Statute § 106.113 where that employee's duties permit or require such work, and where the City Council has adopted a policy or position concerning the matter.

- 4. An employee who takes any step to run for a Belleair Beach Council seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with the City as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective public office or applying for appointment to any appointive public office.
- 5. An employee elected to public office other than as a Belleair Beach Council Member shall resign from City employment if the elected position presents any conflict of interest or interference with the employee's City job. The Manager may grant written permission to remain in the City job if no such conflict or interference exists. For purposes of this section, a conflict of interest will be determined in the sole discretion of the Manager or the City Council regardless of any other determination.
- 6. Any person who violates any provision of this section shall be subject to disciplinary action, including discharge. However, nothing herein shall be construed to prohibit an employee's right to file a complaint of workplace discrimination or harassment, to raise a concern regarding workplace safety, to report to appropriate authorities the misuse or

theft of City assets, or to engage in casual workplace discussions on social or political topics, so long as such discussions do not, in the judgment of management, interfere with the orderly, peaceful, and efficient performance of assigned duties or with the valid exercise of authority of management. Employees having questions concerning political activities or the interpretation of this policy should consult the Manager.

## Employment Relationship

### Employment Rules and Procedures

1. In the interest of hiring “best qualified and available” candidates to meet City employment requirements, and to avoid favoritism in hiring practices, the City Manager is responsible for ensuring that all interested applicants have an equal opportunity to apply for City employment.
2. Notices of open positions will be published interdepartmentally and/or publicly according to the department’s request and concurrence of the Manager. Notwithstanding the foregoing, where the Manager or other official with delegated hiring authority determines that a particular candidate is fully qualified for a position (for instance where an intern or employee in acting status has been working successfully in the position for some time), that candidate may be offered the position without the need to post the position. However, to prevent undue favoritism or nepotism and ensure a diverse, well qualified work force, this exception must be used only on approval of the Manager, and should not be regularly used in place of posting opportunities and allowing candidates to apply.
3. Applicants for City employment apply for employment in the form and manner, including electronic application submission, as the City designates. Applicants who make initial contact with an individual City department or official, and applications/resumes received by other City departments or officials, shall be directed to the Manager to complete the standard application process.
4. Applications are accepted for announced openings during the published advertising period. If no advertising period is established, the position shall be open until filled.
5. The City Council is authorized to make an offer of employment to all persons selected to fill positions established by the City Charter (Manager and Clerk). Other vacancies shall be hired by the Manager as provided for in this Policy Manual.
6. Once a position has been filled, the position is closed. Should an opening for the same position come open again within ninety days after first being filled, the City may make an offer to the next most qualified candidate from among the original applications. Alternatively, or if the vacancy arises more than sixty days later, the position will, absent an exception approved by the Manager, be re-advertised and new applications sought.

7. Current employees chosen for an interview for other City jobs will be allowed to interview during work hours if necessary. The City will work with the employee to make reasonable adjustments to the employee's schedule to permit the interview. If the interview takes place during the employee's scheduled work hours, the time will not be paid, and employees should use available vacation leave for such purposes. All other interviews are unpaid.
8. The Manager may establish eligibility registers for positions as required by turnover frequency or other recruitment issues. Positions that are identified by departments or the Manager as being vacant on a regular basis or having certain recruitment needs, may have an eligibility register of qualified applicants established.
9. No employee may begin activities associated with working for the City, including engaging in post-offer screening activities, until the candidate accepts, electronically or otherwise, a conditional offer of employment. No term or condition of employment not consistent with this Policy Manual, including matters of pay, bonuses, leave advances, moving expenses, or other similar matters, shall be effective unless included within a conditional offer of employment.
10. The Manager is authorized to adopt such forms and procedures as are deemed necessary to effectively implement these employment policies and to conduct such pre-employment screening as may be either legally or administratively required, including background and reference checks and physical or psychological examinations related to job functions. For any position requiring a pre-employment, post-offer examination, it shall be job-related, and given uniformly to all candidates conditionally offered the position. Candidates must meet/satisfy any established screening requirements and any candidate who fails to do so may be denied employment. In addition to the foregoing, for any City position requiring interaction with law enforcement personnel, records or other matters, access to secure facilities, or otherwise required to pass background standards promulgated by a regulating agency with jurisdiction over such records, personnel or facilities, employees holding such positions must be able to pass the relevant standards and their inability to do so will disqualify them from continued employment.
11. All volunteers are not City employees for any purpose. However, pursuant to Florida Statutes § 440.02, volunteers are eligible for certain worker compensation benefits for municipal volunteers. Therefore, City volunteers must comply with all related City accident or injury reporting procedures.
12. Employment of persons under 18 years of age in either regular or temporary positions shall be subject to and in accordance with applicable child labor laws.
13. To ensure compliance with the Affordable Care Act, when an employee formerly eligible for health benefits leaves the City's employ for any reason, he/she shall be ineligible for re-hire until the former employee has been separated from the City for a minimum of

thirteen (13) weeks. Additionally, except for any seasonal OPS staff, all persons employed in temporary/OPS positions who are not offered health care coverage shall not be scheduled or permitted to work more than 27 hours per week.

#### 14. Interns.

- a. The City may from time to time provide internship opportunities for students to experience work in City government that is relevant to their educational goals and objectives or personal career interests, and to non-students seeking to experience working in a City position.
- b. Recruitment of interns shall be conducted through the City's regular recruiting procedures, outlined in this section, unless otherwise approved by the Manager.
- c. Interns shall not be recruited to fill regularly authorized position vacancies or displace regular employees. Interns are considered temporary employees and are not eligible for benefits provided to regular employees. Intern appointments shall not exceed 12 months.
- d. For a student to be eligible for employment as an intern, an individual must be a student in good standing, enrolled in or on school-approved break from an accredited secondary or post-secondary school, junior college, college or university, or a vocational-technical school.
- e. Student Interns are required to notify the employing City department of any change in their academic or disciplinary standing at the institution.
- f. Interns will be paid at the minimum pay rate of assigned pay grades. A departure from the minimum pay rate may be approved by the Manager.
- g. Persons who may be students but who wish to volunteer with the City outside of any academic program must complete a Volunteer Service Agreement as provided by the City Attorney.
- h. Students who are present in the workplace and who are not performing any services for the City, nor participating in any related academic program, are considered to be "job shadowing" and are not considered to be volunteers, or employees, of the City. Any persons who are "job shadowing" must be approved by the Manager in advance, must not perform any work for the City, and must be under the supervision of an employee-mentor.
- i. Students who are present in the workplace and who may perform work for the City but who are not compensated shall meet the requirements of the federal Department of Labor concerning the acceptance of work by student interns. Interns who are not

students must be compensated at least the prevailing minimum wage for work performed for the City.

- j. The Manager is responsible for the development, coordination and promotion of intern recruitment activities and is responsible for ensuring that all interested persons have an equal opportunity to apply and be considered for internship opportunities.
  - k. Notwithstanding the foregoing, the City may, from time to time, enter into agreements with educational institutions whereby student interns will be identified, assigned, and compensated pursuant to the terms of such agreements.
15. Where staffing needs dictate, a City employee may be allowed to be employed in more than one position, at different pay rates. Such secondary employment must meet the following criteria:
- a. Only temporary OPS, part-time positions, which are considered to be occasional or sporadic (in accordance with 29 C.F.R., Section 553.30), will be eligible.
  - b. The employee's decision to work in a different capacity must be made freely and without coercion, implicit or explicit, by the employer.
  - c. The rate of pay for secondary employment positions, including the overtime rate, shall be calculated pursuant to FLSA regulations regarding secondary employment.
  - d. The joint position must be in a different capacity, i.e., it must not fall within the same general occupational category as the employee's primary government employment.

16. Employment of Relatives (Nepotism)

- a. Employment shall be in compliance with Florida Statutes § 112.3135 regarding "*Restriction on employment of relatives.*" Pursuant to this section, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in which the official is serving or over which the official exercises jurisdiction or control any relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over a City department or office, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a City board of which a relative of the individual is a member.
- b. Relative, for purposes of this section only, shall 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, brother-in-law, sister-in-law, stepfather,

stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister; but shall not include any other relatives who become related by law or marriage not specifically listed above.

- c. For purposes of this section only, public official, hereinafter referred to as “official,” shall include, but not be limited to, the Manager, Council Members, City Clerk, and any other managerial City employee who is authorized to make employment-related recommendations or decisions, whether the official is elected, contracted, or appointed.
- d. It is the City’s policy to prohibit an official from having direct supervision over any employee who is a relative of the official, as more fully set forth in Paragraph a. It is also the City’s policy to prohibit an official from having direct supervision over any employee to whom the official is engaged or is otherwise involved in a current romantic or sexual relationship.
- e. Direct supervision shall include any situation in which the official would be in a position to make decisions concerning the terms and conditions of the person’s employment with the City including decisions about hiring, promotion, transfer, reclassification, compensation, benefits, work assignments, performance evaluations, training courses and programs, layoffs, return from layoff, termination, and all other tangible aspects of employment.

#### 17. Disqualification and Re-Employment

- a. An employee who has been terminated from City employment for violation of any conduct or performance rule or standard, or who resigns after being notified of the City’s intent to terminate, is ineligible for re-employment for two years from the date of such resignation or termination.
- b. An employee terminated due to a positive drug/alcohol test, a refusal to test, or other violations of the City’s drug-free workplace policy; or who voluntarily resigns within two weeks of a positive result in a test for drug use; or when an employee serves notice of resignation immediately upon notification of being selected for such test, is ineligible for re-employment for a period of two years after such termination or resignation. Additionally, a former employee who owes the City money for drug testing or treatment which was the responsibility of the employee to pay shall be ineligible for re-employment until all funds owed are paid.
- c. An employee who voluntarily resigns without giving a two-week notice or is separated from employment for absence without leave (job abandonment) is ineligible for re-employment for a period of one year. In circumstances where the Manager determines that a non-eligible former employee will meet a critical need of the City

which cannot be filled by normal recruitment efforts, the Manager has the authority to waive this waiting period.

18. An employee's anniversary date shall be the date the employee begins employment.

## Employment Classification

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, the City of Belleair Beach classifies its employees as shown below. The City may review or change employee classifications at any time.

**Exempt.** Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and state law and who are exempt from minimum wage and overtime pay requirements.

**Nonexempt.** Nonexempt employees are employees whose job positions do not meet FLSA or applicable state exemption tests, and who are not exempt from minimum wage and overtime pay requirements. Nonexempt employees are eligible to receive overtime pay for hours worked in excess of 40 hours in a given week, or as otherwise required by applicable state law.

**Regular, Full-Time.** Employees who are not in a temporary status and who work a minimum of 30 hours weekly. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

**Regular, Part-Time.** Employees who are not in a temporary status, and who are regularly scheduled to work fewer than 30 hours weekly and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the City and are subject to the terms, conditions, and limitations of each benefits program.

**Temporary.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work either a full-time or part-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

## Employment Eligibility and Work Authorization

The City of Belleair Beach is committed to employing only individuals who are authorized to work in the United States and who comply with applicable immigration and employment law. As a condition of employment, every individual must provide satisfactory evidence of his/her identity and legal authority to work in the United States within three business days of commencing employment. If the employee cannot verify his/her right to work in the United States within three business days of employment, the City will be required to terminate his/her employment immediately.

## Outside Secondary Employment, Employee Private Businesses

1. No City employee shall work in any enterprise or business, including self-employment, accept outside employment, or render services for private interests, whether paid or unpaid, non-profit or profit, when the employment or service conflicts with the

employee's official duties. Nor shall such work create an appearance of conflict or impair independent judgment or action in the performance of the duties of a City employee.

2. Newly hired or current employees wishing to engage in, or continue in any enterprise, business, outside employment, or to render services for private interests, paid or unpaid, non-profit or profit, must first submit to the Manager a written request for outside employment. The Manager will make an assessment of the request to ascertain whether the proposed nature and/or schedule of the outside employment will or likely will negatively impact the employee's City job performance, or if the employment or activity is inconsistent, incompatible, or conflicts with the employee's duties and responsibilities, or may tend to be so. The Manager will then either grant or deny the request. Employees who fail to file a request prior to engaging in outside employment activity may be subject to disciplinary action up to and/or including dismissal. Newly hired employees must declare and seek approval of supplemental employment or other outside business at the time of hiring.
3. The proposed employment shall not be with a business or agency subject to the regulation of, or that is doing business with, the department of the employee, except if expressly permitted by state law.
4. The proposed employment cannot require the employee to disclose or use information gained in his/her official City position that is not available to the public.
5. Changes in secondary employment or outside business must be reported promptly to the Manager, who will determine whether further approval is required.
6. Permission to engage in secondary employment and outside business may be denied or withdrawn at any time if the Manager determines, in his or her sole discretion, that such activities are interfering with, or may be expected to interfere with, the employee's production, efficiency, duties or responsibilities, or when it causes discredit or is in conflict with City interests.
7. Any outside employment or business described above is secondary to the requirements of regular City employment. It must not interfere with or impede the availability of an employee to perform his/her duties and responsibilities. Every employee granted approval under this rule must agree to respond immediately to any call to duty by the City whenever the Manager determines his/her services are necessary.
8. The Manager must be notified immediately, but no later than the employee's next scheduled working day, of injuries sustained during outside employment. Employees sustaining injuries are ineligible to receive workers compensation benefits from the City. Sick leave benefits are allowed based on injury or illness arising from outside employment only if the outside employment has been approved under this policy and only to the

extent the employee is not eligible to be otherwise compensated for absences caused by the injury or illness.

9. No City personnel, equipment, facilities, vehicles, or other property may be used by employees while engaged in outside employment, enterprise, or business.
10. No employee shall perform work for private individuals or other governmental departments/agencies as a part of his/her City employment except when the work is part of contract arrangements, mutual aid agreements, or interlocal agreements entered by the City Council.
11. No employee of the City shall have financial interests in the profits of contracts, services or other work performed by or for the City. Nor shall a City employee personally profit, directly or indirectly, from any contract, purchase, sale or service between the City and any person or business. Any employee who violates this rule is guilty of misconduct and subject to immediate dismissal.

## Work Week; Hours of Work; Compensation

1. Due to the variety of services provided by the City to its residents, certain employees may be required to work varying days and hours. The Manager schedules work hours that are necessary and beneficial for the efficient operation of the City. It is the responsibility of the Manager to manage overtime within budgetary constraints. Pursuant to 29 C.F.R. § 553.23, by accepting employment with the City, all overtime-eligible employees agree that the City may elect to provide compensatory time in lieu of payment of overtime work in cash pursuant to its compensatory time policies. Employees may also be required, at the discretion of the City, to use compensatory time in lieu of vacation leave when requesting vacation time off.
2. Non-Exempt Employees
  - a. For purposes of this Policy, all employees not considered exempt will be considered non-exempt, and therefore subject to the minimum wage and maximum hour provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees are eligible to earn overtime or compensatory time at one and one-half (1 ½) times their hourly rate.
  - b. Whenever a non-exempt employee becomes promoted or reclassified to an FLSA-exempt position, the employee shall have any accrued compensatory time paid to him/her at their rate of pay of the non-exempt position they held immediately prior to their promotion.
3. Exempt Employees:

- a. For purposes of this Policy, exempt employees are expected to work whatever hours are necessary to accomplish assigned duties and responsibilities. However, it is recognized that because exempt employees are often required to work irregular and/or extended hours, it is appropriate that they be provided a certain latitude in occasionally being away from their place of work during normal work hours. It is the responsibility of the Manager to determine if exempt employee absences are inappropriate.
  - b. Exempt employees are not eligible to be awarded compensatory time.
  - c. The final determination as to which City positions are to be classified as Fair Labor Standards Act overtime exempt will be made by the Manager, with appropriate advice from the City Attorney.
4. Allocation of Work Hours, Workweek and Work Period:
- a. The workweek starts at 12:00 a.m. on Sunday and ends at midnight the following Saturday. The normal full-time work schedule includes forty (40) hours during the workweek. These hours should not be construed as either a fixed minimum or maximum. Work hours that exceed a normal workweek may be required. Except as provided herein or as determined by the Council or the Manager, normal work hours are Monday through Friday, 7:30 a.m. to 4:00 p.m., with a 30 minute lunch period.
  - b. Lunch periods – Bona fide meal periods (employee is completely relieved from duty for the purpose of eating regular meals) are not work time and are unpaid. The time scheduling and length of lunch periods are coordinated between the employee and the supervisor, according to that City operating unit's needs. (Note: There is no federal or State of Florida law requiring meal breaks in industries or offices, with the exception that minors 17 years of age or younger shall not be permitted to work for more than 4 hours continuously without at least 30 minutes for a meal period.)
  - c. Break (rest periods) – Breaks (usually not more than 15 minutes each) may be permitted by supervisors when the work requirements allow them, and must be allowed for nursing mothers to express milk for up to one year after birth. Break periods are considered to be rest periods and must fall within working hours (work is performed immediately preceding and following the break period) and may not be accumulated for additional time away from work. (Note: There is no federal or State of Florida law requiring rest periods, but if they are offered, they must be counted as hours worked.)
  - d. Flextime is the generic term for flexible scheduling programs – work schedules that permit flexible starting and quitting times within limits set by the Manager. Flextime requires employees to work a standard number of hours within a given time period (usually forty (40) hours during a five-day work week). The City Manager has the

option to authorize the use of flextime if it is determined that doing so can better meet the unique needs of a given City operational unit. However, no City operating unit or supervisory employee may permit use of flextime until the Manager approves a flex time use procedure which, upon approval, will be published to the employees in that unit, and which will be uniformly applied within that unit.

- e. Work-at-Home Program – Given the City’s limited number of employees, and the fact that the City’s employees directly serve residents and customers in person on a daily basis, the City does not recognize a City-wide work-at-home program. There may be times when certain projects could be performed by employees who are at home due to extenuating circumstances. Any such projects must be authorized by the Manager prior to work being done. If a project is approved to be completed at home, the project must be familiar to the employee concerned and have definite parameters for measuring the time necessary to perform the work. City equipment is not to be used outside the regular workplace, unless authorized by the Manager. All time worked at home must be reported.
- f. Medical Attention – In accordance with 29 C.F.R., § 785.43, time spent by an employee in waiting for and receiving non-elective medical attention on the premises or at the direction of the employer during the employee’s normal working hours on days when he or she is working constitutes hours worked except for worker compensation visits.
- g. Furlough – Notwithstanding any other provision of these policies to the contrary, where the Council or Manager determines that current budgetary conditions require a reduction in the overall hours employees work in order to remain within the authorized budget, the operational hours of any one or more office, service or function of the City may be reduced for one or more weeks, days or hours, either consecutively or sporadically. Such periods of reduction may be either by complete closure or operation with a less than full staff as deemed necessary. Employees working within such offices, services or functions will be placed on unpaid furlough during such periods, and hours spent on furlough shall not count as hours worked for any purpose. Pursuant to 29 C.F.R. § 541.710(b), the Manager is authorized to deduct hours spent on any furlough from any employee being compensated on a salary basis if budgetary constraints require the deduction.
- h. Electronic Timekeeping – In recognition of the limitations which may be inherent in any electronic timekeeping systems the City may now or in the future use, including limitations on the delineation of actual lunch or break schedules, non-exempt employees who are unable to enter the actual chronological times for such events shall not be subject to discipline for falsifying records. FLSA non-exempt employees must, however, ensure that their actual hours worked each day are truthfully and accurately recorded in any such system to ensure proper payment of wages due, including overtime pay.

## 5. Pay Eligibility

### a. Extra Hours

The necessity to work extra hours is made at the discretion of the Manager. It is important that the Manager ensures that extra hours are distributed equitably among employees in the same job class qualified to perform the work, while giving consideration to the personal wishes of employees involved. However, it is ultimately the Manager's decision to designate who will perform the extra hours.

For overtime control purposes, overtime-eligible employees are prohibited from coming to work early and leaving late for purposes of conducting work, or working through lunch periods or bringing work home, unless specifically authorized by the Manager in advance. The Manager shall monitor the workplace to ensure that employees who are not scheduled to be working do not remain in the workplace. Nothing herein is intended to prevent an employee from remaining in a City building before shift start or during a meal period. However, during such periods, the employee is not expected to, and is prohibited from, performing work of any kind (including answering phones or reviewing emails) for the City.

An employee shall be required to work overtime when assigned unless excused by the Manager. An employee who refuses to work overtime when assigned will be subject to disciplinary action for said refusal. An employee scheduled to work overtime who fails to fulfill the assignment for reported medical reasons will, at the City's discretion, be required to substantiate the medical absence with a doctor's note or similar proof.

Overtime or compensatory time shall be documented by such paper or electronic time off request process as the City may currently use. However, if this is not feasible, a schedule of work hours or other form of written documentation should be available to support the designation of overtime or compensatory time.

All hours worked over forty (40) in a workweek are considered overtime and are compensated by overtime pay or compensatory time as agreed or understood before the work in excess of forty (40) in a workweek is performed. Absent emergency circumstances, overtime must be approved in advance by the Manager.

When a non-exempt employee is designated as "acting" in an open exempt position (such as acting City Clerk or acting City Manager due to such official's extended absence or separation), the employee shall be compensated during this acting status as an FLSA exempt employee and shall therefore not be eligible for overtime or compensatory time.

However, when a non-exempt employee is only temporarily fulfilling the duties normally associated with an exempt position (such as to cover for a vacationing City Clerk) in addition to her/his normal duties, the employee shall continue to be paid her/his normal

rate of pay, and shall be eligible for overtime and compensatory time, as may normally be applicable.

For purposes of this Policy, exempt employees are paid on a salaried basis and are expected to work the hours necessary to accomplish assigned duties and responsibilities. Paid extra hours are only to be considered under the terms of an approved performance bonus plan compliant with Florida Statutes § 215.425(3).

b. Compensatory (Comp.) Time. Time off in place of overtime is called compensatory (comp.) time.

The Manager is authorized to allow and require employees to accumulate or use Comp Time in lieu of overtime.

## 6. On-Call Status

An employee required to remain on-call (on City premises or so close that he/she cannot use the time effectively for personal purposes) is considered to be working in an on-call status. On-call hours are designated as work hours for the workweek and count towards overtime. On-call hours for non-exempt employees are eligible for overtime and compensatory time.

On-call employees must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the Manager or designee. As employees are compensated for on-call assignments, they must refrain from drinking alcohol, taking medications, or engaging in any other conduct which would prevent being ready for duty. Further, if they are unavailable when called in, they will be subject to disciplinary action and will not be paid any on-call pay for that assigned period. On-call assignments should be distributed equitably among qualified employees, consistent with operational needs.

Exempt employees are ineligible for on-call status.

## 7. Standby Status

Employees who are not otherwise informed that they have been scheduled to work and who are placed on standby status (instructed to be available but otherwise able to use the time effectively for personal purposes) may remain at home, or they may leave word how (cell phone, etc.) and where they can be reached, but they must do one or the other. These employees receive straight time pay (compensatory time not allowed) for hours designated as standby assignment, with maximum accruable hours of three (3) in a 24-hour period. Standby hours must be outside the scheduled (regular or modified schedule) workday, and may not be assigned to or worked by employees who do not work their regularly scheduled shift immediately prior to standby assignment, or who are unable to

respond, due to illness. Employees who receive advanced notice of a requirement to report for duty, even where such work is to be performed outside of a regular schedule, are not eligible for standby pay. Since assigned standby hours can vary according to circumstances, the following standby pay rules shall apply:

- Less than five (5) hours of standby status is ineligible for standby pay
- One (1) hour of straight time pay for 5 up to 9 hours of standby status
- One and one-half (1.5) hours of straight pay for 9 up to 12 hours of standby status
- Two (2) hours of straight pay for 12 up to 16 hours of standby status
- Two and one half (2.5) hours straight pay for 16 up to 20 hours of standby status
- Three (3) hours of straight pay for 20 up to 24 hours of standby status

If employees on standby status are required to report for duty, they are paid for hours worked, with a minimum of two (2) hours for the first “call out” regardless of time spent responding. Thereafter, employees shall only be paid for the actual hours worked on subsequent “call outs” during the standby period. Call-out hours count as hours worked towards overtime.

Employees placed on standby assignments must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the Manager. As employees are compensated for standby assignments, they must refrain from drinking, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are unavailable when called in, they will be subject to disciplinary action and will not be paid any standby pay for that assigned period.

Exempt employees are ineligible for standby pay.

## 8. Payroll Records

The City’s work time records or timecards are designed to meet the record-keeping requirements of the FLSA. The Manager is responsible for ensuring a record of work schedules for non-exempt employees is maintained.

**Exempt Employees:** Due to their exempt, salaried status, and the expectation that they are often required to work irregular and extended hours while having the latitude of occasionally being away from their workplace during normal work hours, exempt employees complete payroll records but do not have to complete a daily record of time worked. For payroll accounting and leave tracking purposes, such employees will need to record absences charged to employee benefit accounts (i.e., vacation, sick, holiday, etc.). Exempt employees are not required to create records of time worked unless absences are charged to their accrued leave accounts.

Non-Exempt Employees: All hours (paid, unpaid or charged to accrual accounts) must be recorded in the City's paper or electronic time and attendance system daily for the non-exempt employee's scheduled work periods. Pay, including overtime pay, is calculated for each workweek, and paid (if overtime pay) or credited (if comp. time) to employees on the City's chosen weekly or bi-weekly pay period. Non-exempt employees are required to sign their time records, either physically or, where provided, via electronic means.

## 9. Compensation During Emergency

Emergency Conditions: When the City Council formally declares a state of emergency, City employees who hold positions designated to perform essential services during the actual emergency declaration period shall report to work when required. The Manager may also require employees who perform essential services to work during actual or impending extreme emergency situations or conditions (weather, hazard, etc.), not declared as a "state of emergency."

Pay for Work During Declared Emergency: During a declared emergency, City offices and operations may close. Employees who are not directed to work in any capacity during such closure must not report for duty during such periods. Employees are not authorized to designate themselves as essential or to perform work of any kind for the City during a closure of City offices and operations, unless expressly directed to work by the Manager.

For all employees in positions classified as FLSA exempt, such employees will receive no additional compensation for any hours worked during any declared emergency. FLSA non-exempt employees shall receive compensatory time at their regular hourly rate of pay for any hours worked during any declared emergency regardless of what non-emergency hours he or she may have worked during any given work week and regardless of what specific work assignment such employee is given during the emergency period.

Non-FLSA exempt employees shall not be compensated for any time off during such periods. FLSA exempt employees shall be paid their established salaries except that if they are not directed to perform any work during the entire work week, such employees shall not receive their salaries for that week.

Employees who are not compensated due to a closure during a declared emergency may, at their discretion, use any available vacation or compensatory leave to accommodate otherwise unpaid periods.

In the event a City holiday falls on a day where the City is closed due to an emergency condition, compensation of the holiday for employees not required to report for duty shall be as provided for in this policy with respect to holiday compensation. Employees required to work on a holiday during a declared emergency shall be entitled to take the equivalent unpaid time off with no reduction in leave balance once the declared emergency ends and the leave may be scheduled with the Manager.

All employees with pre-approved leave requests covering the declared emergency period, regardless of leave type, are subject to having such leave cancelled and to being recalled to duty during the emergency period. The Manager shall make every effort to accommodate pressing conditions, and ill employees, when determining which employees to call back from leave.

**Failure to Report for Duty When Assigned:** Any employee required to report for duty during an emergency condition who fails or refuses to report and/or to perform duties as directed will be subject to termination from employment. Failure to monitor on-call or stand-by phone numbers and respond to calls will constitute a failure to report. The only exception to this policy will be for employees physically or medically unable to report or perform as ordered. For medical conditions, the City will require after-the-fact medical verification of medical conditions, and reserves the right to require second opinion examinations. Employees claiming a physical inability to report when required are not permitted to cite a mere fear of travel during the emergency condition, or a general concern for not staying with family. Employees, particularly those designated as being critical responders during emergency conditions, have a responsibility to plan ahead for the safety and welfare of their families and the securing of their property so that they will have the ability to report when called. Only extraordinary incidents of inability to report wholly beyond the employee's ability to control will be excused. The Manager is considered a critical responder. Other employees will see such designation in their written job descriptions.

## 10. FLSA Compliance

It is the City's policy to comply with applicable wage and hour laws and regulations. Accordingly, the City intends that deductions be made from your pay only in circumstances permitted by the Fair Labor Standards Act and the U.S. Department of Labor's rules governing the salary basis for pay for exempt employees. The improper pay deductions specified in 29 C.F.R. §541.602(a) may not be made from the pay of employees subject to the salary basis test.

If a City employee has any questions or concerns about the employee's salaried status, or the employee believes that any deduction has been made from her or his pay that is inconsistent with her or his salaried status, she or he should immediately raise the matter with the Manager. If the employee has raised a concern and it is not resolved within ten (10) business days, or if, for any reason, the employee is uncomfortable discussing the matter with the Manager, the employee must submit her or his question or concern to the City Attorney for review and response.

To ensure the City understands the employee's question or concern and is able to conduct a proper review, any such question or concern which seeks the payment of wages allegedly owed must be made in written form. Any such question or concern must, at a minimum,

include the employee's name, a brief description of the facts related to the question or concern, and any prior response the employee may have been given by any City official. The pay period(s) at issue should also be identified. If the employee is unable due to disability to submit her or his concern in writing, the Manager will assist the employee in formalizing her or his question or concern, which she or he will then be asked to review and sign to ensure its accuracy.

The City is committed to investigating and resolving all compensation disputes as promptly, but also as accurately, as possible. Consistent with the U.S. Department of Labor's policy, any question or concern will be responded to within a reasonable time given all the facts and circumstances. If a review of the matter reveals the employee was subjected to an improper deduction from pay, the employee will be reimbursed, and the City will take whatever action it deems necessary to ensure compliance with overtime rules and the salary basis test in the future.

#### 11. Reclassifications and Reorganizations

Market factors, evolving priorities, evolutions in equipment and materials, employee input, grant funding, or changing organizational needs may cause a particular position classification within the City to become subject to change. The City continually evaluates these factors against classified positions accordingly and at times determines, where the position is not wholly eliminated, to re-classify and/or reassign one or a group of positions to better serve the needs of the City and its citizens. Such reclassifications/reassignments can be minor or significant, and may result in enhancing one or more positions and related duties and requirements, or decreasing duties and requirements. Such reclassifications/reorganizations are solely within the discretion of the City and no employee possesses any right or expectation to hold or keep any one position or set of duties.

#### 12. Paydays and Pay

All employees are paid on a bi-weekly basis. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Paychecks are distributed every two weeks at a rate of twenty-six (26) paychecks per calendar year.

The pay period begins on Sunday and ends on the second corresponding Saturday. Paychecks/direct deposits are distributed/credited on the Friday following that Sunday.

In the event that a regularly scheduled payday falls on a holiday, employees will be paid on the business day preceding the holiday(s).

Employees will have their paycheck directly deposited into the bank accounts they designate upon hire. Employees will receive an itemized statement of wages and deductions when the City makes the direct deposits. The Manager is authorized to consider requests for paper pay

checks where an employee can demonstrate a substantial need for such alternative payment method. However, direct deposit is the normal form of payment of compensation.

### 13. Performance Pay

In addition to any general wage adjustment that the City Council may from time to time adopt, the Council may, by separate resolution, adopt a compensation program which includes variable wage increases linked to job performance. Such a program may distinguish between exempt professional and managerial classifications, and full and part time hourly compensated employees. As to hourly employees, any such program shall be based upon quantifiable measures of performance and shall be designed and administered to ensure discrimination, favoritism or inconsistent application of eligibility criteria do not occur. In addition, pursuant to Florida Statutes § 215.425(3), the Council may from time to time adopt, by resolution, a performance bonus plan based on work performance which describes the performance standards and evaluation process by which such awards are to be given. Any such plan must be noticed to all employees prior to implementation. Nothing herein shall be interpreted as creating any requirement to develop or budget funds for pay for performance or bonus programs or policies, nor as creating an entitlement on the part of any employee to receive same.

## Personnel Files

1. The City's official records of present and past employees' personnel files are maintained by the City Clerk, who shall be the custodian of these records.
2. The Manager is authorized to develop, revise, and issue all forms related to personnel matters. Therefore, absent specific authorization from the Manager to the contrary, City departments may not promulgate or make use of any customized or unauthorized personnel forms, including unique leave requests, time records or employee evaluations.
3. Public Records requests for personnel files made to the City must be transferred to the City Clerk for a coordinated response. The Clerk shall be responsible for reviewing files to identify any information which has been designated by law as confidential or exempt from public records disclosure. The Clerk, with advice of the City Attorney as needed, will assert any applicable public records exemptions for such records.

NOTE: Employees holding certain positions are entitled under Florida law to request that certain personally identifying information such as home addresses, not be released by other governmental agencies which may be in possession of this information. It is the responsibility of each applicant for and employee holding such a position to make these requests to other governmental agencies.

4. The official personnel record shall contain at least the following documents regarding the employee:
  - a. The employee's initial and any subsequent employment/transfer/promotion applications; I-9 form; interview forms; oath of employment; employment contract (if applicable); acknowledgments of receipt of benefits (to include secondary employment approval forms); conditional offer forms; retirement enrollment forms (when applicable); and other related documents required by law or City policy to be included.
  - b. The employee's performance evaluation forms and any written responses thereto;
  - c. All official personnel actions, such as promotions, transfers, and pay increases;
  - d. Official disciplinary notices and warning or counseling forms issued to the employee;
  - e. Signature forms demonstrating an employee's taking of the statutory oath and the receipt of this Policy Manual and other City policies;
  - f. Records demonstrating attendance at City training sessions.
  - g. Any written separation surveys or comments provided by a departing employee.
5. The personnel file may also contain the following items, at the discretion of the Manager:
  - a. Correspondence from citizens, co-workers, etc., concerning the employee's performance of his or her job or contribution to the community (excepting documents which are found to be fraudulent, false, or which are required by law to be separately maintained);
  - b. Records regarding an employee's education or professional credentials;
  - c. Such other records as the Manager may deem appropriate for inclusion or which are not prohibited from inclusion by law.
6. The Manager shall also ensure that separate and secured files are also kept and maintained for current and former employees which contain medical records or medical claim records exempt under Florida Statutes § 112.08, the results of drug tests (excepting discipline notices confirming a positive result was received), medical documents provided in support of leave requests, reports of a healthcare provider discussing specific health conditions or status associated with a fitness-for-duty exam, medical records provided in support of a request for accommodation of a disability under the ADA, and medical records received in the course of administering a worker compensation claim.

7. Notwithstanding the foregoing, the Manager is entitled to review the medical records of applicants and current employees when he or she has the business need to do so. Such instances include reviewing an employee's defense against a disciplinary action where the employee cites a medical reason for the conduct or performance, reviewing requests for leave including decisions as to whether an absence is covered by any applicable leave law, reviewing requests for accommodation under the ADA or determining whether the applicant or employee presents a danger to him/herself or others due to a medical condition. The City Attorney or other attorneys representing the City in any employment claim or suit are also authorized to examine such records to the extent the claim or suit places the medical condition of the applicant or employee at issue.
8. In the event a City official examines records which include information otherwise confidential or exempt from public disclosure under law, such official must exercise care and discretion so as not to further communicate any such information to Council Members, subordinates, or an employee's co-workers unless there is a valid legal reason to do so. City officials in doubt as to their duties in such circumstances are encouraged to seek advice from the City Attorney.
9. The Manager is responsible for ensuring records are controlled, maintained, disposed of, and that requests for copies are processed, in accordance with the Public Records Act and the rules of the Florida Division of Archives, History and Records Management. To that end, the Manager is authorized to develop such additional administrative procedures and forms so as to accomplish this responsibility.
10. While managerial personnel responsible for drafting performance evaluations may, to assist them in drafting evaluations, maintain separate notes on positive/negative conduct or performance during the evaluation period, including notes on verbal counseling events, such records are public records and, if specifically referenced in an evaluation or discipline notice, must be provided to the employee on request.
11. Personnel files are public records subject to review under Florida Statutes § 119.07, subject to any applicable exemption(s). Official employee personnel files may be reviewed at City Hall during normal business hours. The records custodian, or designee, will assist and supervise during the review. Documents cannot be removed or rearranged within the official personnel file during review.
12. Requests concerning past or present employee personnel information should be referred to the Manager who will respond to inquiries from agencies and the general public regarding disclosure of official personnel data.
13. In accordance with the Florida Public Records Act, copies of personnel files may be made and furnished to requesters upon payment of the statutory fees. Money collected is remitted to the City's general fund. Employees are not charged for single copies made from their official personnel files. However, they shall be charged the established rate for

additional copies. The City Clerk is responsible for reviewing a personnel file prior to production or copying to ensure all material that is confidential or exempt from public records disclosure has been covered. If the Clerk's file is at issue, the review will be conducted by the Manager.

Official personnel files must be retained for a length of time determined by the State of Florida Bureau of Archives and Records Management. This period is currently twenty-five (25) years following the employee's effective date of separation from City employment. Because of the permanency of such records, the Manager must carefully review documents to determine their necessity before requesting entry of non-mandatory records into the official personnel file. The Manager is authorized to develop administrative procedures concerning the proper storage of, and access to, records, including medical files, of current or former employees.

## Non-Disciplinary Separations from Employment

### Job Abandonment.

Any City employee absent from his/her position of employment without approval of the Manager for a period of three (3) consecutive workdays/shifts is considered to have resigned without notice. Leaving an after-hours message, or sending a text or email during an unauthorized absence will not constitute approval. Rather, the employee must make actual contact with the Manager, inform that official as to why the absence is occurring (arrest, emergency medical issue, etc.), and obtain approval for the duration of the absence.

### Resignation

- a. Resignation is the separation of an employee from City employment through submission of a written or verbal notice of intent to resign. An employee's resignation shall be deemed as accepted by the City the moment it is tendered regardless of any stated effective date, and no supervisor has the authority to reject or permit an employee to rescind a resignation without the express prior authorization of the Manager.
- b. An employee who wants to leave City employment in good standing must notify the Manager at least ten days prior to leaving. The Manager may allow the employee, under extenuating circumstances, to give less than ten days notice and still resign in good standing. In the event the Manager determines that it would be in the City's best interest to deem a resignation notice an immediate resignation or shorten the resigning employee's notice, he/she may do so.

- c. Upon an employee's resignation notice, any interest in continued employment ceases.
- d. Employees who resign from City employment without ten days notice (unless otherwise approved by the Manager), may not be recommended for rehire, nor be eligible for re-employment, with the City for one (1) year following their date of termination unless approved by the City Manager.
- e. City employees separating from City employment may be requested to complete an employee separation survey to provide the City with input the employee may have about his/her employment experience at the City. Completion of any such survey will be voluntary and have no impact on a departing employee's benefits.
- f. An employee who takes any step to run for a Belleair Beach City Council seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with the City as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective public office or applying for appointment to any appointive public office.

#### Retirement

- a. None of the provisions of this Policy can be construed or interpreted to alter or impair the City's retirement plan.
- b. There is no mandatory retirement age for employees of the City unless otherwise provided by Florida Statute or a pension plan provision. Continued employment is determined by the employee's ability to perform satisfactorily in the job classification assigned.
- c. Employee assistance and retirement information is available from the City's retirement plan administrator as needed. Employees are urged to contact the Manager at least ninety (90) days in advance of the anticipated retirement date to allow time to process any retirement benefit forms required by the plan administrator.
- d. Employees who have retired from City employment may be re-hired by the City in any position and under such terms and conditions as the City may offer, consistent with policies or procedures applicable at the time of application.

#### Death

- a. Separation is effective on the date the employee's death occurs.

- b. All compensation due to the employee at separation is paid to the beneficiary, surviving spouse, or to the estate of the employee, as determined by law or by executed forms in the employee's official personnel file. The City will not be able to release final compensation to a surviving spouse or relative just upon request, and proof of the legal right to receive the payment (to the satisfaction of the City Attorney), may be requested.

## Layoff

- a. It is the intent of the City Council to provide stable employment for City employees. However, there may be occasions which necessitate a reduction in the City workforce.
- b. A reduction of work force may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, privatization of functions, program or grant discontinuation, technological replacement, or any other significant organizational change or condition of serious financial distress that may occur. When such conditions exist, the Manager may proceed to lay off an employee or employees. To the extent a reduction in force is necessitated by the Manager's proposed budget, layoff decisions shall be consistent with the programs, services, or operations to be reduced or eliminated by such budget.
- c. A reduction in work force may be made by work site assignment and/or specific function performed and/or unique skills or qualifications held and/or by general job classification and/or by pay grade within the affected City operating unit. Layoffs which are targeted solely at reduction of salary costs must fairly target the foregoing employee classifications in a roughly uniform way so as not to cause the layoff of a more senior worker where a more junior employee performing the exact same duties and working at the same location is earning more.
- d. The duties previously performed by a laid-off employee may be reassigned to other employees already working in positions in appropriate job classifications.
- e. Layoff Priority
  - (1) In the event of layoff, primary consideration will be on the factors set out in Section c above. Thereafter, the order of layoff shall begin with temporary then probationary employees. The next order of layoff shall begin with the employee who has the least seniority.
  - (2) Seniority shall be determined by City-wide continuous service. Rules of continuous service shall be observed in deciding the date of last hire for the purpose of seniority determination.

- (3) If two or more individuals should have the same hire date for determining seniority, the employee with the most disciplinary and/or counseling notices shall be laid off first.
  - (4) In accordance with prevailing veteran laws, including Chapter 295, Florida Statutes, certain veterans, and spouses of certain veterans may be eligible for preference in retention when layoffs are necessitated. The Manager shall review layoff proposals to ensure compliance with such laws.
- f. City employees who are scheduled for layoff shall not have “bumping rights” to other positions in the City. However, where the City is able to forecast a layoff in advance, the City may establish a time period wherein employees subject to a pending layoff will be permitted to apply for other open positions. During this period, such employees shall, when being interviewed, receive preference in hiring where they are at least equally qualified with outside candidates. Nothing herein, however, is intended to require the hiring of any such employee by the City where another candidate is clearly more qualified for the position.
  - g. Employees scheduled for layoff may, if offered by the City, elect to accept transfer to vacant City positions for which they are qualified. Such transfer offers may be made at the discretion of the City and must be accepted by the employee within 3 days of receipt of the written offer. The employee’s pay rate would be adjusted in accordance with prevailing City policy for any other City employee changing positions within the City. Employees who accept a transfer offer under this paragraph shall not be further entitled to any reinstatement to their prior position.
  - h. Employees on layoff status with no offer of transfer, may for a period of twelve (12) months from the date of layoff apply and receive preference in interviewing for any job for which they are minimally qualified.
  - i. The Manager shall ensure the City’s health plan administrator is made aware of any layoffs to ensure proper COBRA notices are provided.
  - j. Reinstatement
    - (1) Laid-off employees, who have not accepted an offer of transfer to a different City position, have priority for reinstatement, according to seniority, in jobs within their classifications at the time of separation for twelve (12) months following the effective date of layoff. Laid-off employees reinstated to those classifications within the twelve (12) month period shall have their previous dates of hire restored (including leave accrual rates and any unpaid leave balances in effect at the time of layoff). However, recalled employees may not be offered the rate of pay they had prior to their layoff, where fiscal conditions require a reduced rate for the position. At the end of the twelve (12) month period, all laid-off employees' rights associated with reinstatement

are concluded. The City offers reinstatement to laid-off employees by certified mail to the last known address. (Note: It is the laid-off employee's responsibility to keep the City notified of any change of address, if he/she is interested in reinstatement.)

- (2) Reinstatement is offered to laid-off employees provided they are qualified (medical certification may be required) to perform the essential duties of the job, and are in compliance with current pre-employment requirements including the City's drug free workplace program. A laid-off employee who is temporarily unable to accept an offer of reinstatement due to medical certification may request a delay in starting work, not to exceed thirty (30) calendar days.
  - (3) The return-to-work date for a laid-off employee, who is qualified to return to work and compliant with all pre-employment requirements, is determined by the City's requirements, but the employee must be available for work no later than two (2) weeks following notice or his/her seniority will be forfeited and he/she is no longer considered eligible for reinstatement under the layoff procedures.
  - (4) If the employee fails to report to work within three (3) business days after receipt of the certified notice or if the employee does not meet all current pre-employment requirements, his/her seniority is forfeited, and he/she is no longer considered eligible for reinstatement under the layoff procedures.
- k. Employees who are scheduled for layoff do not have the right to submit appeals or complaints regarding layoff actions, except for reasons of alleged violation of these policies and procedures governing such reduction of work force, or for alleged acts of illegal discrimination. The Manager may elect to offer separation agreements to employees subject to layoff using available budgeted wage funds. Such agreements should be developed or reviewed by the City Attorney prior to being offered.
  - l. Employees who are scheduled for layoff should contact their health insurance provider to discuss their medical coverage and other health benefits.
  - m. The Manager shall make all reasonable efforts to provide outplacement assistance and services to laid-off employees to the extent City resources allow.

#### Disability Separation/Reasonable Accommodation

- a. As reviewed in the ADA policy in this Manual, all employees of the City are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstances, it will be the responsibility of the Manager to work with the employee to identify reasonable accommodations which will permit the employee to perform all essential job functions.

- b. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the department wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her job functions.
- c. An employee may be terminated when he/she is unable to perform the essential functions of the job because of a physical or mental impairment, and where no reasonable accommodation has been identified or such accommodation is rejected. Separations based on the employee's inability to perform the essential functions of the job under the provisions of this section will not be considered disciplinary terminations.
- d. If the inability to perform the job occurs due to an on-the-job injury, the employee should be given a reasonable opportunity to reach maximum medical improvement (MMI) as stated by the Workers' Compensation doctor before being separated unless such inability has existed for more than 12 weeks in the immediate prior 12-month period. The point in time at which an employee is considered for separation for an illness or off-duty injury will be dependent upon the operational needs of the City in conjunction with the availability of a definitive recovery prognosis. Nothing herein prohibits discharge for inability to perform duties, regardless of the source of illness or injury, where the continued non-performance of essential job functions by the employee results in a substantial hardship for the City's operations.

## Background Checks

The City recognizes the importance of maintaining a safe, secure workplace with employees who are qualified, reliable, and nonviolent, and who do not present a risk of serious harm to their coworkers or others. To promote these concerns and interests, the City reserves the right to investigate an individual's prior employment history, personal references, and educational background, as well as other relevant information. Consistent with legal or contractual requirements, the City also reserves the right to obtain and to review an applicant's or an employee's criminal conviction record and related information, and to use such information when making employment decisions, but only to the extent permissible under applicable law.

A pending criminal matter may be considered in appropriate circumstances for business-related reasons, consistent with applicable law. All background checks will be conducted in strict conformity with the federal Fair Credit Reporting Act (FCRA), applicable state fair credit reporting laws, and state and federal antidiscrimination and privacy laws. The City is an equal opportunity employer and will comply with applicable federal, state, and local laws relating to the use of background checks for employment purposes.

## References/Verifications of Employment

All requests for references must be directed to the City Manager. While Florida Statutes § 768.095 provides an employer who discloses information about a former or current employee to a prospective employer upon request of the prospective employer or of the former or current employee immunity from civil liability for such disclosure or its consequences (unless it is shown by clear and convincing evidence that the information disclosed by the employer was knowingly false or violated any civil right), the City still desires to consider reference requests carefully. Therefore, no City employee below the level of City Manager is authorized to issue or provide references for current or former employees. The City Clerk may, without the Manager's authorization, disclose the dates of employment of a current or former City employee, the employee's compensation history, and the title(s) of the position(s) held. If a current or former City employee authorizes disclosure of a more detailed reference in writing, the City Manager may, in her or his discretion, provide a prospective employer with additional information on the employee's performance and conduct during the employee's tenure with the City.

Only the City Manager is authorized to compose and issue a letter of recommendation for a current or former employee.

## Workplace Safety

### Drug-Free and Alcohol-Free Workplace

#### A. Drug-Free Workplace Established

Substance abuse is a problem that affects everyone in the workplace, as well as a social problem. The abuse of alcohol and use of illegal drugs endangers the health and safety of the abusers and all others around them. Accordingly, the City is hereby declared to be a Drug-Free Workplace in accordance with Florida Statutes Chapter 440.101 et. seq., and their implementing Drug Testing Rules. The City hereby adopts the definitions set forth in Section 440.102, Florida Statutes in their entirety. The City's Drug-Free Workplace Program shall apply to all City employees and to job applicants for safety sensitive or special risk positions.

#### B. Standard Policies

1. **Illegal Drug Use Prohibited.** An employee bringing onto the City's premises or property, including parking lots, having possession of, being under the influence of, or possessing the employee's body, blood or urine in any detectable amount, or using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug as defined in this policy while on City business or at any time during the hours between the beginning and ending of the employee's workday, whether on duty or not, and whether on City or customer business, property or not, is subject to discipline including discharge or suspension without pay from employment, even for the first offense. Failure to submit to

the required drug test is grounds for discharge or suspension without pay from employment.

2. Alcohol Abuse Prohibited. An employee who is under the influence of alcoholic beverages at any time while on City business or at any time during the hours between the beginning and end of the employee's workday, whether on duty or not, and whether on City business, property or not, is subject to discipline including discharge or suspension without pay from employment, even for the first offense.

An employee shall be determined to be under the influence of alcohol if:

- a. the employee's normal faculties are impaired due to consumption of alcohol, or
  - b. the employee has a blood alcohol level of .04 or higher.
3. Employees are encouraged to voluntarily seek professional support for drug or alcohol-related problems. Employees who seek treatment shall discuss the situation with their supervisor if leave time, with or without pay, is required for the employee to obtain treatment or hospitalization.
  4. Failure to submit to the required drug test or providing a false sample or tainting, adulterating, or tampering with a drug test is grounds for discharge or suspension without pay from employment. An employee will be terminated for refusing to submit to a drug or alcohol test.

#### 5. Employer Action

Any employee or job applicant whom the City is advised has a positive confirmed drug test, including for alcohol, will be subject to discharge even for the first offense. Employees are not eligible for rehire unless they show proof that they have completed a drug and/or alcohol rehabilitation program. If rehired, the employee will be subject to random testing for two (2) years, no more than twice in one year.

### C. Definitions

1. "Legal Drug" includes prescribed drugs and over-the-counter drugs, which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.
2. "Illegal Drug" means any drug (a) which is not legally obtainable; (b) which may be legally obtainable, but has not been legally obtained; (c) which is being used in a manner or for a purpose other than as prescribed.

### D. Reporting Convictions and Civil or Administrative Actions

## 1. Criminal convictions

Employees must, no later than five days after a conviction relating to the use or possession of drugs or alcohol, notify the City Manager of such conviction(s). Failure to notify the Manager shall cause for immediate termination, unless good cause exists for failure to report the conviction to the City. The City may report the conviction to any federal, state, or local agency with which it is required by law to report.

## 2. Civil or Administrative Actions

It is each applicant's or employee's responsibility to notify the laboratory of any civil or administrative action brought pursuant to the Florida Workers' Compensation drug-free workplace program laws, Florida Statutes § 440.101, et. seq.

### E. Types of Drug Testing

The City will conduct the following types of drug testing as deemed appropriate under the circumstances:

#### 1. Pre-Employment Drug Testing

This type of testing applies to individuals who apply for a "safety sensitive" or "special risk" position. All final candidates within these categories will be tested. An offer of employment may be made pending the results of the drug test. If work has already begun, employment is conditional upon the receipt of, and successfully passing, the drug and alcohol test.

#### 2. Reasonable Suspicion

Employees will be required to submit to a drug and/or alcohol testing at a laboratory chosen by the City if there is reasonable suspicion of substance abuse. Circumstances that could be indicators of a substance abuse problem and considered reasonable suspicion are:

- Observed alcohol or drug abuse during work hours on City premises
- Apparent physical state of impairment
- Incoherent mental state
- Marked changes in personal behavior that are otherwise unexplainable
- Significantly deteriorating work performance that is not attributable to other factors
- Information that an employee has caused or contributed to, or has been involved in an accident while at work
- Abnormal conduct or erratic behavior while at work
- A report of illegal drug use, provided by a reliable source
- Evidence that a drug test has been tampered during employment with the City

- Evidence that an employee has possessed, sold, solicited, or transferred illegal drugs while working or while on City premises, or while operating City vehicles, machinery or equipment
3. Fitness for Duty. Substance abuse testing is conducted for all employees who receive a physical fitness exam as a routine part of their job.
  4. Random

The City will conduct random drug tests only as permitted or required by law.

5. Post-Accident

Employees may be required to submit to a drug and/or alcohol test with regard to any workplace injury that requires medical treatment away from the property.

6. Follow-Up

If the employee, in the course of employment, enters an employment assistance program for drug related problems or a drug rehabilitation program, the City will require the employee to submit to a drug test as a follow-up to such program, unless the employee voluntarily entered the program. In such case, the City has the option to not require follow-up testing. If follow-up testing is required, it will be conducted at least once a year for a two-year period after the completion of the program. Advance notice of the follow-up testing date will not be given to the employee who is to be tested.

## F. Confidentiality

All information, interviews, reports, statements, memoranda, and drug-free results through the City's drug testing program will be treated as confidential to the extent required by law, except as consented to by the employee or applicant.

## G. Use of Prescription and Non-Prescription Medications

Each tested individual shall report, on a confidential basis, to the Medical Review Officer (MRO), the use of prescription or non-prescription medications both before and after being tested. A form will be provided to each individual to list such medications. This form should only be filled out at the collection facility not at the City. Additionally, such medications may be disclosed orally to the MRO after being tested, if contacted by the MRO. The individual must not disclose such medications or provide the form requesting such information to any City employee. The individual can consult a testing laboratory for additional information about medication that will affect a drug test result.

## H. Positive Drug Test Results

Any employee or job applicant who receives a positive confirmed drug test result may contest or explain the results to the MRO (and the City) within five (5) working days after written notification of the positive test results. If an employee or job applicant's explanation or challenge is unsatisfactory to the MRO (and the City), the MRO shall report a positive test result back to the City, and that the person may contest the drug test pursuant to Florida law, and has a right to appeal to the Public Employee Relations Commission or applicable court.

#### I. Employee Assistance Programs and Local Drug Rehabilitation Programs

The City encourages all employees who need assistance in dealing with alcohol or drug dependency problems to seek counseling through the various private and public agencies that exist in our community.

Employees who come forward to request treatment or a leave of absence for treatment will not be subject to discipline. Employees may not, however, escape discipline by first requesting such treatment or a leave of absence after being selected for testing or violating City policies and rules of conduct. Requests for voluntary treatment and related matters will be kept confidential in accordance with federal and state laws.

While the City encourages employees to seek appropriate treatment, the City does not recommend nor endorse any particular drug rehabilitation program.

#### J. Employee Assistance

Drug/Alcohol Abuse Help line: 1-800-362-2644  
Drug/Alcohol Abuse 24-hour Crisis Line: 1-800-283-2600  
Alcoholics Anonymous: 1-800-252-6465  
Drug Abuse Alcoholism & Cocaine: 1-800-333-4444

1. Employees voluntarily seeking help will not be disciplined, discharged, or discriminated against. However, this provision does not apply for any employee who:
  - a. Has previously tested positive;
  - b. Is currently in a Drug Rehabilitation Program; or
  - c. Has entered an EAP for drug-related problems.

K. If a city employee presently occupies a safety sensitive or special risk position, that employee will be temporarily removed from her or his position and placed into a non-safety-sensitive position while under rehabilitation. If an alternate position is not available, the employee will be placed on sick leave if available, then on unpaid leave until rehabilitation is complete.

## Smoke-Free Workplace

Smoking is not allowed in City buildings or work areas at any time. “Smoking” includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and electronic cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

## Workplace Violence Prevention

The City of Belleair Beach is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at work-sponsored functions.

All City employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or the City Manager. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the City, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

The City of Belleair Beach prohibits the possession of weapons on its property at all times, including our City vehicles, except if the weapon is:

- Lawfully possessed by the employee, *and*
- Concealed from view, *and*
- Locked in a personal vehicle (e.g., in the trunk or glovebox of an employee's car).

While on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

The City reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on City property. In addition, the City may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all City property and other items that are in violation of the City's rules and policies.

## Commitment to Safety

Protecting the safety of our employees and visitors is the most important aspect of running our business.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

In the event of an emergency, notify the appropriate emergency personnel by dialing 911.

## Emergency Closings

The City will always make every attempt to be open for business during regular work hours. In situations in which some employees are concerned about their safety, the City Council and/or the City Manager may advise employees that the office is not officially closed, but anyone may choose to leave the office if he/she feels uncomfortable.

If the office is officially closed during the course of the day to permit employees to leave early, nonexempt employees who are working on-site as of the time of the closing will be paid for a full day. If you choose to leave earlier than the official closing time, you will be paid only for actual hours worked, or you can take PTO time. Exempt employees will be paid for a normal full day but are expected to complete their work at another time.

## Workplace Guidelines

### Attendance

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the City Manager as soon as possible. Voice mail and email messages are acceptable only in certain emergency circumstances. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for 3 consecutive days or more, the employee will be considered to have voluntarily resigned employment.

## Job Performance

Communication between employees and supervisors or managers is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed.

Generally, formal performance reviews are conducted annually during the employment anniversary month. These reviews include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year.

## Outside Employment

Employees are permitted to work a second job as long as it does not interfere with their job performance with the City of Belleair Beach. Employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours.

If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action, up to and including termination.

## Dress and Grooming

The City of Belleair Beach provides a casual yet professional work environment for its employees. Even though the dress code is casual, it is important to project a professional image to our customers, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Please use common sense.

Nothing in this policy is intended to prevent employees from wearing a hair or facial hair style that is consistent with their cultural, ethnic, or racial heritage or identity. This policy will be interpreted to comply with applicable local, state, or federal law.

The City will reasonably accommodate an employee's religious beliefs, medical condition, or disability by making exceptions to this policy. Employees who need such an accommodation should contact their supervisor or the City Manager.

Any questions or complaints regarding the appropriateness of attire should be directed to the City Manager.

## Social Media Acceptable Use

The City of Belleair Beach encourages employees to share information with co-workers and with those outside the organization for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provides inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the City has established the following guidelines for employee participation in social media.

**Note:** As used in this policy, “social media” refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, TikTok, and SnapChat, among others.

**Off-duty use of social media.** Employees may maintain personal websites or weblogs on their own time using their own facilities and devices. Employees must ensure that social media activity does not interfere with their work. In general, the City considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas.

**On-duty use of social media.** Employees may engage in social media activity during work time provided it is directly related to their work, approved by their manager, and does not identify or reference City clients, customers, or vendors without express permission. The City monitors employee use of City computers and the Internet, including employee blogging and social networking activity.

**Respect.** Demonstrate respect for the dignity of the City, its customers, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge the City’s confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

**Post disclaimers.** If an employee identifies himself or herself as a City employee or discusses matters related to the City on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of the City and that the employee is expressing only his/her personal views. For example: “The views expressed on this website/blog are mine alone and do not necessarily reflect the views of my employer.” Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the City or the City’s business. Employees must keep in mind that if they post information on a social media site that is in violation of City policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

**Confidentiality.** Do not identify or reference the City’s clients, customers, or vendors without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy. When in doubt, ask before publishing.

**New ideas.** Please remember that new ideas related to work, or the City’s business belong to the City. Do not post them on a social media site without the City’s permission.

**Trademarks and copyrights.** Do not use the City’s or others’ trademarks on a social media site or reproduce the City’s or others’ material without first obtaining permission.

**Legal.** Employees are expected to comply with all applicable laws, including but not limited to, Federal Trade Commission (FTC) guidelines, copyright, trademark, and harassment laws.

**Discipline.** Violations of this policy may result in discipline up to and including immediate termination of employment.

*Note:* Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits.

## Bulletin Boards

All required governmental postings are posted on the boards located in the break room. These boards may also contain general announcements.

## Solicitation

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on “working time.” “Working time” is defined as the time during which an employee is not at a meal, on break, or on the premises immediately before or after his/her shift.

Employees are also prohibited from distributing written materials, handbills, or any other type of literature during working time and, at all times, in “working areas,” which includes all office areas. “Working areas” do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

Nonemployees may not trespass or solicit or distribute materials anywhere on business property at any time.

## Computers, Internet, Email, and Other Resources

The City provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voice mail, fax, scanner, Internet, intranet, email, text messaging, or any other City-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Employees should not have any expectation of privacy in their use of City computer, phone, or other communication tools. All communications made using City-provided equipment or services, including email and internet activity, are subject to inspection by the City. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the City’s systems.

Employee use of City-provided communication systems, including personal email and internet use, which are not job-related have the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through email and the internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the City’s systems. To protect against possible problems, delete any email messages prior to opening that are received from unknown senders and

advertisers. It also is against City policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on City computers. Violations of this policy may result in termination for a first offense.

The City encourages employees to use email only to communicate with fellow employees, suppliers, customers, or potential customers regarding City business. Internal and external emails are considered business records and may be subject to federal and state recordkeeping requirements as well as to discovery in the event of litigation. Be aware of this possibility when sending emails within and outside City business.

All use of City-provided communications systems, including email and internet use, should conform to our City guidelines/policies, including but not limited to Equal Opportunity, Harassment, Confidential Information, and Conflicts of Interest. For example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments.

Because email, telephone and voice mail, and internet communication equipment are provided for City business purposes and are critical to the City's success, your communications may be accessed without further notice by City management to ensure compliance with this guideline.

The electronic communication systems are not secure and may allow inadvertent disclosure, accidental transmission to third parties, etc. Sensitive information should not be sent via unsecured electronic means.

Office telephones are for business purposes. While the City recognizes that some personal calls are necessary, these should be kept as brief as possible and to a minimum. Abuse of these privileges is subject to corrective action up to and including termination.

The City reserves the right to monitor customer calls to ensure employees abide by City quality guidelines and provide appropriate levels of customer service. Employees working in sales and customer service will be subject to telephone monitoring and email.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the National Labor Relations Act. Employees have the right to engage in or refrain from such activities.

## Time Off and Leaves of Absence

### Holidays

The City observes and allows time off with pay for the following holidays:

New Year's Eve	December 31 <sup>st</sup>
New Year's Day	January 1

Martin Luther King, Jr. Day	3 <sup>rd</sup> Monday in January
Presidents Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veterans Day	November 11th
Thanksgiving Day	4th Thursday in November
Friday following Thanksgiving	4th Friday in November
Christmas Eve Day	December 24th
Christmas Day	December 25th
Three personal holidays	Requested in writing by individual full-time employee and approved by the City Manager

Any additional holidays will be designated by the City at the start of each calendar year.

If one of these holidays falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, the City will select either the following Monday or the preceding Friday as a substitute holiday. The City reserves the right to pay eligible employees in lieu of time off if the holiday falls on Saturday.

**Holiday pay.** Full-time regular employees are eligible for holiday pay. Part-time regular employees are eligible for holiday pay for the hours they are regularly scheduled to work. Temporary employees, including summer employees, are not eligible for holiday pay.

Holiday pay shall be at the employee’s regular straight-time rate, inclusive of shift premiums, times his/her regularly scheduled hours (not to exceed eight hours).

To receive holiday pay, an eligible non-exempt employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid sick leave. If an employee is absent on one or both of these days because of an illness or injury, the City may require verification of the reason for the absence before approving holiday pay.

**Religious observances.** Employees who need time off to observe religious practices or holidays not already scheduled by the City should speak with their supervisor. Depending upon business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, or take vacation time, or take off unpaid days. The City will seek to reasonably accommodate individuals’ religious observances.

## Annual Leave

The City of Belleair Beach recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The City provides paid leave time to full-time employees for this purpose and employees are encouraged to take vacation during the year. Part-time employees will be eligible for paid vacation on a pro rata schedule. Temporary employees and summer recreational employees are not eligible to earn annual leave.

Annual leave is intended to be used to provide periodic time off and each department head must make every effort to ensure that annual leave is used by all employees on a current yearly basis to provide employees with the proper rest and relaxation period. Annual leave not used will accrue. The maximum amount of annual leave an employee may have to their credit at any time is 40 days.

Employees may not take paid vacation until they actually have earned or accrued the vacation time.

Full-time employees accrue paid vacation at the start of employment according to the following schedule (annual totals should be rounded to the nearest whole day):

<b>Years of service</b>	<b>Eligibility</b>	<b>Accrual Amount</b>
After 1 year	5 workdays per year	3.333 hours per month
After 2 years	10 workdays per year	6.666 hours per month
After 5 years	15 workdays per year	9.999 hours per month
After 10 years	20 workdays per year	13.333 hours per month

New employees are eligible to use paid vacation after one year of continuous service. Generally, employees should submit vacation plans to their supervisor at least 4 weeks in advance of the requested vacation date. Employees may apply for and take annual leave in increments of one hour. All annual leave use is subject to prior approval of the Manager or his or her designee. Use of vacation/annual leave is at the sole discretion of the City.

Vacation should be used in the year it is earned. Employees will be permitted to carry-over up to 30 days of accrued vacation to the following calendar year. An employee resigning or retiring from the City shall be paid for their earned annual leave. Such leave pay shall be made at the employee's current rate of pay.

Terminal vacation leave pay shall not be paid to separating employees who fail to give at least two weeks' written notice.

Employees who terminate prior to completion of probationary period will not be paid for any accumulated annual leave.

In case of death of an employee, payment for unused annual leave shall be made to the employee's beneficiary estate or as provided by law.

## Sick Leave

*Accreditation of time.* Full-time employees earn the equivalent of eight hours of sick leave per month at the start of employment and for each month thereafter. Part-time employees earn sick leave on a proportionate basis in relation to that earned by full-time employees.

*Eligibility.* Full-time regular employees and part-time regular employees are eligible to earn sick leave. Temporary employees, contractual employees, and seasonal summer employees who are not considered part-time employees are not eligible to earn sick leave.

*Accrual of hours not used.* Sick leave hours not used during any pay month shall be accrued and carried forward for future use.

*Maximum accrual.* Employees may accrue sick leave benefits with no maximum.

*Use.* Sick leave may be used after successful completion of the probationary period. Sick leave is a privilege to be used only when needed, and is intended for bona fide illness, medical and/or dental appointments of the employees or any permanent member of the household of a City employee without regard to blood or marriage. The City may, at any time, request medical verification of any absence before authorization of sick leave benefits. The City may also require a physical checkup by a physician to verify fitness for duty in instances of habitual sick leave absence. Falsification of sick leave requests or abuse of the privilege will be considered as cause for disciplinary action up to and including dismissal.

*Need for additional time after exhaustion of accrued time.* If additional time is needed after exhaustion of accrued sick leave, other accrued leave time (i.e., personal days or vacation time) shall be used, upon the employee's written request, to remain on a paid status. Borrowing sick leave or advancing sick leave is not permitted.

*Rate of pay for time used.* Used sick leave time for accrued sick leave time will be made at the current pay schedule for the employee.

*Applicability.* This sick leave policy applies to all employees of the City and shall not be waived, altered, or changed without the approval of the City Manager. It is the responsibility of all department heads to protect the City from loss of time occasioned by employees who take sick leave without justification and to protect the employee from endangering his/her fellow workers.

*Voluntary sick leave donation program.* It is the purpose of the voluntary sick leave donation program to establish a procedure by which City employees may donate accrued sick leave on an

hour-for-hour basis to other City employees on an individual basis without regard for the difference in the hourly rate of pay between donor and donee.

- An employee may wish to voluntarily donate a portion of their accrued sick leave time to another employee who has exhausted all available leave due to an approved medical situation. This decision to donate is purely an individual decision based on one's own reasoning and subjective criteria. Assuming this to be the case, the employee donating accrued sick leave time may do so, in writing, to the City Manager specifying how many hours are to be donated and to whom. It shall be understood that all sick leave donated shall become the benefit of the person to whom it was donated and shall be considered as irrevocable for any reason.
- All employees who wish to participate in the voluntary sick leave donation program are advised that the City will in no way assume responsibility for any misunderstanding between the donor and the recipient.

*Voluntary separation and retirement.* Upon the voluntary separation from employment with the City (except while under investigation), the employee shall be entitled to receive payment, at the employee's current hourly rate of pay, for 25 percent of his/her accrued sick leave but in no event to exceed a total of 720 hours for employees with more than five years of actual service with the City, provided however, that the employee gives his/her department head no less than two-week prior written notice of an intent to terminate employment.

Upon the qualified retirement from employment with the City, the employee shall be entitled to receive payment, at the employee's current hourly rate of pay, for 25 percent of his/her accrued sick leave, but in no event to exceed a total of 720 hours for employees retiring with more than five years of actual service with the City, and 100 percent of his/her accrued sick leave to a maximum of 720 hours for employees retiring with more than ten years of actual service with the City.

## Light Duty

- a. An employee who provides written documentation from her/his doctor indicating that the employee is unable to perform her/his regular job duties due to an accident, illness, or medically related reason may, with the approval of the Manager, be placed on light duty status or assigned to perform other temporary duties which will not be prohibited by the condition during recuperation, within the following guidelines:
  - (1) The employee's hourly rate of pay remains the same.
  - (2) If requested by the City, the employee submits to a physical examination by a medical doctor (selected and paid for by the City) prior to approval (or

continuation) of the temporary status. Failure to comply could result in denial of use of further leave.

- (3) The temporary light duty status may be approved by the Manager for a period not to exceed three (3) consecutive months.
- (4) Requests to remain in the temporary status in excess of the three-month period must be authorized by the Manager. Such requests will only be considered under exceptional circumstances.
- (5) Approval of temporary light duty is in the sole discretion of the City and is conditioned upon the availability of budgeted payroll funds to pay the employee and/or temporary workers at the same time, the disruption which may be caused to other workers in the workplace, the operational needs of the City, and the availability of actual, bona fide light duty work to be done. The City will not create light duty work where none actually exists.
- (6) With documentation from a doctor stating the employee may return to regular, unrestricted, full duty status, the employee will resume his/her regular position.
- (7) When approved to return to regular, unrestricted, full duty status, failure by the employee to do so could result in termination of employment.
- (8) Approval of temporary light duty does not signify the City's agreement that the employee is a qualified individual with a disability under the Americans with Disabilities Act ("ADA") or the Rehabilitation Act, or abrogate any defense that the City may have under these or similar civil rights laws.

Employees who are determined to be unable to perform the essential functions of their job may request a reasonable accommodation under the ADA if such accommodation would then allow the employee to perform her or his essential job functions. Since light duty does not allow the employee to perform all of her or his essential duties, light duty is not a reasonable accommodation.

## Military Leave

- a. For purposes of interpreting this Section, the general term "Military Leave" includes both Military Leave, as provided for in subsection (1) below, and Military Call, as provided for in subsection (2) below.
  - (1) Military Leave: In accordance with Chapter 115, Florida Statutes, City employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or a member of the National Guard, shall, upon presentation of a copy of the employee's official orders, be granted military leave on all days during

which the employee is ordered to active duty or inactive duty for training. Such employees shall not be required to work, or use accrued personal leave on any day during which they are engaged in training under official orders. Whether continuous or intermittent, such leave with pay may not exceed 240 working hours (30 days) in any one annual period beginning January 1 and ending December 31. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character, including assignments under applicable FEMA or USERRA regulations, shall be without pay unless required by federal law.

(2) Military Call: City employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard, who are ordered to active military duty shall, upon presentation of a copy of the employee's official orders, be granted military leave beginning with the day ordered to duty and ending up to 31 days after the date of release from the military service or from hospitalization continuing after discharge. The first thirty (30) calendar days of such leave shall be with full pay. (Note: Employees would only be compensated for scheduled workdays during this 30-day period.)

- b. Scheduled workdays for which Military Leave is taken under the rules outlined in subsections a (1) and a (2) above will be compensated as Military Leave or Military Call (as applicable) and will not count towards overtime.
- c. Employees requesting Military Leave shall furnish the Manager with competent orders from the appropriate military command as valid evidence of such duty status. These orders shall be kept in the employee's departmental personnel file. Since "competent orders" are not always defined or consistent, the Manager may consult with the City Attorney for guidance.
- d. Any absence in excess of the limits set in subsections a (1) and a (2) above may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued vacation leave or accrued comp. time. If not requested by the employee or approved by the Manager as PTO or comp. time, such absences in excess of the limits shall be approved as military leave without pay. However, such leave shall be without loss of seniority or time in service. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.
- e. City employees called to active military service will not be discharged, reprimanded, or in any other way penalized because of their absence due to such service. The employee's position may be filled by another employee with substitute or temporary status. Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position in the same class in the same geographic location.
- f. Veteran's Leave: A City employee filling a regular established position and who has been rated by the United States Department of Veterans Affairs or its predecessors to have

incurred a service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be examined or treated for the disability, shall be granted veteran's leave for such reexamination or treatment without loss of pay or benefits. The maximum veteran's leave authorized for this purpose shall not exceed six (6) calendar days in any one annual period beginning January 1 and ending December 31. Hours used are not counted as hours worked toward overtime.

Issues of military leave not addressed in this policy shall be resolved as provided for state employees in applicable provisions of the Florida Administrative Code, Florida Statutes, and federal law.

## Bereavement Leave

Employees may request paid bereavement leave upon the death of a member of their immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, or relative who lived in the employee's home. A regular employee will be allowed up to three calendar days off with pay from the day of death within the state and up to five calendar days off for an out of state funeral. All regular employees may take up to one (1) day off with pay to attend the funeral of an extended family member (aunts, uncles, and cousins).

The City may require verification of the need for the leave. The employee's supervisor will consider this time off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to a maximum of eight hours for one day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

## Jury Leave

- a. Whenever an employee (full-time, part-time, or temporary OPS) is called for jury duty, upon presentation of the summons to his/her supervisor, the employee will be excused from scheduled workdays and will receive Jury Leave pay for hours actually performing such duty, but not exceeding their scheduled work hours. The employee will not be compensated by the City for Jury Leave on unscheduled workdays unless the employee requests to substitute a night or weekend shift or portion thereof immediately preceding or following jury duty. The employee keeps any jury fees received.
- b. Paid Jury Leave hours are considered as hours worked for all compensation purposes including calculating hours worked towards overtime. The City does not reimburse an employee for meals, lodging, travel, or any other expenses incurred as a juror.
- c. Employees are required to report to work if excused from jury duty during their regular working hours. However, if their scheduled shift has been filled or they are not otherwise needed to complete the shift, they may, with supervisory approval, charge the balance of their scheduled work hours to their vacation leave or compensatory time leave accounts,

or take the time off without pay, but only to the extent they are not able to make up regularly-scheduled hours by means of flex time assignment.

- d. An employee called to jury duty shall promptly notify his or her supervisor and provide a copy of the court summons so that arrangements may be made in advance for his or her absence from work. Where requested by an employee's supervisor, an employee will provide the head with a statement of actual days spent on jury duty service (such as by memo or e mail) before compensation is approved. Where the Clerk of Court engages in "day prior call in" programs (where unseated jurors call a number to determine whether their presence will be needed the next day), employees who discover their presence at the courthouse will not be required the following day (but who have not yet been released from duty) shall report to work on that day unless otherwise ordered by the Court. Once an employee is released from duty, he or she shall inform the department and report to work.
- e. An employee called to jury duty while on paid leave shall be allowed jury duty pay for that time served in court which corresponds to his or her regular workday. Such employee shall have his or her leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department. In the event a holiday occurs during the period an employee is serving on jury duty, he or she shall receive holiday pay for the holiday rather than jury duty pay.

Employees who have a normal work schedule outside the regular business day (night or weekend shifts) who are summoned for jury duty during the business day immediately following the scheduled shift shall, if they request, be permitted to be excused from their scheduled work shift (or portion thereof) immediately prior to the jury duty day, in order to rest or otherwise prepare for their jury service. However, such excused period shall not exceed 8 hours and, where an employee requests to be excused from work for a portion or all a scheduled shift, the employee shall not be compensated for the shift or portion thereof, not actually worked (unless vacation leave is used) but shall only be compensated for jury duty equal to the number of shift hours missed performing such duty. Notwithstanding the general requirement for employees to report to duty should they not be required to spend an entire day of jury duty service, night/weekend shift employees who serve any portion of a day for jury duty without taking time off their regular shift shall be paid for the entire shift, not to exceed the number of work hours scheduled.

## Witness Leave

- a. An employee appearing as a witness for the City in a court case or administrative proceeding within the boundaries of Pinellas County, in which the City is a party, including depositions, post-termination proceedings, mediation or arbitration proceedings, or who is subpoenaed as a witness in a court case or administrative proceeding in which the employee's testimony is related to official City business, is considered to be on duty during such appearance (not including travel time), even during off-duty hours. The employee must remit to the City any witness fee received in connection with such

appearance. In the event the litigation is in a forum outside Pinellas County, and the employee attends as a witness for the City, he/she shall be entitled to per diem expenses in accordance with Florida Statutes § 112.061. However, in the event the litigation is in a forum outside Pinellas County, and the employee is subpoenaed by a party other than the City, the employee may keep any reimbursement of travel expenses, and he/she shall not be entitled to reimbursement of per diem expenses from the City.

- b. An employee who voluntarily appears at a court or administrative proceeding, as defined above, on behalf of a party litigating against the City shall be ineligible for witness leave pay by the City for any time spent at such proceeding and must attribute such time to appropriate available leave balances or take leave without pay.
- c. An employee who becomes a party in or is appearing as a witness in any case other than those described in Paragraph a. is considered to be off-duty and must attribute such time to appropriate available leave balances or take leave without pay. Under such circumstances, the employee is entitled to keep any witness fee received.

## Leave Related to Disability

### a. Workers' Compensation

- (1) An employee who suffers accidental injury arising out of work performed in the course and scope of City employment may qualify for benefits during periods in which the employee is unable to work, as provided in the Workers Compensation Law, Florida Statutes Chapter 440. Any employee who has suffered an injury or illness while at work is required to report that injury or illness on an appropriate City form as soon as possible. Supervisors who are aware of such illness/injury are required to provide the appropriate form to the employee, to compel the employee to complete it, and to promptly report the incident to the Manager.
- (2) An employee receiving workers' compensation wage benefits may, at the employee's election, use any available vacation or sick leave balance in accordance with the leave provisions in this Policy Manual to supplement those benefits. The supplemental payments plus workers' compensation benefits cannot exceed the employee's regular salary. Time spent by an employee accessing treatment for a workers' compensation covered injury does not count as hours worked toward overtime.
- (3) An employee who is released to light duty by the workers compensation primary care provider may, at the discretion of the Manager, be assigned to perform other than his/her regular duties during recuperation. An employee who refuses to accept a light duty assignment will be ineligible for other disability leave, may lose workers compensation benefits, and will be subject to disciplinary action for refusal to perform work assigned.

- (4) An employee who refuses to return to work after being released to unrestricted full duty by the workers' compensation primary care provider will be subject to discipline, including discharge, or may be deemed to have abandoned his/her job and resigned.
- (5) Nothing in this sub-section (a) eliminates or reduces an employee's rights under Florida law, to appeal workers' compensation decisions, nor should it be read as guaranteeing light duty work. Where no bona fide light duty work is available within the employee's assigned work unit, the employee may be required to remain out of the workplace until the employee's physician certifies she/he is able to return to full duty. While no employee will be retaliated against for having submitted a claim for benefits and will give every opportunity for employees to recover from work-related injuries, the City reserves its right under law to terminate any employee for the inability to perform the essential functions of his or her job where the needs of the City so require.

b. Short-Term Disability Leave/Reasonable Accommodations/Fitness for Duty Exam

- (1) All employees of the City are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the Manager to work with the employee to identify reasonable accommodations which will permit the employee to perform all essential job functions. This process may take more than one try depending on the specific facts of the case. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the City wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her essential job functions. The Manager, with appropriate advice from the City Attorney, should be consulted where any questions arise over the identification of accommodations.
- (2) Where the Manager, through appropriate medical documentation or written representations from the employee, becomes aware that an employee is unable to perform the functions of his/her job due to illness or injury, she/he will explore with the employee any workplace accommodations which may permit the employee to perform the affected job functions. In conjunction with this accommodation search, or in instances where the facts reveal that an accommodation is not possible or legally unreasonable, the City may require the employee to submit to a fitness for duty medical examination by a physician named and paid for by the City. The City's inquiry will be limited to whether the employee is able to perform job-related functions and if not, the probable duration of the disability and expected return to full duty. If the medical examination confirms that the employee is unable to perform the essential functions of his/her job with or without reasonable accommodation, the employee may request to use any short-term disability insurance policy the employee may have

obtained for up to thirty (30) calendar days. The granting of such request is at the sole discretion of the Manager. NOTE: Outside of a worker compensation claim or a City-paid fitness for duty examination, City staff should not be directly communicating with healthcare providers of employees. Instead, all such communication will be made through the employee to the provider in writing.

- (3) If the Manager approves the use of short-term disability leave paid from a short-term disability insurance policy, then, at the outset of such leave, the Manager will inform the employee in writing of the maximum duration of the leave and that, at the conclusion of that time period, the employee is expected to return to unrestricted full duty work, if he/she is able to perform the essential functions of the job with or without reasonable accommodation.
- (4) The granting, denying, or administration of short-term disability leave under this rule relates only to the ability to remain on the City's payroll as an employee while accessing a short-term disability leave insurance benefit and does not constitute, and is in no way related to, any paid leave policy of the City.
- (5) An employee authorized to be on short-term disability leave must be paid by the insurance policy first. If absence is authorized beyond those benefits, then sick and vacation hours are to be used next. If sick and vacation leave is exhausted, the employee may request use of any available compensatory time. If the employee uses all such leave or does not have enough leave to cover the duration of the disability leave period, the employee may request to be placed on leave without pay for the balance of the short-term disability leave period. Such unpaid leave period is at the sole discretion of the Manager.
- (6) If, at the conclusion of any short-term disability leave period granted, the employee is still unable to perform the essential functions of his/her job with or without reasonable accommodation, the following options are available:
  - (B) The Manager may require the employee to submit to another medical examination. If the examination reveals that the employee is able to perform the essential functions of the job with or without reasonable accommodation, the employee must return to work or face discharge, or be deemed to have abandoned his/her position and resigned.
  - (C) The employee may request an extension of short-term disability leave for another thirty (30) calendar day period not to exceed a total of three (3) consecutive months. The Manager may require the employee to produce a medical certification indicating that he/she remains unable to perform the essential functions of the job during these periods. Such requests may be granted under exceptional circumstances, depending on the operational needs of the department.

- (D) The Manager may accept the employee's voluntary written resignation for reason of inability to perform assigned duties.
  - (E) The employee may be non-disciplinarily separated for inability to perform with or without an accommodation.
- (7) While under short-term disability leave without pay, it is the employee's responsibility to pay any group health and life insurance premiums that are normally paid by the employee. Such monthly premiums must be paid by the employee prior to the effective month of coverage; otherwise, coverage may terminate.

### Time Off for Voting

The City of Belleair Beach recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If for any reason you think this will not be the case, contact your supervisor to discuss scheduling accommodations.

### Domestic Violence Leave

- a. Pursuant to Florida Statutes § 741.313, an employee who has been employed for 3 or more months is permitted to request up to 3 working days of paid or unpaid leave during any rolling 12-month period if the employee, or a family or household member of the employee is the victim of domestic violence, where such leave is taken to:
  - (1) Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
  - (2) Obtain medical or mental health care for the employee or family or household member to address injuries resulting from an act of domestic violence;
  - (3) Make the employee's home secure from the perpetrator of domestic violence or to seek new housing to escape the perpetrator; or
  - (4) Seek legal assistance or attend court proceedings arising from an act of domestic violence.
- b. Domestic violence leave shall be coded as paid sick or vacation leave (depending on whether the reason for taking the leave is to seek medical treatment or not) to the extent the employee has sufficient leave balances. Otherwise, the leave shall be coded as no pay.
- c. Except in cases of imminent danger to the health or safety of the employee or family or household member, an employee seeking domestic violence leave must provide appropriate advanced notice of the leave request, and may be required to produce

sufficient documentation to support the requested leave. To the extent an employee provides personal identifying information related to a request for domestic violence leave, such information shall be maintained by the City as confidential and exempt from public records disclosure, pursuant to Florida Statutes § 741.313(4)(c)(2).

Employees who feel they are not being granted domestic violence leave should contact the Manager to determine eligibility and obtain a suitable resolution to the matter.

## Leaves of Absence Without Pay

- a. Leaves of absence without pay will only be allowed upon depletion of accrued available vacation and sick leave balances, and comp time balances. The exception to this would be an employee who requests a leave of absence without pay to supplement military leave.
- b. The decision to grant leaves of absence without pay is a matter of administrative discretion and must be approved by the Manager.
- c. Leaves of absence without pay may be approved up to a maximum of three (3) months.
- d. While under a leave of absence without pay, any group health and life insurance premiums that are normally paid by the employee must continue to be paid by the employee. Applicable monthly premiums must be paid by the employee prior to the effective month of coverage; otherwise, coverage will be canceled at the beginning of the delinquent period.

## Leaves of Absence Related to Judicial Proceedings

- a. If an employee is arrested for, and/or charged with, an alleged violation of a federal or State law, county or municipal ordinance, or an order of a court, and/or becomes incarcerated for such reason, the Manager shall investigate as necessary for the purpose of determining whether to take disciplinary action and/or whether to place the employee on judicial leave of absence pending judicial proceedings. The decision to place an employee on leave of absence is discretionary with the Manager. Any decision to place an employee on judicial leave shall be final and not subject to appeal through any grievance process.
- b. While in some cases the City may elect to await the outcome of judicial proceedings prior to discipline action, the City reserves the right to make its own determination regarding the facts of the case and whether its personnel rules were violated, regardless of the outcome of any criminal proceedings.

- c. An employee not incarcerated while awaiting disposition of a charge may be permitted to work if it is determined by the Manager that allowing the employee to work will not adversely impact City operations or citizen good will, or jeopardize the well-being of other employees or citizens.
- d. Judicial Leave is not a right but an option which may be exercised at the sole discretion of the City and shall be unpaid. However, an employee must use all vacation leave prior to any unpaid period. Nothing herein should be interpreted as preventing the City from proceeding to terminate or otherwise discipline an employee at any time after a charge or arrest where the City possesses adequate information upon which to base its decision.

## Electronic Communication and Social Media

1. Employees are prohibited from using City owned devices (computers, tablets, smart phones) for personal use.
2. For those employees of the City who have been provided with computers, tablets, or smart phones that enable them to send and receive electronic mail (email) and access the Internet to assist in the performance of their job duties, the employees are to use these systems for appropriate purposes related to their job duties.
3. The Internet may not be accessed at any time to gamble or engage in other illegal activities or to view, display, store, download, transmit, or receive any material that is fraudulent, harassing, sexually explicit, profane, obscene, defamatory, or otherwise unlawful, including offensive material concerning gender, race, color, national origin, religion, age, disability or other characteristic protected by law, regardless of intent.
4. It is the employee's responsibility to make every effort to protect the City's technology resources available to him or her. Each employee is responsible for the use and security of assigned City computers and passwords.
5. City employees must adhere to the following technology use rules in order to protect the City's technology assets and systems/data security:
  - When not in use, keep removable storage media and paper documents containing information that should be protected from disclosure in a secure place.
  - Report suspected computer security incidents such as viruses, unauthorized disclosure or inappropriate use to the Manager or Clerk.
  - When reviewing emails, if you do not know who the sender of the email is, or the email does not seem to be regarding legitimate City business, to not click on any embedded links. CLICKING ON EMBEDDED LINKS MAY ALLOW THE CITY'S SOFTWARE AND DATA SYSTEMS TO BE HIJACKED FOR RANSOM.

6. The City may, from time to time, elect to utilize one or more social media platforms. City employees who are not authorized by the Manager to use such social media platforms are not allowed to publish or comment as a representative of the City via any City-established social media account. All uses of social media shall follow the same ethical standards that City employees must otherwise follow.
7. Employees are expressly forbidden to misuse any social media access privileges in any way, including:
  - a. Using social media accounts for unlawful activities, including violations of copyright law, or for activities that are malicious or have the effect of harassing other users;
  - b. Misrepresenting the City's programs or policies in their communications;
  - c. Publishing confidential information. Examples of confidential information may include unpublished details about projects, private customer data, protected health information, unreleased bid or financial information, private personnel information and other sensitive or classified information. Determination of confidential-natured content is the responsibility of the site topic Manager.

## Employee Benefits

The City of Belleair Beach recognizes the value of benefits to employees and their families. The City supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the Summary Plan Descriptions (SPD). To the extent that the information provided here conflicts with the SPD or full plan document, the full plan document will control.

### Medical, Dental, and Vision Insurance

Full-time employees working 30 hours or more per week are eligible for insurance on the first of the month following 30 days of service. Upon approval of the application by the City Manager, the City pays the premium for the employee's coverage. The employee may elect to include other family members (as authorized by the current plan). To keep coverage in force, every insured employee must work a minimum of 30 hours per week.

### Group Life Insurance

The City provides life insurance for full-time employees who work a minimum of 30 hours per week. Employees are eligible for this benefit on the first day of employment. The life benefit information will be provided by the City Clerk upon request. The cost of this coverage is paid for in full by the City.

### Workers' Compensation

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

The City of Belleair Beach pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The City abides by all applicable state workers' compensation laws and regulations.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor and the City Manager immediately. The supervisor will complete an injury report with input from the employee and return the form to the City Manager. The City Manager or their designee will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room.

Employees will not be paid vacation or sick leave for approved absences covered by the City's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employee's salary as allowed by state law.

As provided for in F.S. Ch. [§] 440.12(1), no workers' compensation payments shall be allowed for the first seven calendar days of the disability. An employee may use his/her sick leave during this period and charge against their accrued sick leave one day for each day absent, except as provided for in the State of Florida Workers Compensation Law, Section [F.S. §] 440.15(11).

If the disability extends beyond seven calendar days, on the eighth calendar day the employee will receive worker's compensation payments at the rate of 66 2/3 percent of their average weekly wage (with a maximum amount as established under F.S. Ch. [§] 440.12(2)(b)). The employee may elect to charge against their accrued sick leave, on a proportionate basis, the difference between the worker's compensation payment and their regular pay in order to receive full pay.

## Educational Reimbursement

Subject to budgetary limitations, the City Manager has the authority to approve any job-related course including registration, tuition, books, and lab fees, provided the applicant is not receiving benefits from other sources. All courses that are deemed to be related to a current or future position with the City, are offered by an accredited institution, and are completed with a passing grade of "C" or better are recognized for educational assistance. While all approved courses are reimbursable, the following are highly recommended:

- *Job improvement courses:* Courses directly related to the employee's assignment that will improve his/her skills, knowledge, and ability to perform his/her duties and increase, through more advanced techniques, his/her potential for promotion.
- *Self-development courses:* Courses which may not be job specific, but which will help the employee do a better job (i.e., foreign language may help employees communicate more effectively with foreign nationals).

In addition, educational reimbursement is also applicable to costs for tests (i.e., GED, CLEP, etc.) which result in credit towards high school, college, or another educational equivalent.

In accordance with 29 C.F.R. § 785.27, attendance at lectures, meetings, training programs and similar activities need not be counted and, consequently, shall not be counted as working time if the following four criteria are met:

- a. Attendance is outside of the employee’s regular working hours;
- b. Attendance is in fact voluntary;
- c. The course, lecture, or meeting is not directly related to the employee’s job; and
- d. The employee does not perform any productive work during such attendance.

Attendance at training workshops/seminars is permissible during working hours with prior Manager approval. All employees who attend education or training classes during normal working hours are directed to mark their timecards with the appropriate code as enacted by the City’s payroll system.

An employee may not use any City personnel, equipment or supplies as part of the course or program of instruction. Nor may an employee work on projects or homework, or attend a tuition-reimbursed course during assigned working hours, unless such time is covered by approved leave or compensatory time, or leave without pay.

*Eligibility for participation in educational programs.*

All regular full-time employees are eligible for participation in the educational program after one year of continuous service. Employees receiving payment for their educational expenses from other sources are not eligible.

*Application procedure.*

An employee desiring to participate in the educational program shall submit an educational reimbursement request to his/her department head requesting approval for program participation at least ten working days prior to the beginning of a class. If approved by the department head, the application shall be forwarded to the City Manager for concurrence and subsequent approval. (Note: The City will not provide reimbursement for any course or test initiated prior to the date of approval of the application.)

*Agreement and certification by employee.*

The application for program participation shall provide an agreement to be signed by the employee, notarized, and stipulating that the employee will remain in the City employment a minimum of three full years after completion of the approved courses. Should the employee's services be terminated during this period, voluntarily or involuntarily, the City shall be reimbursed for funds paid to the employee for educational expenses as provided in the following reimbursement formula:

Termination After Reimbursement	
Completion of course(s)	Pay back to City
Less than 1 year	100%

Less than 2 years	50%
Less than 3 years	25%

*Completion of courses and reimbursement of expenses.*

Upon successful completion of the course, the employee's personnel record will be documented with his/her educational achievement, and the City Manager will arrange for reimbursement to the employee expenses for tuition, books, and other course materials, based on the following schedule:

Passing with a letter grade of A, B, or C or 100%

Reimbursement for courses in which letter grades are not issued will be in the following manner:

Satisfactory/Pass	100%
Unsatisfactory/Fail	0%

It is the employee's responsibility to furnish to the City Manager a copy of the transcript specifying the grade achieved or rating of satisfactory achievement.

## City and Personal Vehicle Use

1. When it is necessary to allow an employee to carry out assigned job duties, an employee may be required to operate and control City-owned/leased vehicles, or to operate a personally owned vehicle for City business. When possessing a City-owned/leased vehicle for such a reason, employees may only use it during the course and scope of their assigned employment duties, and under no circumstances is the vehicle to be used for personal business or pleasure, whether during duty hours or not. However, employees may make workday deviations to use restrooms or take meal/comfort breaks.
2. An employee driving a City vehicle, or a personal vehicle for City business, must have in his or her possession a valid Florida driver's license with any required endorsements or classifications.
3. City vehicles will not be used to transport anyone other than City employees unless the person(s) to be transported are directly involved in the provision of City-related services or otherwise involved in City government operations.
4. In normal circumstances, City owned/leased vehicles are to be driven over the most direct route. Any out of Pinellas County travel must be pre-approved by the Manager unless emergency circumstances prevent prior approval.

5. No employee shall operate a City vehicle or personal vehicle on City business when any physical or mental impairment causes the employee to be unable to drive. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication or being under the influence of illegal drugs or alcohol.
6. Vehicles driven on City business must be driven in accordance with all applicable traffic and parking laws, including applicable speed limits. Seat belts must be used by vehicle occupants at all times. Each employee shall be personally responsible for any fines or penalties incurred as a result of driving or parking violations while operating a City vehicle.
7. Any accident involving a City-owned vehicle which results in property damage and/or personal injury will be reported without delay to the operator's immediate supervisor, regardless of whether such accident occurs during or after regular duty hours, as well as to the law enforcement agency with jurisdiction over the accident scene.
8. The City does not normally authorize take-home vehicles. In the event the City may assign a City vehicle to an employee for use to and from work, the employee shall be responsible for the personal tax liability for the value of this use. No other City employee is authorized to take City vehicles home. Any request for a special exception must be submitted in writing to the Manager.
9. City vehicles must be maintained in good working order at all times. An employee who observes an apparent safety or equipment defect regarding vehicle equipment should report it to a supervisor immediately and if the vehicle is unsafe, it shall not be driven further. Employees who have been assigned a take home vehicle shall store the vehicle in a safe, secure area at the employee's residence, keep it locked, and shall take all reasonable measures to prevent damage to the vehicle.
10. When City vehicles are not in use, they shall be parked in a designated City parking lot.
11. Employees are on notice that they should avoid bringing valuable personal items into City vehicles. The City will not be responsible for the loss or theft of any personal items from City vehicles, and City vehicles may be inspected or searched at any time at the City's election.
12. Employees who are assigned a City vehicle, or who are using their personal vehicle while on City business, must refrain from speaking on cellular phones while driving the vehicle unless the employee makes use of a "hands-free" device. Employees not using hands-free devices must bring their vehicles to a full stop in a safe location prior to using a cellular phone. Employees shall not text or type on smart phones while driving.
13. Employees shall not smoke, vape, or use smokeless tobacco within any City vehicle.

14. No City employee shall order, authorize or permit any non-City employee, including contractors and temporary workers, to operate any City vehicle, including cars, trucks, earth-moving equipment, airplanes, all-terrain vehicles, and boats, unless same is absolutely required to respond to an extreme emergency or imminent threat to life or safety and no City employee is available to operate the vehicle.
15. If an employee is assigned a take-home vehicle, the employee may not use the City-owned vehicle to engage in personal business while commuting to/from work, including shopping trips, stopping at dry cleaners (other than to pick up or drop off City uniforms), or picking up or dropping off school children.
16. By law, the City may not be required to cover injuries or damages resulting from use of vehicles by its employees unless such use was in the course and scope of employment. Employees are therefore warned that failure to limit use of City vehicles to such purposes may result in personal financial liability for any such damage or injury to the employee or third persons. To the extent the Manager determines appropriate, employees being granted use of City vehicles or being instructed to use personal vehicles to conduct City business may be required to execute acknowledgement forms concerning issues of liability.
17. Authorization given to an employee to use a City-owned vehicle, whether take home, daily assignment, pool or otherwise, is not and shall not be construed as being a guaranteed benefit or entitled form of compensation to the employee. Vehicles are assigned based on operational needs and budgetary limitations and the City may remove, reassign, or decommission any of its vehicles at any time within its discretion.

## Travel Policy

All travel by City employees must be authorized by budgetary appropriation or by direct authorization by the appropriate department head.

Travel expenses for City employees on authorized travel shall be limited to those expenses incurred by them in the performance of a public purpose, and shall include, but not be limited to, City business, conventions, conferences and training or education by which attendance would serve a direct benefit for the City.

Lodging should be obtained in advance, and the lowest rate available should be obtained. Tax exemption should be requested at the time the reservation is made. Tax Exemption Certificates are available on the City's intranet. It is the employee's responsibility to ensure that the hotel has processed the tax exemption.

Travelers may elect to have meals reimbursed at either 1) a flat per diem amount or 2) with a detailed receipt to include what was purchased, but not a combination of both. If there is no receipt, the per diem rate will apply for all meals. The City Manager must approve all receipts above the per diem rate. If the City Manager decide the higher priced meal was not justified, the

traveler will receive the per diem rate. Per diem meals are reimbursed at current U.S. General Services Administration Meals & Incidentals (M&IE) rates.

No allowance for meals shall be authorized when traveling is confined to the City.

No reimbursement is allowed for meals included in conference registration or provided by airlines. The traveler is responsible for noting such meals. If a traveler cannot take advantage of a provided meal for City business-related reasons, or the food provided does not meet the dietary restrictions of the traveler, the traveler will be reimbursed at the per diem meal rate. Receipts and a written justification of why they are unable to take advantage of the meal are required for reimbursement of a substituted meal.

The City will not reimburse for any expenses related to the purchase/consumption of alcoholic beverages. Employees should request a separate bill for alcoholic beverages or meals purchased for other travelers not eligible for reimbursement.

## Transportation

All travel shall be upon established direct routes. If a traveler elects to take an indirect transportation route for his/her convenience, costs in excess of the rate for a direct route passage shall be borne by him/her and he/she shall be reimbursed only for such direct route fare.

Use of a privately-owned vehicle for official travel in lieu of public vehicle or common carrier may be authorized by the department head if a publicly owned vehicle is not available.

If traveling by privately owned vehicle, the employee shall receive reimbursement of a mileage allowance per the Internal Revenue Service standard mileage rate as listed in the appropriate IRS publication. The standard rates published by the IRS annually in December shall be used for the following calendar year beginning January 1. All mileage shall be computed from the point of origin to the point of destination.

Unless otherwise approved by the department head, the point of origin for the outbound and the destination for the inbound leg shall be City Hall. The reimbursable mileage shall also include vicinity mileage necessary for the conduct of official business.

## Other Allowable Expenses

In addition to the travel expenses presented above, the following incidental travel expenses may be authorized:

- Taxi or limousine fares.
- Ferry fares.
- Bridges.
- Road and/or tunnel tolls.
- Storage or parking fees.

- Communication expenses.

Conference or convention registration fees may be authorized if attendance at such conference or convention serves a direct City purpose with relation to the person attending.

Employees should ask the City Manager for guidance and assistance with procedures related to travel arrangements, expense reports, reimbursement for specific expenses or any other business travel issues.

Exempt employees will be paid their regular salary for any weeks in which they travel. Non-exempt employees will be paid for travel time in accordance with the City's policy and with federal and state wage and hour laws.

Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, may result in disciplinary action, up to and including termination of employment.

## **Miscellaneous Policies**

### **1. Area-Specific Rules**

Though the City attempts, where possible, to maintain uniform rules generally applicable to all City employees, unique needs in specific City operational units may call for customized rules. Therefore, the Manager may promulgate and implement additional rules unique to a given operational unit based upon operational needs and requirements as a supplement to this Policy Manual. Such rules, when issued, shall be applicable to employees of that unit as though they were published herein.

### **2. Use of Personal Cell Phones to Text**

Unless expressly authorized to do so by the Manager, employees are prohibited from using personal cell phones to send or receive text messages regarding City business. In the event an employee does so, then disciplinary action may be taken. Employees are also on notice that if they use their personal cell phones to make or receive text messages regarding City business, they become personally obligated to preserve such records, and their cell phone text records related to that City business shall be subject to access for the City's compliance with public records laws. Employees shall not maintain an expectation of privacy for cell phone records if the employee's personal cell phone (including text messaging) is used for City business. The employee's personal cell phone records associated with City business shall also be subject to production in the case of disciplinary proceedings.

### **3. City Property and Supplies**

- a. Employees are expected to take proper care of the handling and use of all City equipment and property. Employees are not to remove City property from the

premises without authorization by the Manager with the exception of those items that have been authorized for use off the premises such as cellular phones, pagers, laptop computers, etc.

- b. Employees are not permitted to “recycle,” “scavenge” or take for personal use any used or excess supplies, tools, or equipment, including construction materials and office supplies, absent a published City policy on re-use or recycling of such materials.
- c. The City will keep and maintain a record of all City property assigned to any City employee with a value in excess of \$1,000.
- d. Upon request or separation from employment, employees shall return all City property to the City. By accepting employment with the City, employees agree that the replacement cost for all property damaged, lost or not returned may be deducted from the employee’s paycheck without need to file any further legal action against the employee, except to the extent a deduction would reduce pay to an hourly rate below the prevailing minimum wage.

#### 4. City Communications Equipment and Systems

All City equipment, including electronic communications systems such as e mail and voice mail, is the property of the City and is subject to monitoring at any time, with or without further notice, at the sole discretion of management. All City employees are required to comply with the terms of the City’s computer and internet use policies, to the extent such are adopted by the Manager or the City Council.

#### 5. Address and Telephone Number

Each employee shall provide the City with a current physical address, telephone number, and contact information. The employee shall also provide and maintain a current name and telephone number of an emergency contact. The Manager must be informed of any change in the above-required data in a timely manner.

#### 6. Statements by City Employees to Attorneys, Law Firms, or Others Concerning Employees or City Business

City employees may from time to time be requested or subpoenaed to make a statement to an investigator, an attorney, or a law firm. These statements may be concerned with an actual or contemplated legal action against the City. Employees are not generally authorized to make representations to anyone regarding City business. Therefore, should any employee receive either a request to make a statement or be subpoenaed regarding City business, the employee shall discuss the matter with the Manager and, prior to making any oral or written statements, the matter should be reviewed with the City Attorney. Nothing herein should be interpreted as preventing an employee from speaking with his or her own legal counsel regarding personal legal

matters, nor from speaking with a representative of a labor association concerning any grievance, mutual aid or concerted activity as protected by Florida Statutes § 447.301.

#### 7. Media Relations, Requests for Interviews

- a. The City's official positions and policies are set and communicated to the public by the elected Council Members and, in certain circumstances such as litigation or administrative matters, the City Manager or City Attorney.
- b. However, other City employees may from time to time be asked by various media outlets to provide comments or interviews concerning the City's policies, operations, or other such matters. To ensure that the City's official positions on matters related to the business of the City are communicated to the media in a consistent and informed way, any employee who receives a media request to be interviewed or to provide comments concerning City business shall refer the matter to the Manager, who will determine the appropriate response. Unless first authorized by the Council or Manager, employees shall refrain from providing comments or being interviewed regarding City business or policy.

#### 8. Recording Workplace Communications Prohibited

Chapter 934, Florida Statutes, prohibits interception of wire or oral communications by electronic, mechanical, or other device without the consent of all parties involved. Recordings related to City business are also public records subject to being retained and inspected. Employees are therefore prohibited from recording any conversations between individuals, whether fellow employees, subordinates or citizens, with or without the permission of all parties, except as otherwise provided by law, as part of an official City broadcast production, as may be authorized by a criminal investigation conducted by law enforcement, or as is authorized by City policies regarding City-owned phones, faxes, radios and computers.

#### 9. Loss of or Failure to Obtain Professional Certification or License

- a. Where an employee's position with the City requires any specific certification, license, or other credential, including driver's license, as a condition of holding that position, the employee is required to obtain and maintain the certification, license, or credential, and to provide written proof thereof upon request. An employee who loses or within the provided amount of time fails to obtain the required certification, license, or credential for whatever reason, including suspension, revocation, or expiration, has a responsibility to immediately report this fact to the Manager. Failure to provide timely notice will result in discipline up to termination.
- b. Upon timely notification by an employee that he or she has lost or failed to obtain the certification, license or credential, the Manager shall have the following options:

- (1) Make a reasonable effort to reassign the employee, on a temporary basis, to appropriate and available responsibilities not requiring the certification, license, or credential, for a reasonable timeframe up to the subsequent exam/incident follow-up and results notification date to provide continuous employment during his or her efforts to attempt to acquire or obtain reinstatement.
  - (2) Allow him or her to use any available and applicable leave during the allotted timeframe while obtaining reinstatement.
  - (3) Place him or her on a temporary administrative leave of absence without pay not to exceed the allotted timeframe.
- c. An employee who fails to have his or her certification, license or credential reinstated, or to initially obtain same within the allotted period, may apply for and be considered on a competitive basis for any vacant City position for which he or she is qualified. If the employee is not selected or does not apply for such position prior to expiration of the allotted timeframe, then he or she shall be non-disciplinarily separated for failure to obtain or maintain a necessary job qualification.

#### 10. Searches on City Property

- a. The City seeks to provide a safe work environment for all its employees. To that end, the City reserves the right whenever the Manager has reasonable suspicion to believe an employee has brought on City premises or work sites alcohol, illegal drugs or controlled substances, or any other illegal or prohibited item, weapon, or stolen property; or has misused City equipment, to search City property including, but not limited to work locations, desks, file or storage cabinets, computer files (including software, hardware, metadata, e mail, voice mail, and internet activity), lockers (locked or unlocked), City vehicles and private vehicles parked on City property or being used at the time of search for City business, and all other City equipment.
- b. On a case-by-case basis, employees may be requested to display personal property for visual inspection. Failure to comply with a search or visual inspection request from supervisory or security personnel will be grounds for discipline. Searches of an employee's personal property, such as purses or briefcases or lunch containers, will take place only in the employee's presence unless an emergency condition exists which would, if confirmed, endanger others or the employee him/herself. Employees who do not wish to subject personal items to possible inspection are strongly advised to leave such items at home.
- c. The City will make every effort to honor the personal dignity of employees during any search but will take appropriate disciplinary action in cases where prohibited items or activities are uncovered, regardless of how such item(s) or activity has been discovered (accidentally or in the process of a search).

## 11. Employee Arrest or Charge

Employees must inform the Manager, either verbally or in writing and either personally or via an attorney or family member, etc., within three (3) business days of their being criminally arrested, charged, or convicted of any state or federal crime, including for violation of parole or probation. Failure to do so will result in disciplinary action.

## 12. City Bulletin Boards and Common Areas

The City may from time to time establish and ordain certain display cases, bulletin boards, or the like for the purpose of posting authorized communications to employees and/or the public. The purpose of such bulletin boards or display cases is not to create a general speech area but is instead intended to effectively and efficiently communicate information to citizens and employees. Employees are thus prohibited from posting any item not approved by the Manager in advance and not related to City business or City employment. Employees are likewise prohibited from removing any posted notice or item from a City display case or bulletin board unless authorized, and from posting, or facilitating or authorizing anyone else to post any advertisement, notice, solicitation, or any other printed materials in, on or along any common area of any City building or facility. Common areas include, but are not limited to, break rooms, entryways, doors, hallways, and parking facilities.

## 13. Communicable Diseases

The City desires to maintain a workplace free from preventable risks of communicable illness or disease. Therefore, all employees of the City are required to properly treat any communicable disease which would present a danger to the health or safety of fellow employees. Employees should, in consultation with their health care providers, take appropriate precautions within the workplace to reduce any infection risks to co-workers. The City does not seek to needlessly impose on the medical privacy of its employees and where a communicable disease or illness is adequately managed and treated, the employee need not disclose same to co-workers or the City. However, should the employee desire the assistance of the City in modifying working conditions to prevent risk of transmission, the Manager should be consulted, and any records generated concerning the medical condition will be treated as confidential as permitted by state and federal law.

## 14. Inventions and Intellectual Property

Any invention, method, program, publication, or other form of intellectual property which is developed by a City employee during work hours or using City equipment or resources, is the property of the City. Employees are prohibited from seeking a patent, trademark, service mark, copyright or otherwise register such intellectual property without the prior authorization of the City Council.

# PERSONNEL POLICY MANUAL

## ACKNOWLEDGMENT AND RECEIPT

I acknowledge that I have received and read a copy of the City of Belleair Beach Personnel Policy Manual. I understand that the Manual sets forth the terms and conditions of my employment with the City as well as the duties, responsibilities, and obligations of employment with the City. I agree to abide by and be bound by the rules, policies and standards set forth in the Personnel Policy Manual.

I acknowledge that, except where required otherwise by applicable state law, my employment with the City of Belleair Beach is at-will, meaning that it is not for a specified period of time and that the employment relationship may be terminated at any time for any reason, with or without cause or notice, by me or the City.

I also understand and agree that this agreement may not be modified orally and that only the City Council or City Manager may make a commitment to employment. I also understand that if such an agreement is made, it must be in writing and signed by the City Manager.

I further acknowledge that the City reserves the right to revise, delete and add to the provisions of the Personnel Policy Manual and state supplement, but that all such revisions, deletions or additions must be in writing. No oral statements or representations can change the provisions of the Personnel Policy Manual or supplement. Furthermore, the City's policy of at-will employment can only be changed as stated in the prior paragraph.

I understand and acknowledge that nothing in this Personnel Policy Manual or in any other document or policy is intended to prohibit me from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct I believe violates any laws or regulations. I also understand and acknowledge that nothing about the policies and procedures set forth in this Manual should be construed as interfering with any employee rights provided under state or federal law. I have reviewed and personally agree to the FLSA comp time provisions set forth in this Manual.

I accept my responsibility to read and understand this Manual. I understand the topics discussed in this Manual represent the general policies of the City of Belleair Beach and that the City may impose additional requirements, depending upon the nature of my position and the authority granted by the City. I also acknowledge that this Manual is subject to change at any time and is not intended as an express or implied contract nor is it intended to create an entitlement to continuing employment.

I have read and understand the above statements.

---

Employee's Name in Print

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Signature of Employee

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Date Signed by Employee

## MEMORANDUM

TO: Mayor and City Council

FROM: Kyle Riefler, City Manager

DATE: August 3, 2023

SUBJECT: Authorize City Manager to Execute an Extension to the Memorandum of Understanding for Accounting Services

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### Recommendation:

Authorize the City Manager to execute an extension and a three percent (3%) increase in the amount of \$61,903.00 annually to the Memorandum of Understanding (MOU) for Accounting Services with Andrew Tess, CPA effective October 1, 2023, through September 30, 2024.

History: The City Council appointed Andrew Tess, CPA, City Treasurer by Resolution 2019-13 on December 2, 2019.

### Background:

The current agreement expires on September 30, 2023. Funding is included in the FY 23/24 Budget. The renewal MOU has been reviewed by the City Attorney.

### Attachments:

1. Renewal of MOU 2023-24.
2. 09-10-2020 MOU and subsequent renewals.



**Andrew Tess, CPA**

Address: P.O. Box 7488 • Clearwater, FL 33758  
Phone: (727) 560-5663 • E-Mail: 1040.tess@gmail.com

Date: July 20, 2023

Kyle Riefler, City Manager  
City of Belleair Beach

Re: Renewal of Memorandum of Understanding (MOU)

Mr. Riefler,

This letter is to extend the professional relationship described in our MOU commencing October 1, 2023 through September 30, 2024. For the term of this engagement the fee will be \$61,903. All other terms & conditions will remain as unaltered per our original Memorandum of Understanding.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this renewal on the date and year hereinafter set forth.

WITNESS

\_\_\_\_\_

ANDREW TESS, CPA

By \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST

\_\_\_\_\_

Patricia Gentry, City Clerk

CITY OF BELLEAIR BEACH, FLORIDA

By \_\_\_\_\_

Kyle Riefler, City Manager

Date: \_\_\_\_\_

# **MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BELLEAIR BEACH AND ANDREW TESS, CPA, CITY TREASURER**

This Memorandum of Understanding (MOU) between the City of Belleair Beach, Florida (City) and Andrew Tess, CPA, City Treasurer whose address is P.O. Box 7488, Clearwater Florida 33758 (CPA) sets forth an agreement between the parties.

## **RECITALS**

1. The City is a Florida municipal corporation.
2. The CPA was appointed as the City Treasurer pursuant to Resolution No. 2019-13 approved by the City Council of the City on December 2, 2020.

## **AGREEMENT**

### **1. SCOPE OF ACCOUNTING SERVICES**

- a. CPA will post all income and expense transactions into the City's accounting software, QuickBooks. City staff will be responsible for all invoices being approved, dated and coded prior to processing. City Staff will be responsible for finalizing and distributing checks after processing.
- b. CPA will reconcile all bank and investment accounts each month. Monthly financial statements will be provided to management.
- c. CPA will submit monthly sales tax returns and ensure that the necessary payments are remitted electronically.
- d. City staff will process all bi-weekly payrolls via third party (ADP). CPA will record payroll and pension transactions into QuickBooks but will not audit the accuracy of these calculations.
- e. CPA will assist City staff with the preparation and filing of regulatory reports as required.
- f. CPA will maintain files for the annual audit and assist with preparation of schedules and other requested information as part of the audit examination.
- g. CPA are not required to, and will not, verify the accuracy or completeness of the information City will provide to us for the engagement or otherwise gather evidence for the purpose of expressing an opinion on the financial statements as a whole. Accordingly, CPA will not express an opinion, a conclusion, nor provide any assurance on the financial statements.
- h. CPA, in its sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as inappropriate for this type of service arrangement.
- i. To the extent permitted by law, City agrees to hold us harmless and to release, indemnify, and defend us from any liability or costs, including attorney's fees, resulting from management's knowing misrepresentations to CPA.
- j.. CPA will not be required to attend workshops or Council meetings. These services may be negotiated for an additional fee, as would any other services beyond the scope of the services outlined above.

### **2. MANAGEMENT RESPONSIBILITIES**

Management has the following responsibilities that are fundamental to our undertaking of this engagement:

- a.. The selection of accounting principles generally accepted in the United States of America as the financial reporting framework to be applied in the preparation of the financial statements as well as the proper application of standards promulgated by the Governmental Accounting Standards Board.
- b. The design, implementation and maintenance of internal controls relevant to the preparation of the financial statements that is free from material misstatements, whether due to fraud or error.
- c. The prevention and detection of fraud. CPA will inform City of any material errors, fraud, or other illegal acts CPA discover but our consulting services are not guaranteed to detect this type of finding.
- d. To ensure that the City complies with the laws and regulations applicable to its activities. The accuracy and completeness of the records, documents, explanations, and other information, including significant judgments, City provide for this engagement.

The City agrees to provide CPA:

- 1. Access to all information of which CPA are aware is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters.
- 2. Additional information that CPA may request from City for the purpose of this engagement.
- 3. Unrestricted access to persons within the City of whom CPA determine it necessary to make inquires.
- 4. The City shall be responsible for all management decisions and responsibilities and for designating an individual with the suitable skills, knowledge, and experience to oversee our services.
- 5. The City shall be responsible for evaluating the adequacy and results of the services performed and accepting responsibility for such services.

### **3. OTHER RELEVANT INFORMATION**

- a. The professional relationship described in this letter will be for 12 months, commencing on October 1, 2020, and ending September 30,2021. The contract for the scope of services CPA will provide will automatically renew, but CPA anticipate an annual fee increase as described in paragraph c.
- b. For the term of this engagement, the CPA's fee will be \$1089.43 weekly. Management will be made aware of any time CPA will not be available. This fee is based upon anticipated cooperation with City personnel. CPA will submit an invoice weekly as services are performed, and it will be due and payable upon receipt.
- c. CPA reserves the right to increase the CPA's fee no less than three percent (3%) each year. The modified fee arrangement will be presented to management prior to the expiration of the annual contract term. If significant additional time beyond the CPA's projected time commitment is necessary during the time period covered by this engagement letter, CPA will discuss it with City and arrive at a new fee estimate. If CPA is unable to obtain sufficient information to proceed with the engagement as contemplated and agreed, CPA will advise City

and, as appropriate, discuss terminating or modifying the engagement with City. If CPA agrees to modify or terminate the engagement, CPA will communicate that to the City in writing.

If in the course of this engagement CPA become aware of a service needed to complete the engagement that CPA do not or will not provide, CPA will advise the City of that needed service and recommend to the City that City engage another service provider to address that service. If the City decline to engage such recommended service provider, and CPA determine that such action impairs or limits our ability to properly address the terms of this engagement, CPA will so advise the City, and may terminate this engagement.

This engagement may be terminated with 15 days written notice by either party without penalty or further obligation except for the payment of fees for services performed prior to termination.

#### **4. PUBLIC RECORDS.**

A. The City of Belleair Beach is a public agency subject to Chapter 119, Florida Statutes. In accordance with Florida Statutes, 119.0701, CPA agrees to comply with Florida's Public Records Law, including the following:

1. Keep and maintain public records required by the City to perform the services;
2. Upon request by the City, provide the City with copies of the requested records, having redacted records in total on in part that are exempt from disclosure by law or allow the records to be inspected or copied within a reasonable time (with provision of a copy of such records to the City) on the same terms and conditions that the City would provide the records and at a cost that does not exceed that provided in Chapter 119, Florida Statutes, or as otherwise provided by law;
3. Ensure that records, in part or in total, that are exempt or that are confidential and exempt from disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion (or earlier termination) of the contract if CPA does not transfer the records to the City;
4. Upon completion (or earlier termination) of the contract, CPA shall within thirty (30) days after such event either transfer to the City, at no cost, all public records in possession of the CPA or keep and maintain the public records in compliance with Chapter 119, Florida Statutes. If CPA transfers all public records to the City upon completion (or earlier termination) of the contract, CPA shall destroy any duplicate records that are exempt or confidential and exempt from public records disclosure requirements. If CPA keeps and maintains public records upon completion (or earlier termination) of the contract, CPA shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the City.
5. The failure of CPA to comply with Chapter 119, Florida Statutes, and/or the provisions set forth above shall be grounds for immediate unilateral termination of the contract by the

City; the City shall also have the option to withhold compensation CPA until records are received as provided herein.

6. IF CPA HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 727-595-4646, BY EMAIL TO: [Pgentry@cityofbelleairbeach.com](mailto:Pgentry@cityofbelleairbeach.com) AND MAILING TO:

Patricia Gentry, City Clerk  
City of Belleair Beach, Florida  
444 Causeway Boulevard  
Belleair Beach, Florida 33786

**IN WITNESS WHEREOF**, the parties hereto have made and executed this MOU on the date and year hereinafter set forth.

WITNESS

  
\_\_\_\_\_

ANDREW TESS, CPA

By   
\_\_\_\_\_

Date: 9/10/2020

ATTEST

  
\_\_\_\_\_

Patricia Gentry, City Clerk

CITY OF BELLEAIR BEACH, FLORIDA

By   
\_\_\_\_\_

Lynn Rives, City Manager

Date: 9-10-2020

Approved as to Legal Form:

  
\_\_\_\_\_

Fred Reilly, City Attorney



**Andrew Tess, CPA**

Address: P.O. Box 7488 • Clearwater, FL 33758  
Phone: (727) 560-5663 • E-Mail: 1040.tess@gmail.com

Date: July 12, 2021

Lynn Rives, City Manager  
City of Belleair Beach

Re: Renewal of Memorandum of Understanding (MOU)

Mr. Rives,

This letter is to extend the professional relationship described in our MOU commencing October 1, 2021 through September 30, 2022. For the term of this engagement the fee will be \$58,350. All other terms & conditions will remain as unaltered per our original Memorandum of Understanding.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this renewal on the date and year hereinafter set forth.

WITNESS

Kyle Rife  
\_\_\_\_\_

ANDREW TESS, CPA

By Andrew Tess  
\_\_\_\_\_

Date: 8/26/21

ATTEST

Patricia Gentry  
Patricia Gentry, City Clerk

CITY OF BELLEAIR BEACH, FLORIDA

By Lynn Rives  
Lynn Rives, City Manager

Date: 9-9-21



**Andrew Tess, CPA**

Address: P.O. Box 7488 • Clearwater, FL 33758  
Phone: (727) 560-5663 • E-Mail: 1040.tess@gmail.com

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Date: June 21, 2022

Kyle Riefler, Interim City Manager  
City of Belleair Beach

Re: Renewal of Memorandum of Understanding (MOU)

This letter is to extend the professional relationship described in our MOU commencing October 1, 2022 through September 30, 2023. For the term of this engagement the fee will be \$60,100. All other terms & conditions will remain as unaltered per our original Memorandum of Understanding.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this renewal on the date and year hereinafter set forth.

WITNESS

*Laura Mataluni*

ANDREW TESS, CPA

By *Andrew Tess*

Date: *8/3/2022*

ATTEST

*Patricia Gentry*  
Patricia Gentry, City Clerk

CITY OF BELLEAIR BEACH, FLORIDA

By *Kyle Riefler*

Kyle Riefler, Interim City Manager

Date: *08-03-22*

## MEMORANDUM

TO: Mayor and City Council

FROM: Kyle Riefler, City Manager

DATE: August 3, 2023

SUBJECT: Authorization to Execute Service Agreement with Victor Burianek

STRATEGIC PLAN: COMMUNICATIONS

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**Recommendation:**

Authorize City Manager to execute a service agreement with Victor Burianek for live video recordings of regular council meetings.

**History:**

Mr. Burianek has contracted services with the City since 2015. During this period, Mr. Burianek has maintained a professional relationship while providing high quality meeting videos for public viewing.

**Background:**

The City has broadcasted meetings through Zoom software since 2022. Until recently, the live Zoom video was shot from a stationary camera providing the audience with a wide unfocused view. Over the past two meetings, Mr. Burianek has perfected integrating his high-quality cameras and microphone with the City's equipment. The new configuration provides remote viewers with a first-rate multiangled live video stream. Mr. Burianek will continue to perform all necessary editing, formatting and finalization of recording, then upload final video on YouTube.

**Attachment:**

1. SERVICE AGREEMENT 2023

## **SERVICE AGREEMENT**

### **1. PARTIES:**

The parties to this agreement are: CITY OF BELLEAIR BEACH (hereinafter referred to as "CBB"), whose business address is 444 Causeway Boulevard Belleair Beach, Florida and Victor Burianek (hereinafter referred to as "Burianek"), whose business address is P.O. Box 4563, Seminole, Florida.

### **2. TYPE OF SERVICES:**

BURIANEK hereby agrees to record the City's monthly commission meetings in a live feed format. BURIANEK may agree to record additional meetings upon request at an additional fee, with at least 3 weeks prior written notice.

During each video recording, BURIANEK agrees to provide one videographer, to record and administer live feed software during any requested meeting.

BURIANEK will perform all camera and computer operation required to stream meeting video on YouTube or other requested media. BURIANEK will perform all necessary editing, formatting and finalization of recording, then upload final video on YouTube or other requested media. Video will be available within 24-36 hours after the close of each meeting.

### **3. TERM:**

The term of service agreement is for a period of twelve (12) months, from August 7, 2023 to August 6, 2024. At the conclusion of the initial twelve-month term, this agreement will automatically renew unless either party notify the other of their intention not to renew the agreement at least sixty (60) days prior to the expiration of the current contract in writing.

### **4. FEE:**

CBB agrees to promptly pay BURIANEK a monthly fee of \$ 995.00 (nine hundred and ninety-five dollars). This fee includes two hours of video recording time and two hours of video editing and uploading time as well as four hours of set up and teardown before and after every meeting. If further services are requested in writing, BURIANEK agrees to perform such services at an hourly rate of \$195 per hour. Additional fees to set up and service equipment not provided by BURIANEK may apply.

### **5. EARLY TERMINATION FEE**

CBB may terminate this agreement for any reason. In the event of such early termination, CBB agrees to pay BURIANEK for all fees, charges, and other amounts previously incurred and due. In addition, CBB agrees to pay BURIANEK an early termination fee (ETF). The ETF is: 80% of total contract value minus 5% for each full month completed under this service agreement at the time of termination.

## **6. LIABILITY:**

BURIANEK is responsible for providing all equipment required. BURIANEK is not responsible for any equipment issues that occur with equipment belonging to CBB. If equipment issues arise preventing any scheduled recording, BURIANEK will not be held responsible.

If equipment issues arise with CBB's equipment and BURIANEK is capable of resolving such technical issues, additional troubleshooting costs of \$195.00 (one hundred and ninety-five) dollars per hour may be assessed if any equipment needs to be recalibrated or configured. This charge shall not apply to equipment provided by BURIANEK.

## **7. TIME IS OF THE ESSENCE:**

BURIANEK will promptly notify CBB regarding any service needs: viral, web, video, or photography as listed in this agreement. If CBB does not respond in a timely manner, there may be a delay in the productivity and response time of marketing.

## **8. PRE-EXISTING AGREEMENTS:**

It is agreed between the parties that there are no other agreements or understandings between them relating to the subject matter of this agreement. This agreement supersedes all prior agreements, oral or written, between the parties and is intended as a complete and exclusive statement of the agreement between the parties. No change or modification of this Agreement shall be valid unless the same is in writing and signed by the parties.

## **9. SEVERABILITY OF PROVISIONS**

If any of the provisions of this agreement are deemed unenforceable, in whole or in part, for any reason whatsoever, the remaining provisions remain in full force and effect to the extent permitted by law.

## **10. GOVERNING LAW**

This agreement shall be construed in accordance with the laws of the State of Florida. Should litigation on any matters related to this agreement ensue, both Parties agree to litigate such matters in Pinellas County Florida.

## **11. INSURANCE**

BURIANEK shall provide City with a copy of its Certificate of Insurance, identifying the City as an additional insured for the effective term of this Agreement. BURIANEK shall carry a minimum of \$300,000 in general liability insurance.

**12. PUBLIC RECORDS**

**IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (727)-229-8434, [Pgentry@cityofbelleairebeach.com](mailto:Pgentry@cityofbelleairebeach.com), and 444 Causeway Boulevard Belleair Beach, Florida.**

The contractor agrees, where applicable, to comply with the public records law and to:

- A. Keep and maintain public records required by the public agency to perform the service.
- B. Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
- C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
- D. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

**ON BEHALF OF THE  
CITY OF BELLEAIR BEACH**

**ON BEHALF OF BURIANEK**

\_\_\_\_\_  
**Kyle Riefler, City Manager**

\_\_\_\_\_  
**Victor Burianek**

Attest: \_\_\_\_\_