CALL TO ORDER

ROLL CALL

MEMBERS: 
- Mayor Jerry Robinson
- President Nancy Wininger
- Vice-President Marguerite Robinson
- Councilman Charles Goodman
- Councilman Justin Head
- Councilman Elihu Ross

OTHERS: 
- City Manager Scott Lippmann
- City Clerk Frances Taylor
- City Attorney Fred Koberlein

OPENING PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

ITEM – 1 – ADDITIONS, DELETIONS, CHANGES AND APPROVAL OF THE AGENDA

ITEM – 2 – MAYOR’S STUDENT OF THE MONTH (pp 3–4)

ITEM – 3 – PUBLIC PARTICIPATION

ITEM – 4 – CONSENT AGENDA

A. MINUTES: MARCH 5, 2019 REGULAR CITY COUNCIL MEETING (pp 5–10)
B. MINUTES: FEBRUARY 12, 2019 HUMAN RESOURCES MANUAL WORKSHOP (pp 11–15)
C. MINUTES: JANUARY 29, 2019 HUMAN RESOURCES MANUAL UPDATE WORKSHOP (pp 16–23)
D. MINUTES: JANUARY 15, 2019 EMERGENCY SPECIAL MEETING (pp 24–25)
E. MINUTES: JANUARY 15, 2019 HUMAN RESOURCES MANUAL UPDATE WORKSHOP (pp 26–33)
F. RESOLUTION 2019-17: APPROVING CHANGE ORDER #3 TO PASSERO ASSOCIATES WORK ORDER FOR SERVICES RELATED TO THE BULK HANGAR PROJECT (pp 34–36)
G. RESOLUTION 2019-18: APPROVING SUPPLEMENTAL JPA #2 FOR ADDITIONAL SERVICES RELATED TO THE BULK HANGAR PROJECT (pp 37–42)
H. RESOLUTION 2019-19: APPROVING SUPPLEMENTAL PASSERO ASSOCIATES TASK ORDER 17-16R RELATED TO THE BULK HANGAR PROJECT (pp 43–48)

ITEM – 5 – OLD BUSINESS
A. STAFF AND BOARD UPDATES

B. DISCUSSION WITH POSSIBLE ACTION: DRAINAGE ISSUES IN EAST WILLISTON

C. DISCUSSION WITH POSSIBLE ACTION: PARADE AND SPECIAL EVENTS PROCESS (pp 49—60)

D. DISCUSSION WITH POSSIBLE ACTION: LEGISLATIVE ACTION DAYS

E. RESOLUTION 2019-20: APPROVING A BUILDING SERVICES CONTRACT WITH SAFEBUILT (Pending-Supplement)

F. DISCUSSION WITH POSSIBLE ACTION: UPDATED HUMAN RESOURCES MANUAL FOR THE CITY OF WILLISTON (pp 64–213)

ITEM – 6 – NEW BUSINESS

A. RESOLUTION 2019-21: APPOINTING MICHAEL LANGSTON TO THE COMMUNITY REDEVELOPMENT AGENCY (pp 61–63)

ITEM – 7 – PUBLIC PARTICIPATION

ITEM – 8 – ANNOUNCEMENTS

ITEM – 8 – ADJOURNMENT

Council Meeting Procedures for members of the Public

1. All cell phones to be turned off when entering the Council Chambers;
2. Once the audience has taken their seat and the meeting begins, there will be no talking between audience members during the course of the Council meeting. If anyone continues to talk within the audience and is called down 3 times during the course of the meeting, on the third time that person will be escorted out of the Council meeting;
3. The audience must be recognized by the President before being allowed to address the Council;
4. The member of the audience that is recognized will proceed to the podium, state their name and then proceed with their comments;
5. The audience member will be limited to no more than 5 minutes to speak based on Resolution 2003-14;
6. There will be no personal attacks made by any member in the audience toward a sitting Councilperson, and likewise for any sitting Councilperson;
7. There will be no conversation between a member of the audience that has been recognized and any other member of the audience when speaking while at the podium;
8. If an audience member wants to speak more than the allotted 5 minutes allowed then that person should make a request to City Hall so that the item may be placed on the agenda.

Minutes of the City Council meeting may be obtained from the City Clerk’s office. The minutes are recorded, but not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be borne by the requesting party.

In accordance with Section 286.0105, Florida Statutes, notice is given that if a person wishes to appeal a decision made by the City Council with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Mayor through the City Clerk’s office no later than 5:00 P.M. on the day prior to the meeting.
MAYORS STUDENT OF THE MONTH APRIL

Joyce Bullock Elementary:
Tenley Lewis 2nd Grade
Parent(s): Cecily Gleason

Nominated by: Monica Cooper who made the following comments:

Tenley is an amazing student and role model. She is intrinsically motivated, always putting forth great effort and working hard to do her absolute best. She is very bright but also very humble.

She is a wonderful friend to all of her classmates, always being willing to help or guide other students in a kind and caring way. She has so many admirable qualities and I feel so blessed to have had her in class this year. She has great potential, I’m so proud of her!

Williston Elementary School:
Rosa Ramirez 5th Grade
Parent(s): Crecenciano & Catalina Ramirez

Nominated by: Cecilie Shealy-Smith who made the following comments:

I am nominating Rosa for Mayor Student of the Month because she always does the right thing, even when no one is watching. She reminds her classmates to do the right thing as well. Rosa is respectful, kind, helpful, responsible, dependable, and she is an honor roll student. Rosa has goals and aspirations for herself and she works hard every day to accomplish those goals. I know Rosa is going places!

Williston Middle High School:
Chloe Blackledge 6th Grade
Parent(s): Tarin Blackledge

Nominated by: Mrs. West and 6th Grade Team who made the following comments:

Chloe comes to her classes with a smile and great attitude. Her teachers really appreciate her willingness to help, whether it is lending a hand with the technology cart or showing support for another student.
MAYORS STUDENT OF THE MONTH APRIL

**Williston Middle High School:**
Angelina Marie Maguire 11th Grade
Parent(s): Rick and Missy Maguire

**Nominated by:** Sra Rosario who made the following comments:

As the secretary of the Jr. Class, Angelina has been instrumental to our success. She is always there when needed and is proactive, always strategizing and looking for solutions. It is awesome to know you have someone like her on your team.

**Joyce Bullock Elementary School:**
Jackson Boswell 2nd Grade
Parent(s): Kari Boswell

**Nominated by:** Mrs. Zury Maher who made the following comments:

Jackson has demonstrated strong leadership skills since the first day of school. He is a very determined and intelligent young man. I know that I can count on him to put forth his best effort in whatever he is asked to do. He is always eager to help his classmates and teachers out often without even being asked. He has been a pleasure to have in my class and I can’t wait to see all of the thing he accomplishes.

**Williston Central Christian Academy:**
Mateo Freyn 3rd Grade
Parent(s): Lorena Freyn

**Nominated by:** Mrs. Thorrington who made the following comments:

Mateo is an awesome addition to our 3rd grade class. He loves to put others before himself. Mateo is an excellent academic student, he puts forth a lot of time and effort and it sure pays off. Mateo also is an awesome athlete, he can kick the ball farther than any 3rd grader I know. Keep up the good work Mateo. I am very proud of all your accomplishments.
DATE: TUESDAY, MARCH 5, 2019
TIME: 7:00 P.M.
PLACE: WILLISTON CITY COUNCIL ROOM

CALL TO ORDER

ROLL CALL

MEMBERS:

Mayor Jerry Robinson
President Nancy Wininger
Vice-President Marguerite Robinson
Councilman Charles Goodman
Councilman Justin Head
Councilman Elihu Ross

OTHERS:

City Manager Scott Lippmann
City Clerk Frances Taylor
City Attorney Fred Koberlein

OPENING PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG
President Wininger opened the meeting. Mayor Robinson led in Prayer and the Pledge of Allegiance to the American Flag.

ITEM – 1 – ADDITIONS, DELETIONS, CHANGES AND APPROVAL OF THE AGENDA
President Wininger verified that the hospital item would need to be removed from the Agenda. Vice President Robinson moved to approve the Agenda, as amended. Councilman Head seconded. On vote, the Agenda was approved, as amended, 5-0.

ITEM – 2 – MAYOR’S STUDENT OF THE MONTH
Mayor Robinson presented the Student of the Month Awards to Lisa Carmichael of Williston High School, Grace Dola of Williston Middle School, Trace Green of Williston Elementary School and Isabella Weflen of Williston Central Christian Academy.

ITEM – 3 – PUBLIC PARTICIPATION
Mrs. Mignon Craig addressed the Council and thanked the City for paving around the area. She stated she was concerned about the BluRock purchase of the old high school. She asked what their plans were. City Manager Lippmann advised that they are going to develop a retail center there.

Mrs. Dorothy Whiteman stated her concern about the trash pickup. She noted that, first, it was bottles that Waste Pro would no longer pick up and now it is palm fronds. She stated that she had a stack of palm fronds and bagged yard waste. They picked up the bagged yard waste but will not pick up the palm fronds. She asked what the Council could do. She stated she called and was told that they no longer pick up palm fronds. City Manager Lippmann verified her address. City Manager Lippmann confirmed with her that they did pick up the bags of twigs but not the palm fronds. He stated that he was unaware of any restrictions on picking up palm fronds. President Wininger advised that the City Manager would look into it. Mrs. Whiteman stated that a city worker came and picked up the palm fronds after her call.

Mr. Sidney Frasier stated he wanted to address the electric bill, the roads in east Williston and the trash pick-up. He advised that his light bill it was $500 three months ago. The next month it was $400 and this month it was $400 again. It went from $180 to $500. President Wininger asked if he called the City office. Mr. Frasier stated he called was told there is nothing they can do other than to re-read the meter.
He confirmed it was re-read one time. In terms of the roads, he stated that they have been complaining about the water drainage issues on 10th Street for 15 years. President Wininger confirmed she had witnessed it firsthand. She asked City Manager Lippmann for a status on the drainage issues and instructed City Clerk Taylor to put the item on the next Agenda for an update. Mr. Frasier stated the water washed a hole in his driveway and the road. President Wininger requested that City Manager Lippmann look into it and get back to Mr. Frasier for input. She advised it will be brought back on the Agenda for the next meeting for an update. Mr. Frasier added that, sometimes, Waste Pro will leave the trash can in the street after they pick up the trash. President Wininger asked City Manager Lippmann to mention that issue to Waste Pro, as well.

ITEM – 4 – CONSENT AGENDA
Councilman Head moved to approve the Consent Agenda. Vice President Robinson seconded. On vote, the motion carried, 5-0.

A. MINUTES: FEBRUARY 19, 2019 REGULAR CITY COUNCIL MEETING

ITEM – 5 – OLD BUSINESS

A. STAFF AND BOARD UPDATES
City Manager Lippmann advised that Williston Regional General Hospital paid the City according to their commitment the prior Friday. They owe slightly over $15,000 remaining which should be taken care of, in large part, the next Friday. He stated he was unsure if that number included the bill that just went out. He advised that the hospital administration has honored all the commitments they have made thus far.

He advised that the City had received information that bills are arriving late. It appears that the postal service is the problem. The bills are sent on the 25th and postmarked/mailed on the 26th. He stated he was unsure as to how to address the issue because he cannot identify if it originates locally or in Jacksonville. He noted he would try to talk to the Postmaster to obtain guidance. He concluded that the files are being transmitted and processed in a timely fashion. City Manager Lippmann advised that the gazebo has been repaired by Mr. Brown, who is also doing work on the retaining wall. The final item required is the concrete around where the flagpole is being installed in front of City Hall. That crew did not do an acceptable job so the City rejected the product. The owner/vendor came out and it is being redone. It wasn't properly leveled and the workmanship was not what the City was hoping for.

City Manager Lippmann advised that the City crews poured concrete in Heritage Park and will continue to do pours and grading, depending on weather and temperatures. President Wininger asked about the airport sinkholes. City Manager Lippmann advised that the WPD Car Show was held the previous weekend and it was very successful. He advised there are no more sinkholes there. The ones they discovered were repaired. Councilman Head recalled there was an email from Utilities Director Zimoski about projects that mentioned communication issues. City Manager Lippmann stated that the email was sent to let everyone know that getting the park project done would take a big commitment from the Utilities and Public Works Departments. The communication between the CRA and the Public Works Department regarding the project is being ironed out. There were small design changes made on the fly that were not communicated as well as they could have been. He stated Mr. Zimoski is a little frustrated by that but they are handling it and staff will continue to work on it moving forward.

B. DISCUSSION WITH POSSIBLE ACTION: PARADE AND SPECIAL EVENTS PROCESS
President Wininger stated there was a town hall meeting the prior Tuesday night at which City representatives received some great input and ideas. It was a structured meeting that went very well. She stated the results were provided to the Council in the Agenda packet. The overall consensus is that people
want to keep the parades and the traditions the City already has. She stated that she learned that other towns have marches for Martin Luther King Jr. Day and included information from comparable and neighboring cities. She advised that there was a lot to discuss about parades and she asked for the Council's comments and input. Councilman Goodman asked how sure she was of the accuracy of the information presented in the Agenda Packet. President Wininger stated that she and Deputy Chief Connolly each spoke individually with the other municipalities to obtain the information. She stated they obtained the figures as to what the City of Williston spent on parades which staff believes to be low because the figures did not account for regular overtime or overtime accrued during the same period as the event but after the event date. The conclusion is that the cost figures shown for the City of Williston are low. She asked if anything stuck out to the members that should be addressed. Councilman Goodman stated he would like more time to look at it. Councilman Head stated it is a lot of information to process and included a lot of good input. Vice President Robinson agreed. Councilman Goodman stated he would like to bring it up at the next meeting. He expressed his appreciation for her hard work. President Wininger noted that there was really good attendance at the town hall meeting. Councilman Head stated there were questions such as whether or not to have parades, how to pay for them, how much to charge by length, etc. He suggested it may take a workshop to address the issue. President Wininger proposed they put it on the Agenda for the next meeting and then determine if there is a need for a workshop at that time. Councilman Head asked what the turnout was for the meeting. President Wininger stated there were about 20-30 people there. Councilman Goodman agreed that was a good turnout. Mrs. Mignon Craig asked if it is legal to “grandfather in” some events and charge for others. President Wininger stated she discussed that question with the City Attorney and there is more to it. She stated they plan to discuss it further.

C. RESOLUTION 2019-13: APPROVAL OF CITY MANAGER EVALUATION COMPILATION
President Wininger introduced the item and asked if the members had comments. She stated the big item for her was communication. As much as possible, the members have instructed the City Manager to please get pertinent information to Council. Councilman Head stated he put no opinion for items that he did not have a chance to be informed of or involved in. President Wininger stated that she meets with Mr. Lippmann every week and it helps her to get information. Councilman Goodman stated he did not like the form. He stated it did not give the members anything they could work with. He recalled that the Council had revamped the forms and that the City Clerk and City Manager each created the form for their respective positions. He stated it did not give him substance to work with. President Wininger noted there were items that were not quantifiable. Councilman Goodman stated he would like to see the Council get together and have the members create the forms instead of having the person being evaluated create the form. Mayor Robinson and Vice President Robinson both indicated they liked the current form. President Wininger stated the members need to get new forms done sooner in the year. She directed the issue to be placed on the Agenda for the first meeting in October. Mr. Terry Witt verified with President Wininger that the total score for the City Manager was 3.31 out of 5. The members asked if City Manager Lippmann had any comments. City Manager Lippmann advised he didn't have any comments. Councilman Goodman moved to accept the City Manager compilation as presented. City Attorney Koberlein read the title of Resolution 2019-13 into the record. Councilman Goodman confirmed his motion was to accept Resolution 2019-13, as read. Councilman Ross confirmed his second on the motion. On vote, the motion carried, 5-0.

ITEM – 6 – NEW BUSINESS

A. RESOLUTION 2019-14: AUTHORIZING THE EXECUTION OF PROPERTY DEEDS FOR PROPERTY SWAP WITH WAYNE MYHREE
City Planner Gorman referred the members to the Northwood Estates Plat. She advised that, in between plots 10 and 11, there is a drainage easement. Mr. Myhree was present in the hope that the Council will
entertain the idea of combining the lots and moving the easement to the end. The approval would allow him to get deeds and title work done to facilitate the trade. They will be taking 1.112 acres of right of way and exchanging it for 1.114 acres so Mr. Myhree can utilize both pieces without having an easement running down the middle. City Planner Gorman advised that staff did not see any issues with it. Councilman Goodman verified with City Planner Gorman that the City's land use regulations would allow the owners to combine the two lots. He concluded, if that is the case, then he had no problem with it. President Wininger confirmed there were no further comments. Vice President Robinson moved to approve Resolution 2019-14 and read the title of the resolution into the record. Councilman Goodman seconded. On vote, the motion carried, 5-0.

B. RESOLUTION 2019-15 APPROVING A SUBGRANT AGREEMENT WITH THE DEO FOR A CDBG GRANT
City Planner Gorman stated that the agreement provided pertains to one of the grants the City has ongoing. It is affiliated with the administration of the $700,000 grant for the expansion of the sewage plant. Councilman Head moved to approve Resolution 2019-15 and read the title of the resolution into the record. Vice President Robinson seconded. On vote, the motion carried, 5-0. President Wininger stated that there is a lot of study and reading that goes in to preparing for the meetings. She expressed her appreciation that the Council really does their homework.

C. RESOLUTION 2019-16: APPROVING WITHDRAWAL OF FUNDS FROM CITY HALL LOAN ACCOUNT
Mr. Stephen Bloom stated that the item was a request for Council to approve withdrawal of funds from the loan for City Hall on pay applications 10 and 11. To date, they City has only pulled four invoices totaling $883,000, which is the current outstanding balance. With the 2 pay applications, that figure will come to a just under $1.3 million. He noted that the figures were broken out on page 76 and reflected the construction and design invoices. For the design and construction phase it was just under $2.8 million. This would balance the current status and would still be under 50% in terms of using cash reserves versus the loan. He stated it is the total cost, with the exception of miscellaneous invoices outside of design and construction. Councilman Goodman confirmed it represents the end of construction. Mr. Bloom advised that pay application #11 is construction with retainage. Councilman Goodman asked City Manager Lippmann if Oelrich Construction had finished. He recalled they were still trying to decide what to do with the roof. He stated it wasn't finished unless the leak had been repaired. City Manager Lippmann advised that pay applications 10 and 11 have already been paid and the current item is to reimburse the City from the loan. Councilman Goodman questioned if the job is paid for but is not done. Mr. Bloom stated that pay applications 10 and 11 were paid but he was not sure of the status of the construction. City Manager Lippmann stated his understanding is that they were brought to Council and approved for payment but the roof is a question that still needs to be answered. He stated he would have an answer to everyone the following day. President Wininger advised that the Oelrich Representative had been very attentive and she could not imagine that they would walk away from it. She commented they have been very accommodating. Councilman Goodman concluded it is paid and the Council was talking about taking the money out to pay the City back. He commented that it is unusual to pay for services that are not rendered. Councilman Head stated he thought the City still had one payment left. Mr. Bloom referred him to page 77 for pay application #10 and page 83 for pay application #11. President Wininger noted it was in the minutes of the last meeting that Oelrich representatives will be out on the 20th to address the outstanding issues. Mayor Robinson recalled that the Oelrich representative had agreed that they were not comfortable with the roof repair. City Manager Lippmann advised that the hot water issue was taken care of. President Wininger confirmed the plumbing issues were addressed, as well. City Manager Lippmann advised he would inquire and send information out to Council the following day. Mr. Terry Witt verified with President Wininger that the City had paid off the contractor, entirely. Councilman Goodman clarified that the current item was not paying it off. The project was already paid off. The current item action is to
pay the City back. Mr. Witt asked why the City would have to be paid back. Councilman Goodman stated that is because the applications were paid for out of City funds. The contractor was paid. President Wininger added that the Council wants to use the loan funds to pay for it. Vice President Robinson moved to approve Resolution 2019-16 and read the title into the record. Councilman Head seconded. On vote, the motion carried 5-0.

D. REPORTS: DECEMBER FINANCIAL REPORTS

Mr. Bloom advised that the reports cover the first quarter or 25% of the fiscal year. The goal is to have revenue at 25% or higher and expenditures/expenses at 25% or lower. He advised that revenue was at about 26% and spending was just under 23%. Overall, it looks good. He stated the General Fund is typically supported up front with property taxes. The revenues exceeded expenses by about $190,000 for the first quarter. He referred to the chart on page 2 and stated the only significant expense item was building permits which was at 30% of the budget. He added that is acceptable because it typically comes with corresponding building permit revenue. The other departments were essentially at budget for the first quarter overall 22.9% of the budget. It is a good thing to see managers controlling expenses for the General Fund. The Airport Fund had $4500 in the positive. They are breaking even. The revenues were slightly under expectations at 22.4% but it looks good, in general, for the Airport Fund. The airport exceeded fuel sales for the first quarter versus the first quarter of last year. It shows positive trends with a surplus and it is doing better than breaking even.

The Utility Fund had a surplus of just under $92,000. There was $31,000 received for the first payment of the gas improvement line for Williston Peanut. Something that is unique is that the gas column shows a positive number. December was a good gas month with Williston Peanuts. The Utility Fund did very well and was solid. The spending of 21.1% in the first quarter was a good start. There was not a lot of capital purchased. An excavator was purchased in December. It was a very solid 1st quarter. Mayor Robinson asked about payments on the note due to the City. Mr. Bloom stated there were not changes to it and confirmed for President Wininger the balance was over $71,000. He advised that the airport was budgeted to pay down 1/5 of the balance this year but they will have to look at future projects and purchases. One of the reasons it did not pay anything back during the first quarter is that the airport is getting a tractor this year at about $92,000. He indicated they opted to see the impact before paying down further.

Mr. Sidney Frasier asked what asset the Airport is to the community. He asked why a lot of money was being funneled into the airport. President Wininger stated the airport is making money and it is a shining star for Williston. She added that low fuel prices attract business. Councilman Goodman clarified that City funds are not being used at the airport. The airport is self-sustaining. President Wininger commented that, as people fly into Williston, it brings business to the City. Mr. Frasier stated that he was saying the City doesn't make any money off of it but the City owns the airport. Councilman Goodman stated that is correct. The money made at the airport has to stay at the airport. He suggested a review of the history of the airport could clarify it for him. He added that the airport has a unique history. President Wininger suggested Mr. Frasier communicate with Mr. Lippmann as the Airport Manager. City Manager Lippmann stated that the airport is a means to bring people to town that might not otherwise come to Williston. It is a way to support a lot of the local businesses because people fly in to do business with the big employers and other companies. He acknowledged that there was no direct benefit because the money earned at the airport had to stay at the airport. The airport uses that money to make improvements and enhance services to attract more people to Williston. The big horse show that is happening is not in the City, but the airport has increased traffic from people flying in for the event. They buy fuel from the airport and frequent the City's restaurants, etc. It is a means to provide some indirect benefit to the City. The airport property provides a lot of jobs such as Monterey Boats, Shadow Trailers, A&N, etc. The lease and rent payments stay at the airport, but the wages their employees earn are spent in the community. Monterey Boats
represents about 600 jobs. Shadow Trailers represents another 120-150 jobs. Some of the people at some of those companies make good wages. All those wages go into the local economy in some way.

ITEM – 7 – PUBLIC PARTICIPATION
Mrs. Barbara Byram advised that she sent an email to the Council members, Mayor and City Manager as a result of the town hall meeting. She confirmed with the members that the email is public record.

ITEM – 8 – ANNOUNCEMENTS
Mayor Robinson asked about hanging the seal in the Council room. City Manager Lippmann advised the staff would get it done. Mayor Robinson asked about the speakers in the Council room. City Manager Lippmann advised that staff is working on that. He noted that he and Mr. Bloom will be discussing it as well. Councilman Ross asked if any progress was being made on speakers and amps. City Manager Lippmann stated he had received quotes. City Manager Lippmann asked the members if there was anything the staff could provide to support the Legislative Days visits and activities. Mayor Robinson verified there was one more meeting prior to Legislative Action Days. City Manager Lippmann suggested the members think on his question in the interim. President Wininger recalled that the issues included sewer and broadband. Mayor Robinson added that CRA and home rule were included, as well. Councilman Ross noted the highway bypass was also a concern. City Manager Lippmann took note of those items and asked the members to email him their concerns, individually, and he would put a list together for the next Council meeting. He noted there would be a discussion item for Legislative Action Days on the next Agenda. He announced that the Police/Fire Awards Banquet was scheduled for the coming Friday at 7. Police Chief Strow advised that doors would open at 6 with dinner at 7. City Planner Gorman advised that the CRA and Planning and Zoning came together in a workshop to decide how to tell the story of Williston. There were three items of interest: historical places, structures and cultural history. They met the same night as the town hall. She stated the process would take some time. She stated the members will receive information on the end result. She invited the members to attend the next meeting, adding it is all part of past, present future. It will bring a light to the town. She stated the next Planning and Zoning meeting will include another workshop and the members were encouraged to attend.

ITEM – 9 – ADJOURNMENT
The meeting was adjourned at 8:23 pm.

Nancy Wininger, Council President

Frances V. Taylor, City Clerk

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In accordance with Section 286.0105, Florida Statutes, notice is given that if a person wishes to appeal a decision made by the City Council with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Mayor through the City Clerk’s office no later than 5:00 P.M. on the day prior to the meeting.
DATE:   TUESDAY, FEBRUARY 12, 2019
TIME:   5:00 P.M.
PLACE:  CITY COUNCIL ROOM
        50 NW MAIN STREET

CALL TO ORDER

ROLL CALL

MEMBERS:                 OTHERS:
Mayor Jerry Robinson      City Manager Scott Lippmann (Absent)
President Nancy Wininger  City Clerk Frances Taylor
Vice-President Marguerite Robinson  City Attorney Fred Koberlein (Absent)
Councilman Charles Goodman (Absent)  
Councilman Justin Head  
Councilman Elihu Ross  

ITEM – 1 – REVIEW OF HUMAN RESOURCE MANUAL UPDATE PROPOSALS AND
RELATED MATTERS
The members determined they left off at Section 13.02(E). City Clerk Taylor noted the new
testing guideline for testing under this section went from 25% to 50% and that is the proposed
change to section 13.02(E). The members agreed to that change. Councilman Head questioned
the definition of a safety employee. City Clerk Taylor explained that gas department employees,
for example, were subject to testing requirements under PERC and the City had to comply with
state and federal regulations. She added it is anything that pertains to safety vulnerable work.
Mayor Robinson questioned how the employees were selected for testing. City Clerk Taylor
stated that the City randomly selects employees by employee number.

The Section 15.03(A) proposal was to add the phrase “or Group III”. Upon review of the manual,
the members determined there are no group III offenses shown and opted not to make that
change.

President Wininger pointed out that the section numbers throughout needed adjustment. City
Clerk Taylor advised she had made some numbering corrections prior to the meeting and after
noticing the issue. The members were satisfied with those adjustments.

The proposal for Section 17.01 was to establish set hours under the present and on time policy.
The staff response recommended against including that level of specificity in the manual. The
members agreed and determined that the section should remain as written.

Under section 17.01(C), the proposal was to change the word “executive” to “exempt” so that the
policy is more clear and consistent. The members agreed to that change in consideration of the
legally recognized terms.
Under 17.03(E), the recommendation to change payroll records to personnel records was accepted by the members.

The members reviewed Sections 18 and 36. They agreed with the proposal to combine them because they covered similar materials. The members specified that section 36 would be moved and compiled with Section 18 under Employee Performance Evaluations. There was discussion about the rating and manner of evaluations. Councilman Head questioned the accuracy of the listed rating system and its scores ranging from 3 to -1. City Clerk Taylor explained that the performance evaluation system included a form and related manual. Some members of staff noted they had not received an evaluation during their time with the City. Staff noted they did not favor the existing rating system. City Clerk Taylor advised that the system was created during a time where there were merit raises and it was biased toward exceedingly favorable ratings. She suggested the manual provide guidelines as to the procedure for conducting evaluations but that the evaluation, itself, be revised and developed as an appendix. President Wininger noted her dislike for the lack of positive numbers in the rating scale. The members discussed the evaluation process and the merits of ensuring evaluations are conducted annually. The members agreed and emphasized that all employees should receive an initial evaluation at 6 months and annual evaluations thereafter for the purposes of feedback and professional development. The members and staff discussed different approaches to identifying dates to conduct the evaluations and determined that the annual evaluation date would coincide with the anniversary of the hire date, with provisions to allow for change of status evaluations in response to promotions or changes in positions. The consensus was to include annual goals, areas of distinction and areas of improvement. The members concluded that the evaluation process should be outlined in the manual and the evaluation documents should be developed and proposed by staff, separately, for Council approval at a later time. City Clerk Taylor noted that she did like the current form minus the current point system because the form, itself, is appropriately suitable to uniformly address the activities of employees in all positions. The members directed City Clerk Taylor to incorporate those provisions, simplify the section for final approval.

Under Section 22.04 (iv), the members agreed to add the phrase “unless it is an FMLA qualified event” to bring the policy consistent with the federal law.

The Section 22.06 the proposal was to change the word “days” to “hours”. City Clerk Taylor advised that the finance department and others found that they measure a lot of activities by hour. For example, rather than referencing a work day, they would document the number of hours. The members accepted the change from the word “days” to “hours” under that section. Councilman Head verified with City Clerk Taylor that employees can accrue up to 800 hours of sick leave and the maximum pay out for sick hours is 25% which is equal to 200 hours. The members agreed that in 22.05(B), “800 hours” would remain as written.

Mrs. Brooke Willis brought up the issue of holiday pay hours under Section 20. President Wininger noted a prior conversation she had with staff that Police Department staff that are normally scheduled to work 12 hours who are off on a holiday, only receive 8 hours of holiday pay. The suggested proposal was to remove the reference to “8 hours” and add the phrase “receive compensation for their standard scheduled shift” to accommodate for variations in shift
work hours. In addition, the staff proposed to remove the first sentence in reference to rotating shifts under 20.02(B) to accomplish appropriate compensation for the employee working while still providing for holiday pay. The members tentatively accepted those changes. Various scenarios were discussed under the holiday pay provision including those that result in overtime. There was question as to how these situations are handled as a standard approach. The Council requested that staff develop further specific recommendations for this section based upon standard practice among government agencies with consideration given to the City’s union contract prior to finalizing Section 20.

City Clerk Taylor clarified the makeup of the Sick Bank Committee under Section 23.05. She advised that the makeup of the committee had changed with the hiring of new employees who subsequently entered the bank program. No changes were proposed or requested.

The staff clarified for Council that Section 24.02 applies to military only.

The question for Section 34.05 was also a clarification regarding safety equipment that had been responded to in the materials.

The proposal for Section 36.04 was to change the last two sentences. City Clerk Taylor confirmed the section reads in a manner that is compliant with Florida Statutes. She further verified that employees are provided with training at least annually, with refresher sessions on a more frequent basis. The members concurred with the proposal to change the word “signifying” to “signify”.

On general input items, the staff verified that the employees receive a copy of the manual upon hiring and sign an acknowledgement form requiring them to review and adhere to its provisions. The City Clerk confirmed that, upon completion of the new HR manual update, it will be distributed and all employees will have to sign off and acknowledge that they have received and are responsible to comply with the information contained in it.

President Wininger stated she was content with City Hall hours as they are and added that they should not be specified in the manual. Councilman Head noted he liked the current hours specifically with regard to the opening at 7:30. Vice President Robinson confirmed that there have been no issues with regard to the 7:30 opening. The consensus was to keep the manual provisions as they were presented with regard to operating hours.

The members reviewed a proposal regarding the work hours of the City Clerk and City Manager. City Clerk Taylor explained that the employees have access to real-time status information for charter officers and others at the employee workstations. The members confirmed that, in the absence of the charter officers, there is a chain of command to be followed.

The members acknowledged that the suggestion that all employees wear a nametag had been addressed via the access cards which also serve a dual role as a name tag.

The members agreed that all agendas and meeting documents should be error free and checked for accuracy, but concurred that provision did not need to be included in the HR manual.
With regard to the proposal that the City Clerk and City Manager should be required to notify all Council and staff at any time they are out of the office, President Wininger stated she had no need to know every time they leave the facility. The members concurred. Vice President Robinson stated that she felt that the staff should be made aware. There was discussion about the correct way to respond to inquiries when staff members are unavailable. City Clerk Taylor confirmed that, after the last discussion the members held regarding proper staff response to inquiries such as this, she provided a refresher session with customer service and referred them back to the script she had previously developed for them. Vice President Robinson verified with City Clerk Taylor that the script is applicable to telephone calls and in-person visits.

The members agreed that either the City Clerk or City Manager should be in the office, when possible. They also acknowledged that there may be times when they could each have outside meetings/obligations or when one takes leave and the other has to leave the facility, where both will be off-site. City Clerk Taylor confirmed they are each always available by phone.

The members concurred that they were made aware of the specifics regarding confidential and computer employees. In addition, staff confirmed there is a common form available for all departments to use pertaining to exit interviews. There was a suggestion to change the word “organization” in section 10.01 to “City” which was accomplished at the last workshop. The question regarding ethics and receipt of any value was addressed. Staff advised that ethics standards prohibit anything that would tend influence relevant decision-making. While a coffee mug or pen might be acceptable, if the item could influence an employee in the course of his or her duties, it is prohibited. The members acknowledged that customer service and public records training is given appropriately and that the public records schedules are being utilized as part of the records management program. They concurred that the manual was applicable to employees only and that the nature of the second employee under searches had been previously clarified and did not need to be a police officer. The members agreed that term on-call and the listing of applicable controlled substances under their respective named sections had previously been clarified. The remainder of the listing and staff response was determined to be accessible. The members agreed that the proposed phrase “the federal, state and local laws and professional certification standards applicable to the City and its employees under” would be added to Section 13.04(A) to ensure consistency with federal mandates.

President Wininger questioned all in attendance to ensure there was no further input. She noted that the next steps will be to (1) have the City Attorney facilitate a legal review of the proposed manual with (2) staff proposed holiday pay section to come at the next appropriate meeting and (3) the employee evaluation with its associated forms and evaluation manual as an appendices so that any future changes to the employee evaluation forms/manual will not require an change in the entire HR manual. The members agreed it would also require (4) an additional union approval and consistency with the former PBA agreement. The members agreed the manual should come back to Council on the first week of April with the staff proposed changes. The meeting was initially completed at 5:23 pm. However, follow up discussion in the open forum included a (5) determination to replace the words City Clerk with Human Resource Director throughout the manual where appropriate.
ITEM – 2 – PUBLIC PARTICIPATION

ITEM – 3 – ADJOURNMENT
The meeting adjourned at 5:30 pm.

Nancy Wininger, Council President

Frances V. Taylor, City Clerk
DATE:      TUESDAY, JANUARY 29, 2019
TIME:      5:00 P.M.
PLACE:     CITY COUNCIL ROOM
           50 NW MAIN STREET

CALL TO ORDER

ROLL CALL

MEMBERS:  OTHERS:
Mayor Jerry Robinson  City Manager Scott Lippmann
President Nancy Wininger  City Clerk Frances Taylor
Vice-President Marguerite Robinson  City Attorney Fred Koberlein (Absent)
Councilman Charles Goodman
Councilman Justin Head
Councilman Elihu Ross

ITEM – 1 – REVIEW OF HUMAN RESOURCES MANUAL UPDATE PROPOSALS AND
RELATED MATTERS
President Wininger suggested the members go through the items and first identify the items they
could all agree on.

The members proceeded through the items as follows: President Wininger recalled the members
had agreed to suggested changes for items 1 & 2. Mayor Robinson questioned why they wanted
a contract with the City Clerk. Councilman Goodman and City Manager Lippmann advised that
she is a constitutional officer and there were contracts in place with the other constitutional
officers. Mayor Robinson asked if there was a contract in place with the Police Chief. City
Manager Lippmann advised the City did not have a contract with him as he was not a charter
officer. Police Chief Strow stated the comprehensive pay plan refers to a contract for the City
Manager, Fire Chief and Police Chief. City Manager Lippmann advised that the HR manual
takes precedence. He added that the compensation pay plan was developed by a prior City
Manager. Mayor Robinson asked if it is still in effect. City Manager Lippmann confirmed.
President Wininger stated that, for the present meeting, the question is whether the City needs a
contract with the City Clerk. Mayor Robinson questioned what would go into a contract with the
City Clerk. Councilman Goodman concluded the question is should the Council have a contract
with the City Clerk. There was discussion about how the contract would be developed and
provided. Councilman Goodman pointed out that Section 1.02(B) states that the City Manager
shall be employed under a contract by the City Council. He recommended that include the City
Clerk with that wording. Mayor Robinson asked if the contract could be defined by the Charter
or the job description or both. President Wininger stated it might be a combination. Mayor
Robinson confirmed with Councilman Goodman and City Manager Lippmann that the Charter
did not require a contract for the City Manager. Councilman Goodman suggested it should be
done as it was with the City Manager. He questioned if the members had reviewed the contract
with the City Manager. He suggested the City Manager contract also be provided to the members
as part of the process. Mayor Robinson stepped out and then returned with copies of the contract for all members. President Wininger stated she would work with the City Attorney on the City Clerk contract and get it back to Council for review in the future.

The members opted to add department SOP’s except for the Fire and Police departments in Item 1.06(A). Councilman Goodman observed that the recommendation is to add that they shall be reviewed annually. He read from Item 1.03 and concluded that was already covered under Item 1.03. He commented it is the same thing being said in a different way. He added that he felt it was spelled out enough to accomplish the goal without micromanaging the City Manager. He stated that the Council does not need to tell him how to do his job. He did not agree with the idea that they would hire a City Manager and give him the responsibility of running the City and then go back and tell him how to do it. There was discussion about the specificity of the manual with regard to the City Manager activities. There was discussion about the merits of specificity versus flexibility as to how to accomplish the goals the Council has established for the City Manager with regard to the personnel management system in the HR manual provisions. Ultimately, the members opted to adopt “except police and fire” and to leave the rest in place, as recommended. In addition they agreed it should require that department standard operating procedures will be reviewed periodically and submitted in writing to the City Manager for review and approval. City Manager Lippmann specified that departmental SOP’s serve as supplements to the HR policy and that the HR policy is under the City Council’s purview. He added that police and fire provisions should be reflected that allow them to operate in a manner that accounts for their unique needs. City Clerk Taylor and City Manager Lippmann suggested that be accomplished through some type of appendix that recognizes that police and fire departmental regulations and SOP’s will be different from the remainder of the City departments. Police Chief Strow suggested it state that police and fire department policies supersede any provisions in conflict with police and fire department policies. City Clerk Taylor suggested that such a statement should be included in provision 1.02. Upon further discussion, the members concurred that there are provisions in the HR manual that should apply to police and fire employees. They opted to add a statement to section 1.02 that would allow for police and fire employees to be included with the exception of conflicting policies as referenced in their respective departmental policies.

City Manager Lippmann agreed, citing examples of HR policies that universally apply including uniform dress and appearance provisions, health insurance benefits, overtime, separation, etc. The members also agreed to add the term “public safety employee” to the manual, defined as stated by Mayor Robinson: “a city employee whose principal duties include services requiring specialized training in the area of police protection firefighting services or emergency medical services”. The members further concluded that the intention was that the departmental policies are under the purview and responsibility of the City Manager and should be reviewed periodically, as opposed to annually, by department heads. In addition, they agreed that the HR manual is applicable to police and fire, except in the case of conflict with departmental policy. In that event, departmental policy would precedence.

There was discussion about the difference between policy and procedure with procedure being the manner in which policy is executed. The members clarified that departmental policies were distinguishable from procedure as policy is a principal/goal and procedure consists of the steps/actions required to achieve it. The members agreed that the word policies should be
removed from Section 1.06 where it pertains to the departments. Changes were made as noted to section 1.06 to the working draft of the manual and were accepted by the members. There was further discussion about the City Manager’s role in administrating the personnel management system. The members agreed that specific reference to the personnel management system in section 1.03A should be removed and an additional provision should be added to require that the City Manager should establish and maintain the department standard operating procedures, as needed.

The members referenced the next item pertaining to prohibited materials. Councilman Goodman questioned where the proposal for the section came from. City Clerk Taylor stated she was not able to recall as the proposed changes were obtained from a variety of staff and Council members. She advised it emerged as a result of one of the recent workplace violence incidents and was a request made by several individuals. There was discussion about concealed weapons laws. Councilman Goodman reviewed some of the recent events pertaining to concealed carry laws. Chief Strow noted there were recent safety concerns about incidents involving members of the public accosting City workers. Councilman Goodman clarified the issue was the right to carry a concealed weapon in the workplace for those employees who have obtained a concealed weapons permit. City Manager stated the policy currently in place does not allow individuals to carry unless as issued or authorized by the City pertaining to law enforcement. Councilman Goodman and Councilman Head concluded that the current policy prohibits individuals from carrying a weapon, even with a concealed weapons permit, with the exception of law enforcement. Councilman Head noted the proposal would allow those who have obtained a concealed carry permit. Police Chief Strow clarified the proposal requires that, if legally authorized, the provisions also require the individual to receive approved proficiency and safety training. City Manager Lippmann noted that the proposal requires the Police Department to provide annual training with an approved instructor. Chief Strow advised the proficiency requirements would mandate that the individual must be able to demonstrate an acceptable level of proficiency and safety on an annual basis to a qualified instructor. Councilman Goodman clarified the individual would have to take a concealed weapons course and successfully complete a weapons safety course, annually. President Wininger clarified that the employees would complete these activities on their own time. There was discussion about proficiency standards for approved employees. Chief Strow verified the proficiency training and review would occur annually. President Wininger questioned if the City wanted to allow the employees who pass approved annual proficiency training with concealed weapons permits to carry concealed weapons in the field. Councilman Goodman added it would also include a requirement for approval by the City Manager. The members agreed the provisions should state that the individual must maintain a current Florida Concealed Weapon or Firearm License and demonstrate proficiency as certified by the Williston Police Department. The members further determined that the section would anticipate the firearm being a handgun and specified that the word handgun be included in the section as opposed to firearm.

The members discussed the options and benefits of 3 or 12 month probationary periods. Upon discussion, staff expressed a concern that a 3 month period may be too brief. The members expressed concern that 12 months is too long. A majority of the voting members ultimately agreed that employee probation would be most appropriate under section 3.04.
The staff verified that the employees sign and attest to a loyalty oath. The proposal was to add the phrase “a citizen of the state of Florida” to the loyalty oath under Section 3.06. Upon discussion, the members confirmed the addition would not be necessary because employees are verified under the I-9 form submitted at hiring.

The members agreed to address the 6-month probationary period under Item 3.07 pertaining to Probationary Employees to be consistent with the information approved under Section 3.04.

Under section 4.02, Councilman Goodman verified the current advertising process with City Clerk Taylor. City Clerk Taylor added that the department heads determine the scope of the advertising with regard to locality. City Manager Lippmann confirmed that help wanted ads are not considered public notices. The members agreed that the phrase “in the appropriate media” was acceptable with no further changes required.

The proposal for Section 5.02A was to change the word “type”. The members agreed it should state “the most common type of reclassification is that of an entire class of jobs.”

The members reviewed Section 8.01 and the staff verified that the City does not have time clocks. The current process involves time sheets. The staff confirmed there are no issues with the current process. City Clerk Taylor noted the current policy is flexible in that it can apply to time clocks or timesheets as well as other methods of accounting for time worked.

Chief Strow expressed concern about Section 4.05 and the need for his officers to have an examination. The members agreed that adding “if permitted by the job classification” would address those concerns, appropriately.

The proposal for Section 8.01 was to specify definite working times for the City Manager and City Clerk. The members discussed the various time constraints that impact the City Manager and City Clerk such as City Council meetings, etc. Mayor Robinson asked why the City could not establish hours of availability for the City Manager and City Clerk. President Wininger and Councilman Goodman noted that there are activities/obligations for each that require them to be out of the office such as airport meetings and records disposition in the offsite facility, etc. President Wininger and Councilman Goodman acknowledged that they are not available all the time. At any time they are not on site, they are always available to meet by appointment, as needed. Councilman Goodman noted they should be available to the Council, but they cannot be available to the public at every minute that City Hall is open because of their respective work requirements and activities. Staff and Council confirmed that the City Manager and City Clerk would be able to see citizens and staff at any time they are available. Mayor Robinson and Councilman Goodman verified that the staff is made aware as to when they are or are not present on site. There was discussion about how staff should respond to inquiries. Mayor Robinson noted it was an issue. President Wininger commented it is a training issue. Upon discussion it was determined that staff has been given written instruction as to how to respond to public inquiries for individual staff members. The conclusion the attendees reached was that the City Manager and City Clerk should be informed of further issues directly and additional reinforcement, follow-up and training is likely necessary based on current feedback from the public. With
regard to Section 8.01 of the HR manual, the overall conclusion was not to specify a daily office schedule for the City Manager and City Clerk.

The proposal for Section 8.02 was to specify how call-ins are conducted. The recommendation was for the section to state that employees are required to contact the appropriate individual when they are going to be absent, late, etc. The means of contact was not specified but a recommended requirement to make contact was provided in the proposal. There was discussion about the merits of personal contact versus use of text or voicemail and personal preferences. The members expressed a desire for the section to state the word “call” as opposed to “contact” and include a provision for the employee to check with their supervisor or department head for specific instructions that pertain to their respective departments. In addition, the members agreed to remove/strike Section 8.05 Person to Call, in its entirety.

The members referred to section 9.08 Exit Interview. The proposal was to include the Mayor in the exit interview process. Mayor Robinson questioned if there is a mechanism for terminating employees to express concerns about the City or personnel upon termination. President Wininger pointed out that there is a grievance process available to employees throughout their time with the City. Councilman Goodman added that the Council and Mayor all serve as a resource that is always available to the citizens and employees regarding issues. He stated that employees should follow the chain of command. President Wininger clarified that concerns of police and fire employees would fall under the Mayor while the City Council would be involved in issues relating to the remaining employees based on the Charter/chain of command. Mayor Robinson expressed concern that these types of issues would need to be discussed in an open meeting if they are left to Council to address, while the Mayor can individually speak to the members of Council. Councilman Goodman observed that the Council deals with matters of policy. He stated if an employee were to come to him with an issue, he would do his best to try to resolve the issue in as subtle a manner as possible without getting the employee in trouble. President Wininger agreed under the condition that it could be addressed in accordance with the Charter. She noted the Charter specifies that members getting involved in day to day operations could lose their seats on the Council. She stated it was the responsibility of the City Manager. She stated the Mayor, under the Charter, has responsibility over the Police and Fire Departments. She noted that the Council and not the Mayor, should be involved in these types of situations that pertain to employees that are independent of the Police and Fire departments. Mayor Robinson stated if the Council were to take up these issues, it would have to be done in an open meeting. City Manager Lippmann stated that if it were the City Council President that is individually dealing with it, a public meeting is not required. Councilman Goodman noted that any City Council member could go to the City Manager with a problem at any time, individually. President Wininger commented that even the Mayor’s position cannot direct an employee as to how to fix these types of issues. President Wininger added that the Council cannot direct them as to how to resolve it either but they can go to the City Manager. City Manager Lippmann clarified that if any Council member comes to him with a personnel related issue, he would need enough specific information to confirm and act on it. He emphasized the importance of having sufficient information to ensure due process and fair treatment for all employees. President Wininger concluded that the exit interview did not need to come through the members. Councilman Head confirmed that the exit interviews go through the City Clerk. City Clerk Taylor verified that the employees completing the exit interviews give her information about internal issues. The response to employees with
individual issues is to assist them in directly addressing problems with one another, where possible, during their term of employment or addressing the issue through management. She advised that information provided to her that indicates any systemic personnel issues is given to the City Manager, as well. Councilman Head confirmed that employees that are supervised by City Clerk Taylor are able to address concerns to City Manager Lippmann as part of the exit interview process. The members determined no changes needed to be made to Section 9.08.

The members determined the second letter D under Section 10.01 would be changed to E. The proposal was to include the words “include in this section” after Standards of Conduct, to change the word “organization” to “City” and change the word “rules” to “SOP’s”. In addition, “under section 15 of this manual” was inserted at the conclusion of second paragraph D (now E). President Wininger also stated that there was no need to include a provision to sign annual reminders in that section. The members agreed to remove the unnecessary words “be such as to” in paragraph C, as well.

Under Section 10.06, the members concluded that the identification or designation of Official City Spokesperson would depend upon the situation.

Under Section 10.07, the members determined that Section A covers proposed content with regard to exempt materials. The members agreed that the manual did not require individuals to put requests in writing but it does provide an address for people who wish to submit written requests by mail.

The proposal indicated that Section 10.08 was awkwardly worded and needed revision. The members discussed their understanding of section provisions. City Manager Lippmann reviewed each of the bullet statements under 10.08. The members concluded the section pertained primarily to employee ethics and related prohibited behaviors.

The proposal for 10.11(H) was to replace the word “Manager” with “Clerk”. The members agreed to that change.

President Wininger recalled, with regard to Sections 10.11(A) and 10.11 (G), that the members had discussed the idea of placing the administrative dress code as an appendix. City Clerk Taylor agreed, noting that the utility department and police and fire departments have various requirements regarding safety gear and apparel, issued equipment and clothing, etc. She proposed the section should specify that the administrative dress code could be described in an appendix. Upon further discussion regarding a specific definition of appropriate dress, the members opted to include a general statement/provision in, instead, as follows: “Employees whose primary work is conducted in the administrative areas of the City organization are expected to report to work in appropriate business attire.”

City Clerk Taylor noted that the proposal for Section 10.15(D) to add a no texting while driving clause was designed to bring the manual in line with the law and cover the City from a liability standpoint. The members agreed that the provisions should state “all employees are strictly prohibited from texting on a cell phone while driving a city vehicle or personal vehicle in the
course of City business. Violation of this prohibition will result in immediate termination after first warning”.

President Wininger asked if the search of personal items under Section 10.18 is legal. Chief Strow advised that is an issue to clarify with the City Attorney. The members opted to include their preferred language, subject to a legal review. Upon discussion, they agreed the second witness would not need to be a police officer. There was discussion about the circumstances that would prompt a search. The members noted that the manual outlines the need for reasonable suspicion or other credible information as a basis to prompt a search. Chief Strow commented on the issue of reasonable expectations of privacy. President Wininger and Councilman Goodman requested that City Clerk Taylor check with the City Attorney as to the legality and right of the City to conduct the searches, as outlined.

President Wininger advised that the issue with Section 11.05(A) was that it did not specify who to report the behavior to. The members determined that “per Section 11.07” should be added to Item A to clarify the process for the employee reading the manual.

In Section 11.07(B), the members agreed that the word “one’s” should be changed to “employee’s”. City Clerk Taylor specified that in situations where the City Clerk or City Manager need to report behaviors under this section, her interpretation is that they would report them to Council.

There was discussion about the situations that are relevant Section 12.02. Chief Strow and Brooke Willis clarified that DWI was not applicable. All incidences in which the term DWI was listed were to be deleted from the manual. The staff confirmed that there were other provisions listed pertaining to employees being charged with DUI off the job and in cases where a required driver’s license is suspended or revoked. City Clerk Taylor verified that there were provisions included requiring employees to report an arrest. City Manager Lippmann read from the section that refers to possible actions when an employee has charges pending, is acquitted or is convicted. The members determined that this section should apply to individuals on duty, those driving a City vehicle or those driving a personal vehicle while conducting City business. The phrase “or driving a personal vehicle while on City business” should be included under Item A. Staff recommended legal review of this section and related sections. President Wininger noted the City Attorney needs to look at two issues: searches and the reporting of arrests.

President Wininger thanked all of the participants for their ongoing input. The members scheduled a workshop for 2-12-19 from 5 – 8 pm to address the remaining items.

**ITEM – 2 – PUBLIC PARTICIPATION** – None.

**ITEM – 3 – ADJOURNMENT**
The meeting was adjourned at 5:02 pm.
Minutes of the City Council meeting may be obtained from the City Clerk’s office. The minutes are recorded, but not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be borne by the requesting party.

In accordance with Section 286.0105, Florida Statutes, notice is given that if a person wishes to appeal a decision made by the City Council with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Mayor through the City Clerk’s office no later than 5:00 P.M. on the day prior to the meeting.
DATE: TUESDAY, JANUARY 15, 2019
TIME: 6:10 P.M.
PLACE: CITY COUNCIL ROOM
50 NW MAIN STREET

CALL TO ORDER

ROLL CALL

MEMBERS:
Mayor Jerry Robinson
President Nancy Wininger
Vice-President Marguerite Robinson
Councilman Charles Goodman
Councilman Justin Head
Councilman Elihu Ross

OTHERS:
City Manager Scott Lippmann
City Clerk Frances Taylor
City Attorney Fred Koberlein (Absent)

ITEM – 1 – REVIEW OF HUMAN RESOURCES MANUAL UPDATE PROPOSALS AND RELATED MATTERS

President Wininger reviewed the manual update process. She noted that the members were all given the manual information months ago. The exceptions developed by the members were included in the documents provided. She offered those present an opportunity to add to the exceptions. No additions were requested.

The members discussed item #1 and agreed that the correct index would be developed upon completion of the final update.

President Wininger presented item 1.02 and asked if the City should contract with the City Clerk. President Wininger, Vice President Robinson and Councilman Goodman agreed. They noted that the other charter officers are contracted. Upon discussion, President Wininger noted she was hearing that the Council did want a contract with the City Clerk and the administration will work on that. The members concurred to add the phrase “and City Clerk” to paragraph 3, where appropriate.

Chief Strow stated that, with regard to Items 4 and 5 under 1.06A, the Police and Fire departments answer to the Mayor and not the City Manager. He stated it should state all departments but fire and police. Councilman Goodman noted that the item suggests that there is a policy in place for every department. City Clerk Taylor advised that the departments have internal sop’s based on their activities. City Manager Lippmann stated that there is no requirement that says a department must have supplemental policies and SOP’s. As a matter of good practice the City has them, mainly, to be clear and as a means of guidance, but there is no blanket policy. President Wininger suggested they add “all departments that have policies”.

City Manager Lippmann stated that the manual is meant to be first line of defense and if the HR manual is in conflict with department policy, then the HR manual governs. Deputy Chief Connolly expressed concerns about disparities between police and fire policy and if there are exceptions. City Manager Lippmann noted his understanding that Council is saying to exclude Fire and Police from the entire section because they don’t report to the City Manager. He stated he thought that would render the point mute and suggested that the manual say something about Fire and Police and how their processes would work to get changes made. Deputy Chief Connolly stated he had never seen an approval of a conflict. He described a process in the event of a conflict. Upon discussion, City Manager Lippmann stated that, if
there is an exception for Fire and Police, the manual may need to distinguish between Fire and Police and
the remainder of the City departments. President Wininger concluded 1.06 would not be resolved at the
current meeting.

ITEM – 2 – PUBLIC PARTICIPATION
The members determined another workshop would be set for January 29th from 5:00 pm - 8:00 pm. They
specified that relevant information will need to be provided in advance of the meeting.

ITEM – 3 – ADJOURNMENT
The meeting was adjourned at 6:37 pm.

______________________________
Nancy Wininger, Council President

______________________________
Frances V. Taylor, City Clerk

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arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be borne by the
requesting party.

In accordance with Section 286.0105, Florida Statutes, notice is given that if a person wishes to appeal a decision made by the
City Council with respect to any matter considered at this meeting they will need a record of the proceedings, and for such
purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence
upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in
this meeting should contact the Mayor through the City Clerk’s office no later than 5:00 P.M. on the day prior to the meeting.
DATE: TUESDAY, JANUARY 15, 2019  
TIME: 4:30 P.M.  
PLACE: CITY COUNCIL ROOM  
50 NW MAIN STREET

CALL TO ORDER

ROLL CALL

MEMBERS:  
Mayor Jerry Robinson  
President Nancy Wininger  
Vice-President Marguerite Robinson  
Councilman Charles Goodman  
Councilman Justin Head  
Councilman Elihu Ross

OTHERS:  
City Manager Scott Lippmann  
City Clerk Frances Taylor  
City Attorney Fred Koberlein (Absent)

ITEM – 1 – REVIEW OF WILLISTON RGH AND RELATED MATTERS

City Manager Lippmann summarized as follows: The City received an email from Mr. Jorge Perez the prior Thursday evening at 9 pm proposing a repayment schedule to satisfy all outstanding balances of the hospital. Mr. Perez had a bit of a health scare the previous evening and was advised not to travel, under doctor's orders. He stated that hospital representatives were present who were authorized by Mr. Perez to represent the hospital. The hospital has made two payments of $5,000 each: one two weeks prior and the other on the first date of the proposed repayment schedule which was January 11th. The City’s best estimates indicated that the hospital is in arrears by $58,471. Councilman Goodman confirmed that is the amount after the two payments were received. City Manager Lippmann advised that the City originally estimated the figure to be $75,000 but he was having difficulty determining the source of that number. By his calculations, the arrearage is $58,471. There are currently 4 accounts active at the hospital and one that was closed which was a small account that had been paid in full prior to being closed. The best information he had indicated that the last payment received, prior to the two recent $5,000 installments, was made on August 15th. President Wininger asked what the monthly bill is for the hospital. City Manager Lippmann noted the bills have been decreasing as the hospital has been working on trying to be more efficient. The big bill is running somewhere between $6,200 and $7,400 per month. The bill for December was $4,800. Vice President Robinson verified that trend corresponds with the date that they closed the Emergency Room. City Manager Lippmann noted that was probably a contributing factor. He reviewed recent bill history and estimated that the closing of the Emergency Room had likely reduced the bill by approximately $2,500. The other bills consisted of one account of up to $200, with the other account totaling between $600 and $800 per month. The one account with billing of $6,260 seems to be the larger one with current arrears at $52,373. Mayor Robinson questioned if that figure included penalties. City Manager Lippmann advised that penalties did not appear on the billing. After reviewing the billing further, he noted that all of the account statements show penalty waived due to the bankruptcy process, which is a holdover from an earlier ownership. President Wininger questioned if the City should be charging penalties since bankruptcy is not the current status. City Manager Lippmann stated the City should be charging penalties. He stated that the billing would likely increase by another $100 - $150 per month with the appropriate penalties. He verified that he would have it calculated the following morning. Mayor Robinson read from the utility bill noting that it informs the customers that the bills are mailed on the 25th of each month and are due on the 10th. He reviewed the cut off notice portion of the bill which requires a $25 reconnect fee for metered service and states that cut off day is the 16th of the month and, at
that time, the customers will be required to pay the utility bill and penalty. He asked why the hospital should be treated any differently than any resident or other business in the City. President Wininger questioned what the City does with other businesses that are in arrears. City Manager Lippmann advised that the parties either work out a payment plan or the customer is cut off. President Wininger verified with City Manager Lippmann that the business is typically given up to three months, maximum, to make payment. President Wininger observed the hospital is beyond that time period. Councilman Goodman confirmed that the City Manager, at the prior Council meeting, was instructed not to accept any partial payments. He questioned by what authority, the City Manager accepted the partial payments and who told him to do it. City Manager Lippmann advised that he and the Council President discussed it. At the time, the Council had not seen the proposal from Mr. Perez. The gist of the conversation was that the proposal was new information that the Council rightly should consider and, therefore, in order to consider everything the hospital agreed to make a $5,000 payment on the 11th. He stated he contacted several members because, in order to hold a special meeting, three members must agree to call it and the members he spoke with indicated they didn't have a problem calling a special meeting. They noted, however, if the hospital didn't make their first payment according to the proposal, they said they would withdraw their permission. Councilman Goodman verified that the hospital made the payment on the 11th.

Councilman Goodman asked if City Manager Lippmann had, at any time since August, received communication from representatives, the owner or executives stating that they were not able to pay the bill and needed to work with the City to resolve it and get continuance. City Manager Lippmann advised that he had a couple of conversations with Mr. Raj and Mr. Perez. Councilman Goodman asked whether the representatives or the City initiated the communications. City Manager Lippmann advised it was probably a combination of both. He referred to the emails provided to the members and noted that the most recent conversations were placed toward the front of the document. The representatives stated they would try to make a payment, submit a wire transfer, etc. and asked if the City would work with them. Councilman Goodman recalled City Manager Lippmann advised the Council that he had been making calls and leaving messages prior to the Council making decisions based on the report to Council that the City Manager had not received a response. City Manager Lippmann clarified that, early on, there was communication back and forth. However, recently, the communication seemed to dry up and that was before the Council's decision. In recent months, back through December, he was not getting responses. Councilman Goodman asked if that was during the entire month of December or over Christmas. City Manager Lippmann noted that, based on the papers provided, it was essentially during the entire month and probably back into November, as well. Councilman Goodman stated that, as he reviewed the schedule, he noticed proposed payments totaling $75,000 yet City Manager Lippmann said that they don't owe $75,000. There is nothing in the proposal about bills that are going to accumulate during the payment plan. City Manager Lippmann explained that the proposal includes a $15,000 payment every Friday until the balance is current. Councilman Goodman observed that they are paying $10,000 in January but their bill for that month is $6,500. City Manager Lippmann advised that the proposal acknowledges that they will be accruing additional bills and they are proposing to pay it off after the outstanding balance. Councilman Goodman stated that a portion is paying outstanding balance. If there is no forgiveness in the month of January, they are putting $2,500 toward the amount they owe and the rest is going toward the bill. Councilman Head stated that one thing to consider is that the $5,000 is weekly. Councilman Goodman stated that there are three payments in January. $7,500 is going to the bill. If not, then the City would be forgiving the bill and tacking it on the end and perpetuating the problem. Councilman Head noted that an average month if their bill is $5,000 a month plus an additional $15,000 monthly until they are caught up. At some point it will accelerate to $15,000 per week to catch up faster than the $5,000. Councilman Head stated that on February 22nd they are paying $15,000. He stated that was part of his question as to how long it will take to get current and how will the plan address bills going forward. Councilman Goodman added that there are mistakes being made on penalties. The City has been trying to
work with the hospital for a long time. He stated that the Council has to justify to the other businesses that they are not being treated unfairly. There will be continuing charges so the amount is not all being applied toward the bill. If the City accepts the payments then the schedule will be moving to the $15,000 every Friday until such a time as the bill is paid. City Manager Lippmann stated that is how he understood the proposal.

Councilman Goodman stated that his concern is that the entity/hospital did not make any effort to come to the City Manager and Council and inform the City that they were having issues. The City is now being asked to accept the terms and the Council has absolutely no reason to know they will fulfill these terms. This is not the first time the City has had these problems. He commented that he wants the hospital to survive and make a big turnaround but he has not seen any evidence that it is going to. He stated he wanted to know how, as a Council member, he can believe Mr. Perez is going to live up to the plan. Councilman Ross asked if, at any time prior to the 11th, Mr. Lippmann requested an audience with anyone from the hospital. City Manager Lippmann stated he requested that Mr. Perez come to Council. Councilman Ross asked if there was any response. City Manager Lippmann stated that, in his recollection, there was not. He added that Mr. Perez stated that he had health problems and that has lessened his ability to travel. He read an email reminder sent to Mr. Perez on 12/31 to come to the January 8th City Council meeting. President Wininger advised that Mr. Perez called her the prior Thursday night and advised that he was not aware of the meeting but that he had a lot of emails he had not read. Councilman Ross questioned if Mr. Perez was the only person qualified to come and discuss it. City Manager Lippmann advised that Mr. Perez is the owner of the hospital but he does have representation. President Wininger stated she received a voice mail from him stating his understanding that someone from the hospital had his authority to speak for him at the meeting. City Manager Lippmann advised that there were a couple of emails to Mr. Perez informing him of the meeting and stated that he would need to address the Council; one on the 26th and another on the 30th of December. Mayor Robinson asked if, at one time, Mr. Perez advised he had a plan and wanted to meet and discuss it. City Manager Lippmann stated he did and that was supposed to occur on January 3rd but he never heard from him. Mayor Robinson verified that the last payment they made was in August 2018 until December 22nd, when they made a $5,000 payment. City Manager Lippmann stated that there are several options: accept the payment schedule as is, put conditions on it that require the service to be terminated the next business day if payments are not received by the dates specified, modify or accelerate the schedule or reject the schedule. Those are four possible courses of action the Council could choose to take in response to Mr. Perez' proposal. Councilman Head asked if there was an actual past due date. City Manager Lippmann noted the arrearage given was net from August forward. Councilman Head asked if they were current in August. City Manager Lippmann advised that August 15th was the last time they made a payment. Vice President Robinson asked if it was a full payment. City Manager Lippmann advised that, on the big account, the last time they were current was May 18th. On August 15th it was $16,000. Vice President Robinson asked if it was paid in full since May. Councilman Ross asked if there was a breakdown on the accounts. City Manager Lippmann advised that there are 4 accounts and May 18th appears to be the last time they had a completely zero balance. Then they were paying $4,000, $6,500, $7,700 and similar amounts. At that time, their bills were significantly higher. They were making some headway against the balance but then, starting in August, they started going up again. Vice President Robinson clarified with City Manager Lippmann that they made payments in May and then in August. Councilman Ross confirmed with City Manager Lippmann that the August payment was $7,522 for one account and $367 and $359 on the others. President Wininger stated that she talked to Mr. Lippmann on Friday morning after they received the information the prior day. She thanked the members for agreeing to a special meeting. She stated she did not know what her vote was going to be but she appreciated that the members at least consider the proposal because it is a Council decision. She expressed her appreciation for the chance to talk to the hospital representatives to figure out why the Council has not heard from them and why it has gotten to this point.
Mr. Mike Murtha of the National Rural Hospital Alliance stated that RGH is one of their hospitals. He advised that he had helped save this hospital 3 or 4 times. This year has been rough for rural hospitals in general. Florida did not do the Medicaid expansion so there is more uncompensated care. It is not like a retail establishment. Back in the day, the Chamber used to pitch in and support keeping the rural hospital operational. They would go to Tallahassee and request special considerations. It was important to the people in the community. There are a lot of indigent people that can't afford to get in the car and go to Shands. He discussed the process for indigent care payment reimbursement. He stated his understanding for the Council's frustration and offered to be available for questions. He explained that the hospital was on life support in December. That is probably why they weren't available. He expressed his hope that the hospital can get through this difficulty through January and February, reimburse the City for the utility bill and downsize, as needed. He advised that he worked with ACHA to get them to strip down temporarily and regroup. He added that the members will never find a more dedicated owner. If the hospital were to shut down, there may be someone else to step in. However, they won't find anyone to put more heart, soul and money into it. Councilman Goodman asked what Mr. Murtha’s relationship is to the hospital. Mr. Murtha stated he is the President of an independent advocacy group, the National Alliance for Rural Hospitals. Part of their member services is to advocate for and represent alliance members. He stated he was representing the hospital. Councilman Goodman asked if he was doing so at the request of the owner and if he had the authority to commit the hospital to acts. Mr. Murtha stated he had the authority to commit to the items already committed. Councilman Goodman questioned if he would have the authority to accept or deny any other options discussed. Mr. Murtha advised that they can get Mr. Perez on the phone, if necessary. He added that he would advise Mr. Perez.

President Wininger stated she would like to know why the City was ignored. Mr. Murtha stated that the issue comes down to trying to keep the hospital afloat. He advised he will let Mr. Perez know that is unacceptable. President Wininger advised she told him that in a very civil conversation but she was concerned. He advised that he paid $8 million and $3 million of his own money in support and that he was very dedicated. The City was ignored before. She stated if the members accept this payment plan or any other, her confidence level is not high. Mr. Murtha commented that is human pride. Mr. Perez is a gentleman whose family came from communist Cuba and built a lucrative health technology company. He decided he was going to get in the hospital business. He noted that there is a whole host of hospitals that are closing right now. It is not a business for the faint of heart. President Wininger asked what the plan is to turn it around. Mr. Murtha described that they recently streamlined operations, made cuts and did an assessment on what the community can expand. He stated they have to get down to basics. He recalled the payroll decline over the last several pay periods as well as some of the programs that were a little more ambitious. He stated the new electronic health and billing system is most critical. The single biggest thing that keeps people from making money is not being able to be paid for services. The hospital will receive uncompensated, Medicaid and Medicare at the end of the year. Private insurers have a history of non-payment. RGH is sitting on a bunch of claims to send to private insurers. President Wininger asked if they were claims that had been submitted but were returned unpaid. Mr. Murtha advised that one initiative was to ramp up a new electronic health record and coding system. He stated he understood their trepidation. The onus is on Mr. Perez and he has to prove himself. He stated his firm belief that this hospital can carry on and get through this difficulty. President Wininger observed that the situation is cyclical. Mr. Murtha acknowledged it was with other owners. He noted that insurance companies don't like the rural hospitals and want them to sequester all health care delivery at Shands and North Florida. He acknowledged their concern that the Council did not want the situation to continue. President Wininger stated she communicated with medical personnel over the weekend and asked why they don't get people at the hospital. The response she received is because they don't do surgery so they are obliged to take them to Shands or North Florida. As services are cut, it seems there is more of a reason to take people out of Williston. She commented that if the hospital already cannot provide the services and will
be cutting services, it will be in a worse position. Mr. Murtha agreed those services have to be done at some point but the bread and butter activities have to be taken care of first. They can make money on bread and butter services done efficiently. President Wininger asked what services were considered bread and butter services. Mr. Murtha stated the Emergency Room. President Wininger observed that the Emergency Room is closed. Mr. Murtha advised that the plan is open it back up. Councilman Goodman commented that Mr. Murtha had an eloquent approach to fighting for rural hospitals and he applauded it. He stated that the Council has fought for that hospital. Two years ago hospital representatives told the Council they needed additional support and this Council voted to spend $10,000 in support. He stated he calls that advocating, standing up and going the extra mile. After the City spent the $10,000, he recently found out from the Utilities Manager that the hospital never wanted it. So the hospital decided they wouldn't take it after the City spent the money. Mr. Murtha advised that was a prior owner. Councilman Goodman disagreed and added that the Council has advocated and not shut them down. He stated his objection to correspondence sent to the City stating the Council is nothing short of bureaucratic and the hospital is mere collateral damage. He stated that is hardly a dialogue of trust to get the Council work with the hospital. And when the representatives cast these accusations and innuendos to the Council they are trying to work with, it is hardly a good way to go about it.

Mayor Robinson verified with Mr. Murtha that Mr. Perez has part ownership with 13 or 14 other hospitals and that some have had similar trouble. Mayor Robinson concluded that Mr. Perez either owns or has part ownership in other hospitals and he is having trouble with his overhead and paying the utility bills. He noted his assumption that Mr. Perez also can't make payroll for his employees. He asked how much money it would cost to bring the 13 to 14 hospitals current to run like a hospital if they can’t pay their utility bills. Mr. Murtha advised that all those hospitals are not in arrears as badly as they were in Williston. There are plenty of city commissions that have worked with him. They are $58000 in arrears and they have worked a payment plan. Mr. Perez is confident he can meet it and they can retrofit the hospital and take care of the community and starting in February take care of anyone that needs help. Mayor Robinson stated his reluctance is based on the 13 hospitals he is having problems with. Mr. Murtha advised that each one of the hospitals gives uncompensated care. Mayor Robinson advised that he applauds Mr. Perez for buying rural hospitals. He knows the situation as stated and he comes in it with this in mind yet he can't meet his overhead, payrolls, utilities without trying to asking for concessions. He stated that this City Council has gone over and above. He cited the lack of payments between May and August and added that he did not know if he can trust Mr. Perez to live up to his commitments. Mayor Robinson asked where they go without an ER. He stated his understanding is that Mr. Perez has no intention of not reopening it. Mr. Murtha advised that is not true. He acknowledged that Mr. Perez closed it to cut expenses. He stated the hospital has to have an ER with all the bells and whistles that are available at North Florida. They would not let the hospital close its ER without a plan. Mayor Robinson asked how many patients are at the hospital. Mr. Murtha advised he had no idea. President Wininger advised that Mr. Perez told her that they closed the ER to save money but there was a plan to reopen it. Councilman Ross questioned what services would be provided if the hospital meets the criteria in the letter. Robina Belanger addressed Council. She advised that she was one of the providers in the ER since 2015. She advised that, since that time, Dr. P partnered up with Mr. Perez and eventually Mr. Perez bought Dr. P out. There are full intentions to open the ER back up. She stated the ER will normally treat patients there for acute heart attacks, colds, acute strokes, etc. Councilman Ross verified that Ms. Belanger is a Nurse Practitioner. She explained that the hospital does not have a medicine (called TPA) to treat strokes. However she has developed a great relationship with North Florida and will transfer the stoke patients and call the ER there to ensure they receive the medication in time to obtain appropriate benefit. She stated that Williston RGH will stabilize them first. Councilman Ross asked how long RGH will keep them to stabilize them. Ms. Belanger noted that, as soon as they identify what is going on, she will call North Florida or Shands. Meanwhile, the CAT scan and labs are ongoing and no delay is occurring. EMS is enroute. All those activities are ongoing at one time. She advised that there is a 6 hour
window to give the stroke patient a reversal agent. With acute heart attacks, there is no delay in care. There is a time that they have to get the patient to the cath lab to determine if there is a need for heart cath or surgery. RGH does the EKG and identifies the heart attack. They also have the same meds there that the North Florida emergency room could offer. While all that is going on, they are doing the bloodwork, EKG, administering medicines making the phone call to ensure acceptance while at the same time EMS is enroute. There is never a delay in care. Councilman Ross asked if the hospital has more equipment to deal with the patient than the ambulance does. Ms. Belanger confirmed and noted that they can only transfer patients to a higher level care to prevent dumping patients that don't have insurance, etc. The only way they are able to transfer from the RGH ER to another one is if it requires higher level care. Acute heart attack requires a heart cath. Strokes require a reversal agent. Neurologist consult is needed in both cases that is why RGH would have to transfer them. She stated she is one of the providers that goes to Mr. Perez' other ERs and she has the privilege of seeing how they are run. She stated she has taken care of so many patients that come through the front door that would not survive if that hospital wasn't open. She recalled on patient that came in with a general complaint that she didn't feel good and within 5 minutes she wasn't breathing. She was young. Ms. Belanger stated she had to intubate her and stabilize her. If that hospital was not there, she would not be alive.

Councilman Head stated he appreciated all of that information. It was very informative with regard to what happens there. He stated he is a numbers person and, at the end of the day, he has to look at the numbers. He added that he was not very accepting of the plan at the beginning and ran a lot of different scenarios trying to figure out what would be a better alternative. He stated he had a recommendation.

Ms. Belanger advised that there is a program that RGH is going to start beginning in February that will be a bread winner. Mr. Raj stated the one major issue that happened in the end of August is that RGH changed its billing system. They were paying $12,000 - $18,000 a month for the billing program. They did not renew that contract and now have their own billing system. There is a change in the billing system. RGH tested the system for three months. They could not use the old system and the new system. For three months they did not get any money. That is the main reason they are in the current situation. They began seeing the money two weeks ago. Once they receive the billing money, the issue should improve. The Chief Medical Officer is bringing a group of patients that will also help bring revenue. Councilman Head and President Wininger confirmed with Mr. Raj that RGH would be able to abide by the proposal without question. Mayor Robinson observed that RGH has no patients or ER and asked how RGH would be making money. He questioned if they would be depending on the billing that was pending. Mr. Raj verified that there is a half a million dollars pending. Mayor Robinson asked if they plan to do the billing and have money coming in. Mr. Raj advised that they have seen it coming in the past two weeks. Mayor Robinson asked how they planned to make money when the money runs out with no ER and no patients. Mr. Raj advised that they would be opening the ER on March 2nd. Mayor Robinson asked how long it will take to open the ER to patients and to be paid for the services. Mr. Raj stated that the billing system will bill on a daily basis. Billing will occur the day after the service and payment will be received in two weeks. Mr. Murtha stated that RGH is part of a network and any shortfalls will be made up for in the network. Mayor Robinson asked why that network can't pay the $58,000. Mr. Murtha advised that is because it was the end of December. Payroll was the primary issue in all rural hospitals. They had to make the choice between payroll and other obligations.

Mr. Terry Witt asked what was operating within the hospital. President Wininger stated her understanding is that it is more like a clinic. Mr. Raj stated all services were operating except the ER. Councilman Head stated that he didn’t like the offer, at first, but he ran numbers to evaluate the risk to the City and citizens. He had a thought about the recommended plan plus monthly payments of ongoing bills coming due. He added that he was very frustrated with the lack of communications and don't like the fact that this has gone on later than it should have. He concluded that the parties need to figure out how to resolve it. He
stated that the members should accept this plan for a few reasons. The City already has $10,000. By the first part of March, if the issue is resolved, it represents a resolution within the normal time frame. The City is going to receive the next payment of $5,000 in three days. If the City takes a $5,000 payment, it will be taking a $500 risk to keep it open for three more days. He stated he thinks the plan works. If it allows for $75,000 by March, they will still be at current by March 8th with the stipulation that if the specified dates aren't met, the plan is null and the City is within its normal guidelines of operation that they pay by the same day of the month that everyone else is due. This accomplishes the goal and gives the Council a barometer to determine what is going on.

City Manager Lippmann stated that, if they don't meet a date somewhere along the way, then they would be cut off on the next business day so there may be a two day period of no service, if it is a weekend. If they want to reopen the accounts, they will have penalties, additional deposits, etc. but they still will have what is left in arrears plus their bill going forward. He questioned how the City would deal with that. He acknowledged that they would have to pay their bill going forward but questioned how the City would handle the arrears. Councilman Head stated that the day they don't pay the plan and the City has to shut the power off, then the account has to be paid in full before the City turns them back on. President Wininger noted that if the Council rejected the plan, then the City will have lost $58,000. Vice President Robinson noted she had a problem with the whole communication issue but expressed her approval if the plan works. She added that if it is not paid, the City will cut them off. She agreed that, at that point, if they wanted to reopen they would have to pay in full. Mr. Murtha apologized about the communication he assured the members that the utility payment will be made on Friday.

Councilman Goodman noted that all the payment dates are on Friday. Mayor Robinson stated his understanding that the property taxes are two years behind. He asked if there was any plan to pay them. Mr. Murtha advised that RGH is making a plan with the Tax Collector, as well. Vice President Robinson expressed concern that they would not be digging themselves a hole. City Manager Lippmann recalled that, in the brief conversation he had with him this morning, Mr. Perez indicated that they would take care of the utility bills and then address the taxes. President Wininger noted that is a very valid point but the City is number one.

Mr. Joel Penney stated that last Christmas he had a family staying with him and the City did not give him a break with the power bill. It was shut off. He asked if the City would be giving citizens a break on the light bills. He questioned whether the City would give citizens a payment plan if they don't have money to pay the bill. President Wininger stated that is a valid point and each case history is different so there is no one size fits all solution. Mr. Penney stated he was on the phone when his family member called the City to make the payment. She asked if she could make payments and they said no. President Wininger asked City Manager Lippmann to address the issue with Mr. Penney. Councilman Goodman acknowledged the question as to why it is necessary to treat someone different. He stated the members had addressed that several times with regard to the hospital. The hospital has argued that it is justified and each Council member must make a decision if they accept the hospital’s justification enough to make an exception.

President Wininger stated that, to have a bill go this far in arrears, that is unacceptable so they have to figure out a way to ensure that does not happen again. Councilman Goodman moved that the Council accept the payment schedule with the addendum that, at any time any of the payments are not made upon the close of business on the due date, that the next business day, the hospital’s electricity will be cut off. City Manager Lippmann requested that the motion include the modification that is applicable to utility bills and not just electricity bills. Councilman Goodman seconded the clarification. Councilman Head seconded. On vote, the motion passed 4-1, with Councilman Ross dissenting.
President Wininger asked Mr. Lippmann to memorialize the terms of the plan in writing. City Manager Lippmann stated that the Council would have a draft in the morning to make whatever corrections the members see fit and then staff will put together a final version as to what the members have decided.

ITEM – 2 – PUBLIC PARTICIPATION

Mr. Jeff Hardison clarified the motion, second and vote.

Mr. Terry Witt clarified the provisions of the payment plan.

ITEM – 3 – ADJOURNMENT

The meeting was adjourned at 6:01 pm.

______________________________
Nancy Wininger, Council President

______________________________
Frances V. Taylor, City Clerk

Minutes of the City Council meeting may be obtained from the City Clerk’s office. The minutes are recorded, but not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be borne by the requesting party.

In accordance with Section 286.0105, Florida Statutes, notice is given that if a person wishes to appeal a decision made by the City Council with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Mayor through the City Clerk’s office no later than 5:00 P.M. on the day prior to the meeting.
COUNCIL AGENDA ITEM

TOPIC: Airport Hanger Project – three resolutions.

REQUESTED BY: SCOTT LIPPMANN            PREPARED BY: SCOTT LIPPMANN

BACKGROUND / DESCRIPTION: We have two separate but related documents needing approval by Council. All these documents reflect mitigation of a sinkhole which was discovered while excavating for the bulk hanger’s foundation at the airport.

1. Resolution 2019-19 – Approving Supplemental JPA #2 – this is an update to the JPA with FDOT Aviation which is funding the bulk hanger construction project. The supplemental JPA #2 increases the amount of the FDOT grant by $42,000 to cover sinkhole mitigation costs for the contractor and additional services provided by Passero and Associates. The additional costs are completely covered by FDOT.

2. Resolution 2019-18 – Approving Change Order #3 to Passero and Associates – authorizes payment of the additional costs for sinkhole mitigation. The increase shown on the change order is covered by the supplemental JPA shown in #1.

3. Resolution 2019-20 – Approving Passero Supplemental Work Order (WIL 016R) – updates the original work order to include the additional services provided by Passero.

LEGAL REVIEW:

FISCAL IMPACTS: Additional costs are covered by FDOT.

RECOMMENDED ACTION: Approve and authorize Council President to sign.

ATTACHMENTS:

COMMISSION ACTION:

_______ APPROVED

_______ DISAPPROVED
RESOLUTION 2019 - 17

A RESOLUTION OF THE CITY OF WILLISTON, LEVY COUNTY, FLORIDA, APPROVING CHANGE ORDER #3 TO PASSERO ASSOCIATES WORK ORDER FOR SERVICES RELATED TO THE BULK HANGAR PROJECT; AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Williston Municipal Airport has contracted to build a bulk aircraft hangar; and WHEREAS, Passero Associates has issued Change Order #3 to cover costs associated with sinkhole mitigation during the construction of the hangar.

NOW, THEREFORE, BE IT RESOLVED by the City of Williston, Levy County, Florida, that:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby approves Change Order #3 to Passero Associates covering additional costs related to sinkhole mitigation during the construction of a bulk hangar at the Williston Municipal Airport and authorizes the City Council President to sign the change order on behalf of the City.

SECTION 3. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on April 2, 2019.

CITY OF WILLISTON, FLORIDA

______________________________
Nancy Wininger, President
Williston City Council

______________________________
ATTEST: Frances V. Taylor
City Clerk
CHANGE ORDER FORM

CAP701

To:
City of Williston
50 NW Main Street
Williston, FL 32696

From:
Slack Construction, Inc.
FEI # 59-3444220
2011 NE 8th Road
Ocala, FL 34470

Original Contract Sum: $877,263.60
Previous Change Orders: $35,000.00
Contract Sum: $912,263.60
Value of this Change Order: $29,000.00
New Contract Sum: $941,263.60

Change Order Number: 3 Paint/3Phase
Change Order Date: 3/12/2019

Contract for: Contract Date: 5/30/2018

Architect’s Project Number:

Our Project Code: 1719 WILLISTON CO'S

Project:
Williston Airport Bulk Hangar
1800 SW 19th Avenue
Williston, FL 32696

DISTRIBUTE TO:

Owner ✗ Contractor ✗ Other
Architect ✗ Field ✗ Construction Manager

The Contract Completion date will change by:
add 59 days

The expected completion date will be: 3/31/2019

The Contract is Changed as Follows:

3-Phase Switch Gear $9,000.00
New Interior LED for wall sign $ 532.00
Paint Terminal Orange to Blue, Paint face and bottom of outer I-Beam on Bulk Hangar Blue $1,125.00
Replace existing down spouts on North side of building with new bronze downsputs $2,343.00
Remove all storm drain pipe on south side and install new 12” pipe with inlets for each down spout(12) and 3 floor drains in concrete sidewalk. Install 12” pipe to new and old inlet. $16,000.00

Total (credit was given for inlet and fittings, all storm spouts will go to 6” pipe then to 12” pipe) $29,000.00

Architect
Passero Associates
13453 N. Main Street, Suite 104
Jacksonville, FL 32218

Signature
Date 3/12/19

Contractor
Slack Construction, Inc.
FEI # 59-3444220
Ocala, FL 34470

Signature
Date 3/12/19

Owner
City of Williston
50 NW Main Street
Williston, FL 32696

Signature
Date
RESOLUTION 2019 - 18

A RESOLUTION OF THE CITY OF WILLISTON, LEVY COUNTY, FLORIDA, APPROVING SUPPLEMENTAL JPA #2 BETWEEN THE CITY OF WILLISTON AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL COSTS RELATED TO THE BULK HANGAR PROJECT; AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Williston Municipal Airport has contracted to build a bulk aircraft hangar; and
WHEREAS, the contractor discovered and subsequently mitigated a sinkhole during the construction of the bulk hangar, thereby incurring unanticipated costs, and
WHEREAS, the Florida Department of Transportation has agreed to reimburse the additional costs incurred.

NOW, THEREFORE, BE IT RESOLVED by the City of Williston, Levy County, Florida, that:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.
SECTION 2. The City Council hereby approves Supplemental JPA #2 with the Florida Department of Transportation, covering additional costs related to sinkhole mitigation during the construction of a bulk hangar at the Williston Municipal Airport and authorizes the City Council President to sign the change order on behalf of the City.
SECTION 3. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on April 2, 2019.

CITY OF WILLISTON, FLORIDA

______________________________
Nancy Wininger, President
Williston City Council

______________________________
ATTEST: Frances V. Taylor
City Clerk
THIS AGREEMENT, made and entered into this ______ day of __________________, ______ by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and City of Williston 1800 South West 19th Avenue, Williston, FL 32696 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 30th day of November 2016, entered into a Joint Participation Agreement; and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of $1,109,284.00.

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

1.00 Project Description: The project description is amended
Design and Construct new corporate hangar at Williston Municipal Airport - Additional funding added.
2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased/decreased by $42,000.00 bringing the revised total cost of the project to $1,109,284.00.

Paragraph 4.00 of said Agreement is increased/decreased by $42,000.00 bringing the Department's revised total cost of the project to $1,109,284.00.

3.00 Amended Exhibits:

Exhibit(s) B & D of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 16.00 of said Agreement, September 30th, 2019.

5.00 E-Verify

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Contractor during the term of the contract; and

2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.
Financial Project No(s) 43812619419

Contract No.  G0H59
Agreement Date

Except as hereby modified, amended or changed, all other terms of said Agreement dated November 30th, 2016, and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

City of Williston
AGENCY NAME

SIGNATORY (PRINTED OR TYPED)

SIGNATURE

TITLE

FDOT

See attached Encumbrance Form for date of Funding Approval by Comptroller

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

Urban Planning and Modal Administrator
TITLE
ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and City of Williston 1800 South West 19th Avenue, Williston, FL 32696 dated 11/30/2016.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

Additional funding being added due to upgraded material that was required once the construction of the corporate hangar was underway that was not originally anticipated prior to start of project.

I. Project Cost:

<table>
<thead>
<tr>
<th></th>
<th>As Approved</th>
<th>As Amended</th>
<th>Net Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,067,284.00</td>
<td>$1,109,284.00</td>
<td>$42,000.00</td>
</tr>
<tr>
<td>Total Project Cost</td>
<td>$1,067,284.00</td>
<td>$1,109,284.00</td>
<td>$42,000.00</td>
</tr>
</tbody>
</table>

II. Fund Participation:

<table>
<thead>
<tr>
<th></th>
<th>As Approved</th>
<th>As Amended</th>
<th>Net Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department:</td>
<td>$1,067,284.00</td>
<td>$1,109,284.00</td>
<td>$42,000.00</td>
</tr>
<tr>
<td>Agency:</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total Project Cost</td>
<td>$1,067,284.00</td>
<td>$1,109,284.00</td>
<td>$42,000.00</td>
</tr>
</tbody>
</table>

Comments:

The municipality is eligible for and has requested a Rural Economic Development Initiative (REDI) waiver pursuant to Florida Statute 288.0656.
III. MULTI-YEAR OR DEFERRED REIMBURSEMENT PROJECT FUNDING

If a project is a multi-year or prequalified project subject to paragraphs 4.10 and 17.20 of this agreement, funds are programmed in the Department's Work program in the following fiscal year(s):

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2017</td>
<td>$472,781.00</td>
</tr>
<tr>
<td>FY 2018</td>
<td>$594,503.00</td>
</tr>
<tr>
<td>FY 2019</td>
<td>$42,000.00</td>
</tr>
</tbody>
</table>

Project years may be advanced or deferred subject to Legislative appropriation or availability of funds.
RESOLUTION 2019 - 19

A RESOLUTION OF THE CITY OF WILLISTON, LEVY COUNTY, FLORIDA, APPROVING SUPPLEMENTAL TASK ORDER 17-16R TO PASSERO ASSOCIATES FOR SERVICES RELATED TO THE BULK HANGAR PROJECT; AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Williston Municipal Airport has contracted to build a bulk aircraft hangar; and
WHEREAS, Passero Associates has issued a supplemental task order describing the activities associated with sinkhole mitigation during the construction of the hangar.

NOW, THEREFORE, BE IT RESOLVED by the City of Williston, Levy County, Florida, that:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.
SECTION 2. The City Council hereby approves Supplemental Task Order 17-16R to Passero Associates covering additional activities related to sinkhole mitigation during the construction of a bulk hangar at the Williston Municipal Airport and authorizes the City Council President to sign the supplemental task order on behalf of the City.
SECTION 3. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on April 2, 2019.

CITY OF WILLISTON, FLORIDA

______________________________
Nancy Wininger, President
Williston City Council

______________________________
ATTEST: Frances V. Taylor
City Clerk
City of Williston, Florida

Williston Municipal Airport (X60)

Bulk Hangar (Construction Phase)

Construction Administration, Periodic Construction Monitoring/Observation, Quality Assurance, Materials Testing, and Grants Administration Assistance

by

Passero Associates, LLC
(Passero Project No. 20090041.016R)

Work Order 17-16R (Supplemental)
Work Order 17-16R
Bulk Hangar (Construction Phase)

Construction Administration, Periodic Construction Monitoring/Observation, Quality Assurance, Materials Testing, and
Grants Administration Assistance
Williston Municipal Airport, FL

PASSERO ASSOCIATES ("PA" or "Consultant") agrees to perform the following services, in accordance with the terms and conditions of this Supplemental Agreement and the Professional Services Agreement with the City of Williston (Owner or "Client") for Engineering and Consulting Services dated October 21, 2008, all of which terms and conditions are incorporated herein by reference.

Project Location: Williston Municipal Airport, Williston, Florida.

Project Description: This Project shall consist of the construction of a new 11,990 square feet Bulk Hangar, at the Williston Municipal Airport (X60), including asphalt apron in-fill, site utilities and drainage system.

Scope of Basic Services: Construction Administration, Periodic Construction Monitoring / Observation, and Grants Administration Assistance (see Attachment A: Scope of Work).

Scope of Special Services: Quality Assurance and Materials Testing (see Attachment A: Scope of Work).

Client Manager: Scott Lippmann, City Manager.

PA Program Manager: Mr. Don Ramdass.
PA Project Managers: David F. Harris, III, Senior Construction Inspector; Christopher Nardone, RA

Basic Services Compensation and Method of Payment: Not-to-Exceed $13,000.00
Special Services Compensation and Method of Payment:
Total Project Cost: Not-to-Exceed $13,000.00

Schedule: To be determined as soon as Notice-To-Proceed is issued.
Meetings: Pre-construction and progress meetings; substantial and final-completion.
Deliverables: 1. Project management and coordination services.
  2. Periodic Construction Monitoring/Observation services.
  3. Quality Assurance and Material testing services.
  4. Project closeout, including documentation for the FDOT.

"Consultant" – Passero Associates, LLC
"Client" – City of Williston, Florida

BY: ________________________________ BY: ________________________________
Andrew Holesko, C.M., Vice President Nancy Wininger, President, Williston City Council

ATTEST BY: ________________________________ ATTEST BY: ________________________________
(Print Name and Title) Frances Taylor, City Clerk

Date: ________________________________ Date: ________________________________
ATTACHMENT A: Scope of Work

Bulk Hangar (Construction Phase)-Supplemental Services

Williston Municipal Airport, Florida

I. Project Description

Passero Associates, LLC (Consultant) will provide construction administration, periodic construction monitoring / observation, quality assurance, materials testing, and grants administration assistance during the construction phase of a new 11,990 square feet Bulk Hangar at the Williston Municipal Airport (X60), including asphalt apron in-fill, site utilities and drainage system.

II. Basic Services

Passero Associates (Consultant or Passero) will provide the following basic services to assist the City of Williston (City or Client) with the construction phase of this project:

A. Construction / Contract Administration

In the Construction Administration Phase, the Consultant shall assist the City in administering the construction contract with the selected Contractor for compliance with applicable regulations, and as follows:

1. Provide consultation and advice to the City during construction, including the holding of a pre-construction conference, attendance at periodic construction coordination meetings and other meetings required during the course of construction. Prepare, review, and distribute minutes of all meetings, if applicable.

2. Review, approve or take appropriate action on all contractor submittals, such as construction schedules and phasing schedules, shop drawings, product data, catalog cuts, and samples, for conformance with the construction contract requirements.

3. Review and take appropriate action on alternative construction methods proposed by the Contractor.

4. Review and process supplemental drawings and change orders necessary to properly execute the work within the intended scope and to accommodate changed field conditions.

5. Interpret the requirements of the contract documents and advise the Contractor of these requirements on behalf of the City.

6. Participate in the pre-final and final inspections of the completed project with City and Airport personnel, the FDOT, and the Contractor.

Periodic Construction Monitoring / Observation

Note: Periodic construction monitoring / observation is a field-based task that involves attendance at progress meetings and on-site observation of critical work items that are established and scheduled during weekly project meetings. The Consultant will not be present 100% of the time that the Contractor is present and working. The Consultant shall provide periodic on-site monitoring / observation of construction services as follows:

1. Maintain a project record in accordance with the requirements of the State of Florida Department of Transportation.
2. Review documents and submissions by contractors pertaining to scheduling and advise the City as to their acceptability.

3. Observe the work to determine conformance to the contract documents and to ascertain the need for correction or rejection of the work.

4. Attend, conduct, and prepare minutes for pre-construction conference, pre-paving conference, periodic progress meetings, final inspection of the completed project, and any other special meetings, as needed or requested.

5. Arrange for, conduct or witness field, laboratory or shop tests of construction materials as required by the plans and specifications.

6. Interpret the contract plans and specifications and monitor the construction activities to maintain compliance with the intent of the design.

7. Measure, compute or check quantities of work performed and quantities of materials in-place for partial and final payments to the Contractor.

8. Prepare and submit inspection reports of construction activity and problems encountered, as required by the City, the State of Florida Department of Transportation.

9. Prepare, review and approve periodic and final payments to Contractor.

10. Review Contractors final records, including as-built drawings, and all project closeout documents.

B. Grants Administration Assistance

Throughout the duration of this project, the Consultant will provide grants administration assistance to the City with the following items:

1. Attend and provide assistance to the City at the project’s funding coordination meetings with the FDOT.

2. Assist in the preparation of reimbursement request packages; coordinate packages’ execution by City and submissions to the FDOT.

3. Assist City in compiling and submitting necessary project closeout documents required by the FDOT.

4. Serve as liaison for the City with FDOT, as requested.

C. Clarification of Responsibility

The City acknowledges and confirms that the Contractor, in accordance with the Contract Documents, is solely responsible for the completion of the Project in a quality and timely manner. Passero Associates’ (Consultant’s) construction-phase work tasks for this Project are limited to those specified in this Work Order executed by the City.

The City acknowledges and confirms that at no time will Passero Associates’ responsibilities include supervision or direction of the actual work by the Contractor or its employees, subcontractors or suppliers.

The City confirms that the Contractor is aware that neither the approval of contractor shop drawings nor the presence of Passero field representatives nor the monitoring / observation of the work by Passero representatives shall excuse the Contractor in any way from defects discovered in the Work.
The City acknowledges and confirms that the Contractor is responsible for project site safety. Passero staff will not control, direct, or be responsible for construction means, methods, techniques, sequences (other than specified in the Construction Phasing Plan) or procedures in connection with the Contractor’s work. If construction extends the anticipated completion date, a supplemental Work Order to extend Passero Associates' services may be required.

III. SPECIAL SERVICES

1. Quality Assurance and Materials Testing as required by the Project plans and specifications.

2. If other special services need to be provided by the Consultant to the City during the course of this Project, the services must be agreed to by the Consultant and City, and performed by the Consultant only as approved by the City, in writing, prior to such services being rendered.

IV. Other

1. The City is responsible for providing complete and thorough data in a timely fashion as requested by Passero, including all necessary data from Airport archives. Passero is not responsible for data that is not provided in the course of this Agreement.

End of Scope of Work
### Williston Parades (with associated activities)

<table>
<thead>
<tr>
<th>Who pays</th>
<th>Month/ Date</th>
<th># of Participants</th>
<th>Need $1 million certificate of insurance</th>
<th>Route/ Location</th>
<th>Mileage</th>
<th>Need FDOT approval?</th>
<th>Current Cost to applicant</th>
<th>Proposed Cost to Applicant for Police</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>January</td>
<td>N/A</td>
<td></td>
<td>City Hall - south on N. Main - east on 27 to Cornelius Williams Park</td>
<td>1.6 miles</td>
<td>Yes</td>
<td>None</td>
<td>$35/hr x 3 hrs max + $10 car = $105 for off duty # of officers</td>
<td>POLICE = 20-55 officers/staffed volunteers, EMT = 2 extra, PW = Minimum of 6 workers</td>
</tr>
<tr>
<td>City</td>
<td>July 3rd</td>
<td>N/A</td>
<td></td>
<td>Old high school - east on 27 to Dollar General - Horsemans Park</td>
<td>3 miles</td>
<td>Yes</td>
<td>None</td>
<td>Not held yet</td>
<td>N/A</td>
</tr>
<tr>
<td>City</td>
<td>October</td>
<td>N/A</td>
<td></td>
<td>Old high school - east on 27 to Dollar General - WHHS Football field</td>
<td>3 miles</td>
<td>Yes</td>
<td>None</td>
<td>$35/hr x 3 hrs max + $10 car = $105 for off duty # of officers</td>
<td>POLICE = 20-55 officers/staffed volunteers, EMT = 2 extra, PW = Minimum of 6 workers</td>
</tr>
<tr>
<td>City</td>
<td>December</td>
<td>N/A</td>
<td></td>
<td>Old high school - east on 27 to Dollar General - Heritage Park</td>
<td>3 miles</td>
<td>Yes</td>
<td>None</td>
<td>$35/hr x 3 hrs max + $10 car = $105 for off duty # of officers</td>
<td>POLICE = 20-55 officers/staffed volunteers, EMT = 2 extra, PW = Minimum of 6 workers</td>
</tr>
</tbody>
</table>

### Costs

<table>
<thead>
<tr>
<th>MLK and festivities</th>
<th>FY16</th>
<th>FY17</th>
<th>FY18</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 4th and Fireworks</td>
<td>$164.02</td>
<td>$448.77</td>
<td>$454.71</td>
</tr>
<tr>
<td>Homecoming and activities</td>
<td>$2,552.66</td>
<td>$34,684.11</td>
<td>$1,187.65</td>
</tr>
<tr>
<td>Christmas and Light Up Williston</td>
<td>$451.26</td>
<td>-</td>
<td>$2,708.88</td>
</tr>
<tr>
<td>Veteran’s Day</td>
<td>$778.87</td>
<td>$1,316.63</td>
<td>$1,519.55</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Williston EVENTS</th>
<th>Who pays</th>
<th># of Participants</th>
<th>Need $1 million certificate of insurance</th>
<th>Location</th>
<th>Staffing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Back to School Bash</td>
<td>Elementary school</td>
<td>Elementary school</td>
<td>Elemental School</td>
<td>Cornelius Williams Park</td>
<td>PW, Police, EMT</td>
</tr>
<tr>
<td>Bar &amp; Bor- the County</td>
<td>Elementary school</td>
<td>Elementary school</td>
<td>John Henry Park</td>
<td></td>
<td>PW, Police, EMT</td>
</tr>
<tr>
<td>Color Run</td>
<td>Elementary school</td>
<td>Elementary school</td>
<td>Elementary School</td>
<td></td>
<td>PW, Police, EMT</td>
</tr>
<tr>
<td>Crabfest</td>
<td>Levy County - East Williston</td>
<td>Levy County - East Williston</td>
<td>Levy County Emergency Mgt. Fair</td>
<td></td>
<td>PW, Police, EMT</td>
</tr>
<tr>
<td>East egg hunt</td>
<td>John Henry Park</td>
<td>John Henry Park</td>
<td>Horseman’s Park</td>
<td></td>
<td>PW, Police, EMT</td>
</tr>
<tr>
<td>Kruisin for Kids (KKS)</td>
<td>Williston Elementary School</td>
<td>Williston Elementary School</td>
<td>Kruisin for Kids (KKS)</td>
<td></td>
<td>PW, Police, EMT</td>
</tr>
<tr>
<td>Levy County Emergency Mgt. Fair</td>
<td>Rotates between municipalities</td>
<td>Levy County Fair</td>
<td>Horseman’s Park</td>
<td></td>
<td>PW, Police, EMT</td>
</tr>
<tr>
<td>Middle School Cross Country Run (MCS)</td>
<td>NW 7th St.</td>
<td>Middle School Cross Country Run (MCS)</td>
<td>Middle School Cross Country Run (MCS)</td>
<td></td>
<td>PW, Police, EMT</td>
</tr>
<tr>
<td>Milk and Cookies with Santa</td>
<td>Heritage Park</td>
<td>Heritage Park</td>
<td>Heritage Park</td>
<td></td>
<td>PW, Police, EMT</td>
</tr>
</tbody>
</table>

**Costs FY16-18**

<table>
<thead>
<tr>
<th>MLK and festivities</th>
<th>FY16</th>
<th>FY17</th>
<th>FY18</th>
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</thead>
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<td>$1,316.63</td>
<td>$1,519.55</td>
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</tbody>
</table>

**Total FY16-19**

<table>
<thead>
<tr>
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<th>FY16</th>
<th>FY17</th>
<th>FY18</th>
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<td>$778.87</td>
<td>$1,316.63</td>
<td>$1,519.55</td>
</tr>
</tbody>
</table>

**$17,769.16**

These figures are only special events overtime, not other costs.
National Day of Prayer
Ornan Lodge
Ornan Lodge
Child safety program
Ornan Lodge

Peanut Festival & Purple Pinky Run
Relay for Life

Nutters
Homestead's Park

Festival activities
Heritage Park

Peanut Festival
Presidential Park

Haunted House
Newtown Memorial

Trail of Treaters

Reciprocate with other agencies

Vetntation Parade
Dunnellon Christmas Parade
Chiefland Homecoming
Other agency functions
Drug Take Back Day (DEA)

Other events
Volleyball
Volleyball
Basketball
Volleyball
Bowling Alley
Volleyball

Future events
Santa/turkey/Easter Bunny drive through neighborhoods

Williston Current Fees

<table>
<thead>
<tr>
<th></th>
<th>Deposit</th>
<th>Application Fee</th>
<th>Use Fee</th>
<th>Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Center</td>
<td>$500</td>
<td></td>
<td>$25</td>
<td>$25</td>
</tr>
<tr>
<td>Heritage Park block 1</td>
<td>N/A</td>
<td>$20</td>
<td>$25</td>
<td>$25</td>
</tr>
<tr>
<td>(across from City Hall)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heritage Park block 2</td>
<td>N/A</td>
<td>$20</td>
<td>$100</td>
<td>$50</td>
</tr>
<tr>
<td>(includes pavilion)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heritage Park block 3</td>
<td>N/A</td>
<td>$20</td>
<td>$25</td>
<td>$25</td>
</tr>
<tr>
<td>Heritage Park block 4</td>
<td>N/A</td>
<td>$20</td>
<td>$50</td>
<td>$25</td>
</tr>
<tr>
<td>(gazebo)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Epperson Park</td>
<td>N/A</td>
<td>$20</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>Peggy O'Neill Park</td>
<td>N/A</td>
<td>$20</td>
<td>$50</td>
<td>$25</td>
</tr>
<tr>
<td>(gazebo)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fourth Street (tennis courts)</td>
<td>N/A</td>
<td>$20</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>Cornelius Williams Park</td>
<td>N/A</td>
<td>$20</td>
<td>$100</td>
<td>$100</td>
</tr>
</tbody>
</table>
### Other than Levy County municipality PARADES and FESTIVITIES

<table>
<thead>
<tr>
<th>ROAD CLOSURES</th>
<th>PARADES</th>
<th>FESTIVALS</th>
<th>WHO PAYS</th>
<th>CURRENT COST TO APPLICANT</th>
</tr>
</thead>
</table>
| Alachua (City) | Crosses state road - police required at intersection - no closures | 1) Christmas  
  2) High School Alumni | 8 security and utilities costs reimbursed by CRA (in CRA zone). All Zones considered individually | City of CRA Sponsors | $40 - minimum 3 hours |
| Belleview | State road closure | 1) Christmas  
1-3 events | Police Dept. | $39.50 - minimum 2 hours |
| Cross City | State road invoiced | 1) Homecoming  
2) MLK  
3) Veterans | Christmas in the Park  
City | $25 - no minimum |
| Dunnellon | State road involved. No detour or road closure. Parades/marches use escort of merging traffic | 1) Blue Run events  
2) Christmas  
3) Homecoming  
4) MLK  
5) Special Olympics | 1) Art Festival  
2) Boomtown  
3) Jazz Up  
Dunnellon  
4) Walmart Black Friday | City of CRA Sponsors | $35 - minimum 3 hours |
| Gainesville | State roads involved 6-7 times/yr | 1) Homecoming  
2) LGBT Pride  
3) MLK  
4) plus 1 more | 7 events | Police Dept. or Promoter (varies) | $53.50 - minimum 3 hours  
They also charge a $61 non-refundable application fee |
| Ocala | State road involved. | 1) Christmas  
2) MLK | 50 events - City determines who pays/who is exempt | City (budgeted) | $38 - minimum 3 hours |
| Starke | 3 state road closures | 1) Homecoming  
2) MLK  
3) MLK (escorted march)  
4) Veteran’s | 4-6 events | City or Promoter - City Council must approve | $25 hr - minimum 2 hours |

### Levy County municipality PARADES and FESTIVITIES

<table>
<thead>
<tr>
<th>Mileage</th>
<th>Need FDOT approval?</th>
<th>Current Cost to applicant</th>
<th>Cost to municipality</th>
<th>Notes</th>
</tr>
</thead>
</table>
| Archer (can’t compare Archer because no state road closures) | Several blocks – city streets | No | No charge for parade but they charge for events – vendors pay $25/booth | Included in staff salaries, City property | They spend between $3,000-$4,000 per year, mostly on supplies  
1) They allow floats  
2) They don’t track staff salaries because staff on payroll anyway during events |
<p>| PARADE | Art at the Archer Depot (formerly Yulee Days) | | | First come - first served |
| EVENTS | Community Center | 1) They waive a lot of fees | | Volunteers hand out food |
| | FarmShare | 2) Fees are only charged | | Black History Month |
| | Library | | | |</p>
<table>
<thead>
<tr>
<th>Mother's Day</th>
<th>if they want exclusive</th>
<th>Sponsors were required to provide own security</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party in the Park (Halloween)</td>
<td>If so, they charge $35/4 hr use fee and if they</td>
<td></td>
</tr>
<tr>
<td>Keep Alachua Beautiful</td>
<td>want electricity and water they charge an additional $20/hr</td>
<td>Alachua County pays for roll-offs, etc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mileage</th>
<th>Need FDOT approval?</th>
<th>Current Cost to applicant</th>
<th>Cost to municipality</th>
<th>Notes</th>
</tr>
</thead>
</table>

Agenda Packet | April 2, 2019 | 52 of 213
<table>
<thead>
<tr>
<th>Location</th>
<th>Mileage</th>
<th>Need FDOT approval?</th>
<th>Current Cost to applicant</th>
<th>Cost to municipality</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blueberry</td>
<td>Post Office on 27 west to SR 24</td>
<td>Yes</td>
<td>None</td>
<td>$10,000-$15,000</td>
<td>1) Held over 3 weekends in May-June</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2) They are wondering why they have a Blueberry parade/festival when they don't have blueberry growers in Bronson</td>
</tr>
<tr>
<td>Trunk For Treats</td>
<td></td>
<td></td>
<td>None</td>
<td></td>
<td>Vendors help by providing candy</td>
</tr>
<tr>
<td>4th of July</td>
<td>Post Office on 27 west to SR 24</td>
<td>Yes</td>
<td>None</td>
<td></td>
<td>1) July</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2) Town of Bronson provides water to participants</td>
</tr>
<tr>
<td>Homecoming</td>
<td></td>
<td></td>
<td>None</td>
<td></td>
<td>October??</td>
</tr>
<tr>
<td>MLK</td>
<td>On city roads</td>
<td>No</td>
<td>None</td>
<td></td>
<td>1) January</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2) MLK Committee plans MLK parade</td>
</tr>
<tr>
<td>Veterans</td>
<td>Post Office on 27 west to SR 24</td>
<td>Yes</td>
<td>None</td>
<td></td>
<td>November - every 4 years</td>
</tr>
</tbody>
</table>

**PARADES**

- **Christmas Parade**
  - Mileage: 4 blocks
  - Need FDOT approval?: No - on city roads
  - Cost: $25 - minimum 4 hours
  - Notes: 10-12 vehicles long, mostly golf carts

- **4th of July**
  - Mileage: 4 blocks
  - Need FDOT approval?: No - on city roads
  - Cost: $25 - minimum 4 hours
  - Notes: 10-12 vehicles long, mostly golf carts

- **Homecoming Parade**
  - Mileage: 4 blocks
  - Need FDOT approval?: No - on city roads
  - Cost: $25 - minimum 4 hours
  - Notes: 10-12 vehicles long, mostly golf carts

**EVENTS**

- **Festival (Art, Seafood, Pirate)**
  - Mileage: 4 blocks
  - Need FDOT approval?: No - on city roads
  - Cost: $25 - minimum 4 hours
  - Notes: 10-12 vehicles long, mostly golf carts

- **Library Use**
  - Mileage: 4 blocks
  - Need FDOT approval?: No - on city roads
  - Cost: $25 - minimum 4 hours
  - Notes: 10-12 vehicles long, mostly golf carts

- **Community Center**
  - Mileage: 4 blocks
  - Need FDOT approval?: No - on city roads
  - Cost: $25 - minimum 4 hours
  - Notes: 10-12 vehicles long, mostly golf carts

**Mileage**

- Cedar Key (can't compare Cedar Key because no state road closures)
<table>
<thead>
<tr>
<th>City Park and Cemetery Point Park</th>
<th>Mileage</th>
<th>Need FDOT approval?</th>
<th>Current Cost to applicant</th>
<th>Cost to municipality</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chiefland</td>
<td>US 19</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homecoming</td>
<td></td>
<td></td>
<td>$392.14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MLK Love March</td>
<td></td>
<td></td>
<td>$883.98</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veteran's</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walk for Jesus</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watermelon Festival/Parade/Tour de Melon</td>
<td>US 19</td>
<td>Yes</td>
<td>$1,849.23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winter Christmas Festival/Parade...5K Rudolph Run</td>
<td></td>
<td></td>
<td>$1,822.77</td>
<td></td>
<td>Chiefland Chamber of Commerce</td>
</tr>
</tbody>
</table>

1) Figures below do not include Levy County Sheriff (doesn't charge because in County)
2) Chiefland is approaching this as "road closures" rather than parades/festivities. It sounds like they're not going to charge for small road closures (like a birthday party on a dirt road).

$35 minimum 2 hours

Food vendors =
Food $75
Craft/Retail $50
Non-profit $25

Pageant =
$50 entry fee

Queen pageant =
$85 entry fee

Tour de Melon =
$55-$70 registration

$35 minimum 2 hours

Festival vendors =
Large space $125
Food/beverage $75 $40 (ad space)
General booth $50 ($20 ad space)

Information booth $25

5K Rudolph Run =
Registration $20
Day of race $25
Children under 8 FREE

NOTE: Of the cities above incl. Williston ex. Bronson
7.5 block state roads
4 use external funding
9 have a Special Events package
All have a detail rate (average $35)
### QUESTIONS/CONSIDERATIONS

#### ORDINANCE

Change, if needed. Chapter 30 and Chapter 38

#### DEFINITION

Define "event". Major event, intermediate event, minor event? What are parameters for events in parks, Community Center?

Define "parade". What are parameters for a parade? What are parameters for a march?

#### LIABILITY

Risk to City - City insurance will cover some activities. How much risk to the City if event/parade affects the public right of way, access, egress, potential for injuries?

Certificate of liability required from applicant

Who verifies area was left clean?

#### APPLICATION

City guides applicant through application (for example, applicant may not check they need a compensated police officer but dictates they do.

Determine application process. Who oks? City Manager and all departments?

Timeline to 1) file application  2) receive approval/denial  3) pay fees  4) etc.

Online application?

Needs more teeth - promoters accountable - for what? Provision for over large events

#### PAYMENT

Who pays? City as a gift to community - include in budget? Applicant? Split?

Cancellation fee?

Fee based on # of participants? Vehicles? Location? Type of event/parade? Mileage? Parade route?

Should fees be ala carte rather than a blanket fee? Participant chooses what services/route they want. Same for everyone
Outside funding? National Baseball League - $1k? Is grant money worth time/effort to manage the grant?
Park is first come, first served unless want exclusive use of park - then pay fee?

**ALTERNATE PARADE ROUTES**

1) Current route on from old HS east on 27 to City Hall  2) New WMHS north on S. Main St. to S. 5th St. then turn east to

**NON-PROFITS**

Should there be a no waiver clause (fees, deadlines, etc.) so fair to everyone?

**MISCELLANEOUS**

If City pays, what happens if number of parades we currently have increases

What is the ROI for the City - attendees who come to parade/event then shop/eat in Williston.

When is there a need for the City to become involved in events? (birthday parties, etc.) Population/type of event?

City post signage at park? "Permit required for events with over _____participants per ordinance #____  No foul language"

Should the City pay for fundraisers for other organizations? (Homecoming, Peanut Festival, others)

**OTHER MUNICIPALITIES**

Rotate parades/events with other municipalities? (like Veteran's Parade)

---

**Article 2, Sec 30.31-30.39**

<table>
<thead>
<tr>
<th>Application elements</th>
<th>Ordinance</th>
<th>Permit application</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA</td>
<td></td>
<td>&gt;150 people - cert of ins</td>
</tr>
<tr>
<td>Additional conditions</td>
<td>30.35</td>
<td>Date and hours</td>
</tr>
<tr>
<td>Animals</td>
<td>30.32</td>
<td>Legal name and address</td>
</tr>
<tr>
<td>Approval process</td>
<td>30.34 and 30.35</td>
<td>Number of persons</td>
</tr>
<tr>
<td>Attendees/participants</td>
<td></td>
<td>Other relevant info</td>
</tr>
<tr>
<td>Authority to suspend</td>
<td>30.39</td>
<td>Park/facility</td>
</tr>
<tr>
<td>Barricades</td>
<td></td>
<td>Purpose</td>
</tr>
<tr>
<td>Certificate of insurance</td>
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<td>Special circumstances?</td>
</tr>
<tr>
<td>Clean up</td>
<td></td>
<td></td>
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<tr>
<td>Concise - easy to use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost to organizers</td>
<td>30.32 and 30.34 and 30.36</td>
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</tr>
<tr>
<td>--------------------</td>
<td>--------------------------</td>
<td></td>
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<tr>
<td>Date - times</td>
<td>30.32</td>
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<td>Deadline</td>
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<tr>
<td>Denials - appeal process</td>
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<tr>
<td>Exclusive use</td>
<td>30.32</td>
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</tr>
<tr>
<td>Fees (can be amended by City Council)</td>
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<td></td>
</tr>
<tr>
<td>Fire</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Fireworks</td>
<td>30.32</td>
<td></td>
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<td>First aid/medical support</td>
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<td>Food</td>
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<td>Fundraising</td>
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<td>Location - venue - park</td>
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<tr>
<td>Motorized vehicle</td>
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<tr>
<td>Noise</td>
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<tr>
<td>Non-profit</td>
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<tr>
<td>Online</td>
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<tr>
<td>Park hours</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Private/public event</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Process</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Prohibited activities</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Restrooms</td>
<td>30.32</td>
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<tr>
<td>Revocation</td>
<td>30.38</td>
<td></td>
</tr>
<tr>
<td>Sell of items</td>
<td>30.32</td>
<td></td>
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<td>Signs</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Standards for issuance of permits</td>
<td>30.34</td>
<td></td>
</tr>
<tr>
<td>Street closures</td>
<td>30.32</td>
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</tr>
<tr>
<td>Tents</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Timeline</td>
<td>30.32</td>
<td></td>
</tr>
<tr>
<td>Waste removal</td>
<td>30.32</td>
<td></td>
</tr>
</tbody>
</table>
### Article 4, Section 38.91 - 38.119

#### Parade permit

<table>
<thead>
<tr>
<th>Item</th>
<th>Reference</th>
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</thead>
<tbody>
<tr>
<td>Approval</td>
<td>38.111</td>
</tr>
<tr>
<td>Alternate permit</td>
<td>38.115</td>
</tr>
<tr>
<td>Appeal</td>
<td>38.116</td>
</tr>
<tr>
<td>Applicant’s name, dates, area, # persons, vehicles, bands, etc.</td>
<td>38.111 and 38.117</td>
</tr>
<tr>
<td>Insurance, etc.</td>
<td>38.113</td>
</tr>
<tr>
<td>Penalty - for no permit</td>
<td>38.119</td>
</tr>
<tr>
<td>Revocation</td>
<td>38.118</td>
</tr>
<tr>
<td>Standards for issuance</td>
<td>38.113</td>
</tr>
</tbody>
</table>

#### Contents of Permit

- # of persons
- Assembly area and time
- Animals/vehicles
- Disbanding area and time
- Distance between units
- Length of parade
- Minimum and maximum speeds
- Other info from Chief of Police
- Route
- Signs, placards
- Starting time
- Street, etc. occupied by parade

---

Scott’s draft has application requirements, fees, etc. 38.111 and 38.117

Needs to add other contents of permit
Town Hall Input Results

Cautions
Safety
Equality
Traditions
Fairness
Cost

Benefits
Traditions
Routes

Ideas
Benefit for the community
National and Local observances
Established Traditions
Parades already have - should be grandfathered in
No 1st Responders in the parade - use them for traffic control
Length of float - fee based
Move anything that has to do with school in front of school
Funding sources for parks - grants, fund raisers
Rec Director/Department - how funded? Proposed as future plan.
Chamber cannot afford the proposed parade rates - unsecured debt to pay off.
Reasonable fees for use of parks is acceptable to Chamber
Sliding Scale to pay a reasonable fee
Percentage
Incorporate into a budget for recurring events
Raise millage
Potential to waive fees for non-profits

Wrap Up
Grandfather existing parades in
Don't want to charge for parades
Fair permit process
No waivers
Rec Director/Department - how funded? Proposed as future plan.
Grants
Fees for park as rec director
Exclusive use or more than ___ amount of people = fee
Change parade routes/locate alternate routes where possible
Liability Insurance - $1 million with city as additional ensured cost to applicant
Legal review of proposals
If there is an option use volunteers
committee of volunteers to work with pd/fire
City partnership to address issues identifying parades grandfathered in
Chief of Police to attend future forums

Other input/questions
Not a private event - nationally recognized event - Clarify between parade and march
March in protest of something - or define by activity versus content/purpose???
Population threshold for events? Ordinance may specify
DISCUSSION: CRA BOARD MEMBER APPOINTMENT

REQUESTED BY: City Council
PREPARED BY: Jackie Gorman

BACKGROUND / DESCRIPTION:

In accordance with the adopted CRA By-laws, the City Council shall appoint any new member to the CRA Board. Attached you will find an application from Michael Langston, owner of the Turning Point Fitness, 37 S Main Street, Williston.

The CRA Board reviewed the application during their monthly meeting on March 11, 2019 and recommended approval.

LEGAL: REVIEW: Not Required

FISCAL IMPACTS: Unknown

RECOMMENDED ACTION: None – Discussion Only

ATTACHMENTS: Application for Board Membership

_____ CONTRACT ______ RESOLUTION ______ MAP

_____ LEASE ______ OTHER DOCUMENTS

_____ CONSULTANT OR PARTY TO ACTION HAS BEEN NOTIFIED

COUNCIL ACTION:

_______ APPROVED

_______ DISAPPROVED
APPLICATION FOR COMMISSION/BOARD MEMBERSHIP

NAME: Michael Leo Langston
ADDRESS: 16527 SW State Rd 45, Archer, FL 32618
TELEPHONE: HOME 352-857-3175 WORK: 352-528-5050
EMAIL ADDRESS: twopointfit@gmail.com

COMMISSION OR BOARD TO WHICH YOU ARE APPLYING (CIRCLE ONE):
- PLANNING & ZONING
- PENSION
- AIRPORT
- ADJUSTMENTS
- CITIZENS ADVISORY
- CHAPTER 185

ARE YOU AVAILABLE TO MEET ACCORDING TO THE PUBLISHED COMMISSION/BOARD MEETING SCHEDULE?
- YES [✓] NO

ARE YOU A (CIRCLE ALL THAT APPLY):
- CITY RESIDENT
- BUSINESS OWNER
- PROPERTY OWNER

WHY WOULD YOU LIKE TO SERVE ON THIS COMMISSION OR BOARD?
- It was suggested I could be an asset in this position. I want to help create a robust community.

BRIEF EDUCATIONAL/EMPLOYMENT/BUSINESS EXPERIENCE BENEFICIAL TO THIS BOARD?
- Not sure I have any real experience that applies to this area... but I have a lot of strengths!

WHAT SPECIAL ASSETS WOULD YOU BRING TO THE BOARD?
- N/A

BRIEF COMMUNITY SERVICE: Serve on chamber board

DO YOU HAVE ANY PREVIOUS BOARD EXPERIENCE?
- YES [✓] NO

DATE: 2-21-2019 SIGNATURE: [Signature]

PLEASE RETURN THIS APPLICATION TO:
CITY OF WILLISTON
PO DRAWER 160
WILLISTON, FLORIDA 32696

YOU MAY ALSO EMAIL A COMPLETED APPLICATION TO THE CITY CLERK: city.clerk@willistonfl.org

The mission of the City of Williston is to offer an efficient affordable and safe place to live, work and play.
RESOLUTION 2019 - 21

A RESOLUTION OF THE CITY OF WILLISTON, LEVY COUNTY, FLORIDA, APPOINTING MICHAEL LANGSTON TO THE CITY OF WILLISTON COMMUNITY REDEVELOPMENT AGENCY BOARD FILLING AN UNEXPIRED TERM BEGINNING MARCH 19, 2019 AND ENDING MAY 1, 2020.

WHEREAS, the Williston City Council wishes to appoint Michael Langston to the City of Williston Community Redevelopment Agency Board to fill an unexpired term formerly held by Lisa Huigens, and

WHEREAS, the Williston City Council has stated that this appointment shall last for a term beginning March 19, 2019 and end May 1, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City of Williston, Levy County, Florida, that:

SECTION 1. APPOINTED. This Resolution appoints Michael Langston to the City of Williston Community Redevelopment Agency Board for a term beginning March 19, 2019 and ending May 1, 2020.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective immediately upon adoption.

CITY COUNCIL
CITY OF WILLISTON, FLORIDA

______________________________
Nancy Wininger, President

ATTEST:

______________________________
Frances V. Taylor, City Clerk
This version of the manual consists of proposed changes that were submitted to Council for review and input.

On June 19, 2018, the Council established a period of comment based on this version of the manual. Comments and input given to staff was then placed into a Change Sheet. The Change Sheet consists of questions and input for a final revision based on this version of the manual.

This manual is the final marked up version as of the February 12, 2019 workshop.

Change #1 – Manual will be indexed and numbered appropriately upon conclusion of the Council modifications
GENERAL POLICY STATEMENTS

A. No Discrimination: There shall be no discrimination in employment, employment opportunities, job actions, promotions, job assignments, job training and education on the basis of race, color, religion, age, sex, national origin, legally recognized disability, genetic information, pregnancy or marital status unless one or more of the above constitute bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be discriminated against or given preference because of any of the above characteristics, unless otherwise required by law. The City will ensure that all employment practices, including, but not limited to, hiring, recruitment, training, compensation, benefits, promotions, layoffs and terminations, are administered in a manner that provides full and fair opportunity to all persons.

B. Persons With Disabilities: Persons with known legally recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The City will offer to such persons reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided such further accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on City operations.

C. Affirmative Action: The City will take affirmative recruitment actions to expand employment opportunities for groups that are underutilized in the City workforce, but not in any way which violates applicable law.

D. Drug Free Workplace: The City of Williston expressly prohibits employees from reporting to work or conducting City business while under the influence of illegal drugs or alcohol. Any substance abuse is a serious threat to the health, safety and well-being of the individual, other employees and the general public, and as such it will not be tolerated in the City’s workplace.

E. No Harassment: The City of Williston will not tolerate unwelcome conduct, whether verbal, physical or visual, that is based upon a person’s protected status, such as sex, race, national origin, religion, age, disability or other protected status. In addition, the City will not tolerate harassment of its employees by anyone, including City officials, department heads, supervisors, other employees, vendors or citizens.
SECTION 1

GENERAL PROVISIONS

1.01 PURPOSE

The purpose of these Personnel Rules and Regulations (hereafter referred to as “HRM” or “Rules”) is to establish procedures which will serve as a guide to administrative actions covering most personnel actions which may arise. The final interpretation and application of these Rules shall be made by the City of Williston (hereafter referred to as “City”) or its designee. The City reserves the right to amend, alter, modify, delete and add to these Rules.

Nothing herein is intended to supersede the City Charter. In the event of any conflict between these Personnel Rules and Regulations and the City Charter, the provisions of the City Charter shall prevail.

1.02 POSITIONS COVERED

Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all City employees including members of City Council, General Employees and Public Safety Employees, except as designated in the policies listed in Appendix __. In the event of a conflict between the HR Manual and designated policy, the designated policy will supersede/take precedence.

Volunteers serving as members of Boards and Committees, and consultants engaged on a contractual basis are not considered to be City employees for purposes of this Manual. However, volunteers and contractors are subject to the non-discrimination and drug-free workplace policies contained herein where specified under state and federal contract requirements and as dictated under the terms of any active and binding agreement.

The City Manager and City Clerk may be employed under a contract approved by the City Council; however, the City Manager and City Clerk shall be subject to the provisions of the policies contained in this manual unless specifically exempted by their approved contract.

1.03 ADMINISTRATION

A. The City Manager or a designated administrative officer shall be responsible for the administration and technical direction of the City’s Personnel Management System. The City Manager shall:

i. Prepare, install and maintain a position classification plan based on the duties, authority and responsibility of all positions in the City;

ii. Prepare and maintain job descriptions;
iii. Prepare and maintain a Compensation Plan;

iv. Provide orientation for new Department Heads;

v. Approve payroll documents certified by Department Heads;

vi. Draft such administrative policies as may from time to time be necessary to carry out the intent and purpose of the provisions of these rules;

vii. Carry out such other duties as prescribed under the City Charter; ordinances, resolutions or these rules;

viii. Establish and maintain departmental standard operating procedures (SOP’s) as needed.

B. The City Manager, at his discretion, may delegate any of the duties assigned to him by these rules.

C. The Human Resources Director will supervise and direct the administration and technical functions of the personnel program. In addition to the duties imposed on him/her by these personnel policies, it shall be his/her responsibility to:

i. Apply equally and fairly all personnel regulations as adopted by the City Council;

ii. Render service to the City Departments in the area of personnel management;

iii. Setup and maintain all employee personnel files;

iv. Administer the adopted administrative policy and procedures for uniformity of personnel rules and procedures;

v. Properly compute, control and record all personnel matters required by administrative policy;

vi. Serve as the Americans with Disabilities Act (ADA) Coordinator for the City;

vii. Properly manage personnel records as required by Federal Laws.

D. Department Heads are responsible for the efficient and effective operation and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Rules. These duties may be delegated by the Department Head, but the ultimate responsibility shall remain with the Department Head. Such responsibilities include, but are not limited:
i. To administer, interpret and enforce these Rules, regulations and approved departmental standard operating procedures and to recommend modifications;

i.ii. To recruit, hire, supervise, direct, discipline up to and including discharge, the workforce of the City subject to these Rules and any applicable collective bargaining agreement (hereafter referred to as “CBA”);

ii.iii. To provide initial orientation of employees to include familiarization with departmental or area policies, rules and regulations, working conditions, etc.;

ii.iv. To provide and/or coordinate job related employee-training programs;

iv.v. To foster and develop programs for the improvement of employee relations, morale and effectiveness; and, 

v.vi. To review and revise job descriptions as needed.

1.04 COLLECTIVE BARGAINING AGREEMENTS

Where these Rules or departmental rules and regulations are in conflict with the expressed terms of the Collective Bargaining Agreement (CBA), the terms of the CBA shall take precedence.

1.05 AMENDMENTS

Amendments to the HRM may be proposed by the City Manager and by resolution of the City Council.

1.06 DEPARTMENT POLICIES

A. All Departmental policies and standard operating procedures (SOP’s) except Police and Fire will be reviewed periodically by department heads. Changes shall be submitted in writing to the City and submitted to and reviewed by the City Manager for review and approval.

B. Departmental policies and standard operating procedures approved by the City Manager will serve as supplements to the HR Policies. In the event of conflict, the HRM shall prevail unless the departmental standard operating procedures have been specifically approved as an exception by the City Council Manager.

B. (Added at 1/15/19 Workshop) Department policies and SOP’s, except for Police and Fire, shall be reviewed annually by department heads with status and changes submitted to the City Manager for acknowledgment and approval.

C. Approved changes in departmental policies and standard operating procedures shall
be distributed to the affected employees upon approval.

1.10 **PRIOR MEMOS, POLICIES AND REGULATIONS**

All resolutions or ordinances, or parts of resolutions or ordinances, prior memos, policies, procedures and regulations in conflict with any of the provisions of this policy are hereby repealed.
SECTION 2
DEFINITION OF TERMS

Active Pay Status
When an employee is working, on authorized paid leave, paid holidays or other time where pay is being credited to employee.

Administrative Personnel
Any employee whose primary duty consists of:

A. The performance of office or non-manual work directly related to management policies or general operations; or

B. Who customarily and regularly exercises discretion and independent judgment; and

C. Who regularly and directly assists an employee employed in a bona fide executive or administrative capacity; or

D. Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge; or

E. Who executes, under only general supervision, special assignments and tasks; and

F. Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (A) through (C); and

G. Who is compensated for services on a salary or wage basis at a rate of not less than $455 per week.

ADA
Americans with Disabilities Act; Federal legislation that prohibits discrimination against persons with disabilities.

Allocation
The assignment of an individual to an appropriate class on the basis of the type of work, difficulty, responsibility and other related job factors of the work performed.

Appeal
An application for review of a disciplinary action submitted or instituted by an employee.

Applicant
An individual who has completed and submitted an application for employment.
**Appointing Authority**
The City Manager, Mayor or his designees who have authority to appoint and remove employees under their jurisdiction.

**Appointment**
The offer to and acceptance by a person of a position either on a regular or temporary basis.

**Bonus**
Discretionary and non-discretionary sums paid or vacation time provided to qualified employees under the programs specified in this manual. Bonus programs include: Christmas pay (discretionary) - Christmas pay is distributed at the discretion of Council at a rate determined by Council to all full and part-time employees; Safety Incentive (non-discretionary) bonus hours and pay are provided as stated in Section 34 of this manual.

**Calendar Year**
The one-year period that begins on January 1 and ends on December 31, used to record certain types of leave and for reporting W-2 wages.

**Call Back Pay**
Payments posted for an employee who reports for work, prepared to perform assigned duties, at the direction of his or her supervisor, at a time other than the employee’s regular work hours.

**CBA**
See Collective Bargaining Agreement.

**Child**
For FMLA purposes, a biological, adopted or foster child, stepchild, legal ward or child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time the FMLA leave commences. A person stands in loco parentis if that person provides day-to-day care or financial support for a child. Employees with no biological or legal relationship to a child can stand in loco parentis to that child and are entitled to FMLA leave.

**City**
City of Williston.

**City Premises**
All premises and locations under the control of the City, including offices, parking lots, locker rooms, files, drawers and storage areas, City vehicles, or vehicles or property located on City premises.
**City Property**
All equipment, documents, records, files and other property relating to the City, including computers, furnishings, lockers and vehicles, whether owned, leased, rented or used by the City.

**Class**
A position or group of positions which involves similar qualifications and is designated by a title indicative of the kind of work and for which the same pay range can be applied with reasonable equity.

**Classification Plan**
An orderly arrangement of positions into separate and distinct classes so that each class will contain positions which have similar prerequisite qualifications as to education, knowledge, experience and ability, tests of fitness, and ranges of pay.

**Classification Seniority (also referred to as Job or Position Seniority)**
The length of time an employee has been continuously employed in his current position classification. Classification seniority will be lost or changed upon the loss of seniority under Section 9.02, the permanent transfer, promotion, demotion or reassignment to or from one job classification to another.

**Collective Bargaining Agreement (CBA)**
An agreement between an employee organization and the City, negotiated and ratified as required by the Public Employees Relation Act.

**Compensatory Time (Comp Time)**
Time off from work in lieu of monetary payment for having worked in excess of scheduled work week providing the time off is at time and one-half and is pursuant to an agreement or understanding, oral or written, with the employee prior to performance of work.

**Compensation**
Wages, salaries, fees, allowances and all other forms of valuable consideration or the amount of any one or more of them paid to an employee, by reason of service rendered, but not including any allowances for expenses authorized and incurred as incidental to employment and which may be separately authorized and/or reimbursed.

**Compensation Plan**
A schedule of compensation established for the classes of positions so that all positions of a given class will be paid in the same wage or salary range established for the class.

**Confidential Employee**
An employee exempt from collective bargaining as defined by the Public Employee Relations Act.

**Date of Hire**
The date that the employee is present on the work or training site and is paid to perform or train in the role for which he or she was hired. This date will establish the start date for the computation of seniority within the job classification.

**Demotion**
A change in employment status from a position of one class to a position of another class having a lower maximum wage/salary range than the original class (voluntary, non-voluntary and non-disciplinary).

**Department Head**
Any employee whose primary duty consists of:

A. The management of a customarily recognized department; and

B. Who customarily and regularly directs the work of other employees therein; and

C. Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring and firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

D. Who customarily and regularly exercises discretionary powers; and

E. Who does not devote more than 20 percent of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (A) through (D); and

F. Who is compensated for his services on a salary basis at a rate of not less than $455 per week, or as amended by the FLSA.

**Departmental Seniority**
The length of time an employee has been continuously employed in a department.

**Disability**
A physical or mental impairment that substantially limits one or more major life activities; having a record of such impairment or being regarded as having such impairment.

**Dismissal or Termination**
Involuntary separation from City employment.

**DOL**
Department of Labor

**DOT**
Department of Transportation
**Driving Position**
A position where the employee drives or may be required to drive a City vehicle or his own vehicle in the performance of his duties. Also refers to a position which requires a specific class of driver’s license to operate an assigned vehicle under State law.

**Drug**
As defined by state statute: alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

**Drug Test**
As defined by state statute: any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

**Employee**

A. **Full-Time:** any employee, who has successfully completed their probationary period, who is assigned a regular schedule of a minimum of forty (40) hours or the regular Section 7(K) schedule, whichever applies, per week or per pay period and is classified as a regular full-time employee by the City.

B. **Part-Time:** any employee who is assigned a regular schedule of less than thirty-two (32) hours per week. For the purpose of receiving a Health Benefit, the employee may work thirty (30) hours or more per week.

C. **Probationary:** any employee who has not completed the initial probationary period.

D. **Temporary:** any employee that is not classified as a full-time, part-time or probationary employee, such as a seasonal or non-regular part-time employee who does not work a regular schedule.

E. **Seasonal:** a temporary employee who is employed for a specific period of the year only.

F. **Reserve:** individual who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered; offers services freely and without pressure or coercion; and is not otherwise employed by the City to perform the same type of services as those for which the individual proposes to volunteer. This individual is not considered a regular employee for the purposes of benefits eligibility.

**Exempt Employee**
An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act and paid $455 weekly on a salary basis or, as a ‘computer employee’, at a rate of $27.63
hourly for all hours worked in a workweek. The City Manager has full appointing, promotion, demotion and terminating authority over the Exempt Employee, unless otherwise stated in the City Charter.

**FCRA**
The Florida Civil Rights Act of 1992, state statute establishing freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.

**FEMA**
Federal Emergency Management Agency.

**Fiscal Year**
The twelve (12) month accounting period beginning October 1st each year which represents the City’s budget year.

**FLSA**
The Fair Labor Standards Act, a federal law that sets minimum wage, overtime and minimum age requirements for employers and employees.

**FMLA**
Family Medical Leave Act - federal legislation entitling eligible employees of covered employers to unpaid, job-protected leave for specified family and medical reasons. For the purposes of eligibility under FMLA, a qualified employee must work a regular schedule of at least 25 hours.

**FTO**
FDLE-Certified Police Field Training Officer.

**Grievance (Non-Disciplinary Matters)**
A complaint, view or opinion pertaining to employment conditions, to relationships between employee and supervisor or to relationships with other employees. Within the context of the Collective Bargaining Agreement, a dispute involving the interpretation or application of the agreement. Disciplinary actions, dismissals, demotions, suspensions, fines, reductions in pay, and position classification allocations shall not be subject to review as a grievance.

**Harassment**
Any verbal or physical conduct that degrades or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability or impairment, or that of his relatives, friends or associates and that for a reasonable person:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual’s work performance; or

3. Otherwise adversely affects an individual’s employment opportunities.

Examples include, but are not limited to: epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts that relate to race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, or any display of written or graphic material that denigrate or shows hostility or aversion toward an individual or group because of the same. See also Harassment.

**He/His/Him**
Generic and used for reference purposes only to signal reference to both males and females.

**Immediate Family**
Includes spouse, children, parent, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandparents of spouse, grandchildren, step-parents, step-children, step-brothers and step-sisters, step-grandchildren, legal guardian, and any other relative living in the same household (this definition is for purposes of medical and funeral leave). Provided such definition shall not apply to FMLA leave which has its own requirements.

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

**Job Description**
A written description of some but not all of the duties, qualifications and responsibilities of a job.

**Layoff**
Separation of a regular employee from a position in the personnel system because of the reduction in workload available, lack of funds by the City, abolishment of the position after study, material alteration in the departmental organization or for other related reasons.

**Leave**
An approved type of absence from work as provided by these Policies and Procedures.

**Managerial Employee**
An employee exempt from collective bargaining, as defined by the Public Employee Relations Act.

**Mandatory-Testing Position**
A job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the
correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to FSS 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

May
The word “may” shall be interpreted as permissive.

Medical Review Officer (MRO)
A licensed medical or osteopathic physician employed with or contracted with the City, not employed or contracted by a drug testing laboratory performing drug free workplace testing. The MRO shall have knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures, verify positive, confirmed test results, and have the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information. Medical review officers shall be certified as medical review officers by the American Association of Medical Review Officers, American Society of Addiction Medicine or the Medical Review Officer Certification Council.

Merit Pay Increase
An increase in compensation based on an annual performance evaluation completed on the employee’s hire date.

Non-Exempt Employee
Class of employees who receive hourly wages; they are subject to wage and hour laws set forth in the Fair Labor Standards Act (i.e. overtime pay).

Overtime
Overtime is the performance of previously authorized work in excess of the normally full time scheduled work hours per seven day work period in accordance with Fair Labor Standards Act. Overtime is paid at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek for general employees and over 43 hours in a workweek for sworn police officers.

Parent
For FMLA purposes, a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. (A person stands in loco parentis if that person provides day-to-day care or financial support for a child.) This term does not include parents-in-law.

Pay Grade
The salary range which is assigned to a particular classification title expressed as a pay range number.

Performance Evaluation (also referred to as “PE”)
Written reports of an employee’s job performance, conduct, attendance and potential; scheduled and completed by immediate supervisors.

**Personal Property**
Items owned by an employee or others that are not City property, such as personal vehicle, brief case, purse, lunch box, etc.

**Position**
Employment involving an aggregation of duties to be performed and responsibilities to be discharged by one person, whether temporary, seasonal, part-time or full-time, occupied or vacant.

**Position Classification**
The relative allocation of a position within the classification plan based upon the current duties, responsibilities and general requirements of the position as compared to other positions within the plan.

**Possession**
On someone’s person or otherwise under his or her control or within City premises.

**Probationary Period**
A period of time provided to allow the Department Head an opportunity to evaluate an employee’s performance and ability, and to decide whether or not the employee is retained. After successful completion of the probationary period (twelve (12) months), the employee will be classified as a regular employee. A probationary period beyond that which is recognized by the State of Florida will not applicable past the state established threshold for the purposes of Unemployment Compensation claims.

**Prohibited Materials**
Firearms or other weapons, except those issued or authorized by the City to certified employees and except when in compliance with Section 790.251, Florida Statutes; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined by statute, the Florida Department of Law Enforcement (FDLE), or the City Drug-Free Workplace Policy; drug-related paraphernalia; alcoholic beverages; materials considered obscene which are not work/investigation related or City property that an employee is not authorized to have in his or her possession.

We have received a proposal to allow firearms. An alternate policy may read as follows:

Firearms or other weapons, except those issued or authorized by the City and except when in compliance with Section 790.251, Florida Statutes; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined by statute, the Florida Department of Law Enforcement (FDLE), or the City Drug-Free Workplace Policy; drug-related paraphernalia; alcoholic beverages; materials considered obscene which are not work/investigation related or City property that an employee is not authorized to have in his or her possession.
If approved—the authorization would be defined as below:

**Concealed Carry Authorization**

Authorization to carry a handgun as designated by the City Manager for employees who maintain a current Florida Concealed Weapon or Firearm License and demonstrate proficiency annually as certified by complete an approved annual firearms-safety course the Williston Police Department to carry an approved sidearm.

Firearms—Handguns are required to be carried only on the employee’s person or locked in a pre-designated and approved location within the City facility in which the employee works while on duty and on City property and buildings except where prohibited to the general public, including the board’s meeting room.

**Promotion**

Subject to completion of the promotional probationary period, permanent assignment of an employee to a higher level job classification which has a higher maximum salary rate.

**Public Safety Employee**

As defined in the workshop.

**Reclassification**

The action taken to officially change an existing position to a different appropriate class because of a change in the duties, responsibilities, and/or requirements of the existing position, or because of an amendment of the classification.

**Reemployment (also referred to as “Reinstatement”)**

The hiring of a person who formerly worked for the City. Person(s) rehired shall be new employees for all purposes, unless the Department Head recommends and the City Manager approves otherwise in a particular case.

**Regular Position**

A position which is established in the budget. It may be seasonal or part-time, but regular to the extent that it is established by the budget, designated by the City Manager, and filled with a regular employee, or trainee.

**Reasonable suspicion**

Includes a suspicion that is based on specific personal observations such as, but not limited to, an employee’s manner, disposition, muscular movement, appearance, behavior, or speech; information provided to management by an employee, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

**Resignation**

Act of voluntarily withdrawing from City employment.

**Section 7(K)**
Section 7(K) of the Fair Labor Standards Act allowing certain employees in the Police Department to be paid overtime based on a schedule other than after forty (40) hours in a seven (7) day period and providing that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis, establishing a "work period" from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, fire protection personnel are due overtime after 106 hours worked during a 14-day work period, while law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

**Seniority**
The total time an employee has continuously worked for the City without loss of seniority under Section 7.

**Sexual Harassment**
Any verbal or physical conduct of a sexual nature or with sexual overtones, unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

1) Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;

2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, offensive work environment.

Examples of sexual harassment include, but are not limited to, lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual’s sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, films or cartoon.

**Shall**
The word “shall” will be interpreted as mandatory.

**Special-Risk Position**
A position that is required to be filled by a person who is certified under Florida State Statute Chapter 633: Fire Prevention and Control or Chapter 943: Department of Law Enforcement.

**Spouse**
For the purpose of FMLA leave, a husband or wife as defined or recognized in the state in which the individuals were married and includes individuals in common law or same-sex marriages.

**Suspension**
Employees may be suspended from work with pay by their Department Head under the Standards
of Conduct policies, with the approval of the City Manager. Under extraordinary circumstances, when in the best interest of the City, an employee may be suspended without pay.

**Transfer**
The reassignment of an employee from one position to another. Transfers must be approved by both Department Heads concerned and the City Manager.

**Work Day**
The scheduled number of hours an employee is required to work per day.

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

**Working Time**
Working time shall be all time employee performs actual work for the City and authorized break periods. An employee may take two (2) fifteen (15) minute breaks per day at the discretion of the Department Head.

**Vacancy**
A position established in a current budget as duly created and not currently occupied by an employee.
SECTION 3

TYPES AND TERMS OF EMPLOYMENT

3.01 BASIS OF EMPLOYMENT

Employees are employed by the City as either full-time, part-time, seasonal, or temporary employees.

3.02 PARTICIPATION IN BENEFITS

All regular full-time employees are eligible to participate in all City benefits. Other employees do not participate in employee benefit plans unless a particular plan so provides or unless required by law. Current federal law designates the following non-full time employees as qualified under the corresponding plans listed. Benefit levels under these plans are subject to change in these laws. If the law is rescinded or abolished then City policy will dictate eligibility in these programs:

City Health & Life Insurance Benefits – Employees must be regular employees working at least 30 hours per week (over a twelve month period) per the Patient Protection and Affordable Healthcare Act.

FMLA – Employees much be regular employees working at least 25 hours per week and at least one-thousand two-hundred and fifty (1,250) hours for the City during the twelve (12) month period immediately preceding the date of the requested leave, unless the employee has a break in service due to military reservist duty.

3.03 TERM OF EMPLOYMENT

All City employees subject to these Personnel Rules shall serve at the will and pleasure of the City and may be disciplined or dismissed, subject only to applicable law. All decisions concerning their wages, hours, working conditions (all conditions concerning employment) will be made by the City Manager. Nothing set forth in these policies creates a contract for employment between the City and its employees nor do these policies alter the at-will status of the City’s employees.

3.04 PROBATIONARY EMPLOYEES

A. Subject to paragraph B, all regular full-time employees shall successfully complete an initial probationary period of sixtwelve (126) months.

B. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the probationary period shall be as set forth in Paragraph A, the period of the training program, or successful completion of certification or licensing requirements, whichever is longest.

3.05 PROMOTIONAL PROBATION

A. An employee promoted to a higher level job classification shall serve an initial
probation period of six (6) months except where a license or certification is a prerequisite to holding a job, the probationary period may continue until the license or certification is successfully obtained. During the probationary period, the employee shall serve in the position to which he was promoted at the will and pleasure of the Department Head.

B. During the probationary period, if the Department Head decides to remove the employee from the position, but determines the employee has otherwise performed satisfactorily: (1) if the job from which he was promoted has not been filled, he will be returned to his former position; or (2) if the job from which he was promoted has been filled, the employee will be given preferential treatment for six (6) months from the date of his removal for any vacancy in the City for which the City Manager considers him to be qualified to perform all the duties at the commensurate rate of pay.

3.06 LOYALTY OATH

Pursuant to Florida Statues 876.05, all persons who now or hereafter employed by the City shall subscribe to the following oath:

I, ______________________, being employed by or an officer of the City of Williston and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

And, do solemnly swear or affirm that I will, during my continuance in office or term of employment, to the best of my skill and ability, faithfully discharge all duties which may be required of me, and that I will in all cases conform to the ordinances of the City, and its policy, regulations, and forthwith report all violations of the ordinances which may come to my knowledge.

A. The City ClerkHuman Resources Director or appropriate Department Head shall administer the above oath to each employee of the City and submit the signed oath to be filed in the employee’s official personnel record file. The public employee’s oath shall be given on or before the first day of employment and shall apply to all full, part-time, seasonal, volunteer, reserve and temporary employees.

B. Per statute, the oath shall be filed with the City ClerkHuman Resources Director prior to approval of any payment of salary, expenses or compensation.

C. Should any person provided for in this section refuse to execute the above oath, the City ClerkHuman Resources Director shall cause the said employee to be immediately discharged; in the case of a new employee, prohibit his employment.
3.07  TYPES OF EMPLOYMENT

3.07.1 FULL-TIME EMPLOYEES

A full-time employee is any employee who has successfully completed the probationary period, who is assigned a regular schedule of at least forty (40) hours or the regular Section 7(K) schedule per week or per pay period and who is classified as a regular, full-time employee by the City.

3.07.2 PART-TIME EMPLOYEES

A. A part-time employee is one assigned a regular schedule of less than thirty-two (32) hours per week and less than sixty-four (64) hours in a bi-weekly period.

B. For the purpose of receiving health benefits the employee may work 30 hours or more per week.

3.07.3 PROBATIONARY EMPLOYEES

A. A probationary employee is any employee who has not completed the initial probationary period.

B. All regular full-time employees shall successfully complete an initial probationary period of at least sixtwelve (126) months.

3.07.4 SEASONAL EMPLOYEES

Seasonal employees are not guaranteed forty (40) hours of work per week nor re-employment the next successive year, and are not eligible for benefits unless a particular plan so provides or unless required by law. A seasonal employee is a temporary employee retained for only a specific period of the year.

3.07.5 TEMPORARY EMPLOYEES
A. A temporary employee is one not classified as a full-time, part-time or probationary, such as a seasonal or a non-regular, part-time employee who does not work a regular schedule.

B. A temporary position is one which is established and approved by the City Manager for a specific period of time since regular employment for the task is not anticipated. No such position can be established unless sufficient funds are provided in the budget. Appointments to temporary positions shall ordinarily be for a period of up to six (6) months, except that the City Manager may extend any appointment for up to an additional three (3) months, if conditions warrant. Such extension does not automatically make the appointment a full-time position.

C. To facilitate meeting emergencies, a Department Head may employ a person on a temporary basis, within budget constraints, and put such person to work immediately with necessary documentation confirming the terms of the employment to follow. In such a situation the City Manager’s approval shall be obtained during the first full day of employment. Requests for this action shall clearly state the circumstances requiring such employment and note the period of employment estimated to be required of such position.

3.07.6 VOLUNTEERS AND RESERVISTS

A. A volunteer or reservist is any individual who performs hours of service for civic, charitable or humanitarian reasons without promise, expectation or receipt of compensation for services rendered; offers services freely and without pressure or coercion; and is not otherwise employed by the City to perform the same type of services as those for which the individual proposes to volunteer.

B. Reservists working within the Police Department are required to carry the requisite certifications and maintain the same training standards as a regular, full-time officer.
SECTION 4
HIRING PROCEDURES

4.01 VACANCIES

A. All requests for employing personnel will be made by the Department Head to the City Manager, using the request form authorized by the Human Resources Department. The request should specify the following information:

   i. New Position or Replacement

   ii. Job Classification (Salary Range)

   iii. Job Description and Qualifications Request

   iv. Proposed Start Date

B. The Department Head will assure that the position to be filled is properly authorized and budgeted prior to submission to the City Manager for approval.

C. The City shall include notice of drug testing on vacancy announcements.

4.02 RECRUITING

A. The Department Head will distribute, for display in each Department, a Notice of Vacant City Position.

B. City employees will be allowed five (5) days to request, in writing with notice to his/her supervisor, to be considered for the position. The Department where the vacancy exists, may advertise any vacancies in the appropriate media but may not initiate hiring of outside applicants until after the (5) day notice period for current employees has ended.

C. All applicants will be required to fill out a standard application obtained from the Department with the vacancy. Completed applications will be forwarded to the appropriate Department Head for consideration.

D. Advertisements and Notices shall contain the position title, essential job functions, minimum qualifications, closing date, EEO/Drug-Free Workplace statement and routing instructions for applications and questions related to the vacancy.

E. All applications for employment shall be made on an approved City of Williston Employment Application, which will be developed and maintained by the City Clerk/Human Resources Director.
F. All completed applications will be forwarded to the appropriate Department Head for consideration. Upon review of the applications, the Department Head will create a list of qualified individuals to be interviewed. The Department Head will schedule and conduct the interviews.

4.03 BASIS FOR SELECTION

A. Employment with the City shall be based on skills, experience, training, education, physical and mental ability to do the available work and other factors that are related to the performance of the job in question.

B. As part of the pre-employment procedures, former supervisors, employers and references provided by candidates shall be checked by Department Head or designee as a precaution against obtaining unqualified employees. Reference checks made by personal or telephone contact will be documented and made part of the applicant’s file.

C. All employees shall go through a thorough background check, including but not limited to: criminal history record check, driver’s license verification, sexual predator record search and drug screening. The Department Head or designee will make this request to the Human Resources Department in the course of the hiring process.

D. The City does not prohibit members of the same family from working for the City; however, each situation involving employment of a relative must be reviewed by the City Manager.

   i. The City will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as

      a. A relative working under the direct supervision of another;

      b. A relative being responsible for the performance evaluation of another;

      c. A relative being directly involved in job actions with regard to another;

      d. An employee being in possession of confidential information about another related employee.

   ii. It is the obligation of all affected employees to immediately advise their Department Head if a change in a personal situation occurs or is anticipated that may result in such a conflict of interest, so appropriate action may be taken.

E. The City reserves the right to reject any applicant for any reason or no reason subject only to applicable law.
F. The City Manager shall review the Department Head’s recommendation, and the supporting documentation, and shall approve or deny the recommendation based on that review. A conditional offer of employment shall not be made without the City Manager’s approval.

G. The Department Head shall notify the successful candidate and unsuccessful candidates at selection and will ensure that all personnel and payroll records are completed and submitted to the Human Resource Department prior to commencement of work.

H. In accordance with Florida Statutes, Chapter 295, preference to veterans shall be granted.

I. In cases where city residents and non-residents are equally qualified for the particular vacant position, the city resident shall receive first consideration for the position.

4.04 TESTING

At its option and expense, the City may use valid physical, written or oral examinations and performance tests in order to gauge applicants’ skills. Any written exams will be maintained confidentially in accordance with Florida State Statute. Exam results will be recorded and placed in the applicants’ files.

4.05 MEDICAL EXAMINATIONS AND DRUG TESTING

A. Subject to applicable law, the City shall require submission to and successful passing of testing for the use of alcohol and illegal controlled substances as a condition for consideration for employment or continued employment with the City to comply with Drug Free Workplace requirements.

B. Applicants in designated job classifications shall be required to take a medical examination after they have been given a conditional offer of employment. The examination will be narrowly tailored to determine whether the applicant can perform the essential functions of the job and will be required of all applicants within the specified job categories. Job classifications that require post-offer medical examinations will be designated by the City Manager or City Clerk Human Resources Director. These classifications will be reviewed and updated annually.

C. If, with prior approval of the City Manager, an applicant is placed on the payroll prior to having completed a required medical examination, he shall be advised in writing at the time he is placed on the payroll, that his employment will be conditional subject to passing a medical examination, if permitted by the job classification.

D. Applicants and employees who are directed to take a medical or drug/alcohol examination under Paragraph A, B or C above and who refuse to do so will be
automatically terminated.

E. Applicants and employees who take a medical or drug/alcohol examination pursuant to Paragraph A, B or C above shall not be employed, or, if previously employed, shall be terminated immediately if the results of the medical examination show that they are either mentally or physically unable to perform the essential functions of the job with or without reasonable accommodation. However, if they have a legally recognized disability, they will be terminated only if they cannot be reasonably accommodated to perform the essential functions of the job without undue hardship to the City, and such action shall be subject to applicable federal, state and local laws dealing with handicap status.

F. Subject to applicable law, all medical or drug/alcohol examinations required to be taken under this section shall include testing to determine the presence or absence of illegal controlled substances in their body. Drug testing will be conducted under the Drug and Alcohol Policy of the City.

4.06 JOB OPPORTUNITIES FOR NON-EMPLOYEES

A. Any advertisement or notice shall contain the title of the position, the essential functions of the job, the minimum qualifications for the job, and the date beyond which applications will no longer be received, contain the phrase “The City of Williston is an Equal Opportunity Employer, and a Drug Free Workplace,” and shall state that all applications or inquiries shall be directed to the Department Head.

B. All applications for employment shall be made on a uniform City of Williston Application for Employment as developed and maintained by the City Clerk Human Resources Director.
SECTION 5

TRANSFERS AND WORK OUT OF CLASSIFICATION

5.01 TEMPORARY TRANSFERS / WORK OUT OF CLASSIFICATION

A. The City will increase the pay of employees who are temporarily placed in positions of a higher pay grade on an interim basis.

B. This is to assure a systematic and consistent method for remunerating employees for assuming additional and/or more responsible duties on a temporary basis.

C. When it is learned that an employee will be absent from his or her job for an extended period of time and it is vital that these supervisory, technical or administrative duties need to be performed during the absence, a current employee may be selected to fulfill these responsibilities.

D. If, and when, it is learned that the absence will exceed fifteen (15) or more working days, the individual performing the interim duties will begin to receive pay equivalent to the minimum of the incumbent’s pay grade or ten (10%) of his or her current pay whichever is greater. The payment of these new wages will be retroactive to the beginning of the assumed responsibilities. A routine assumption of duties that occurs in the absence of another employee on vacation or with a short-term illness is not a transfer and does not affect salary.

E. Upon return of the incumbent, the employee who has held the interim position will return to his or her original position and pay.

F. When a non-exempt employee temporarily works in a lower pay grade, he or she shall receive the rate of pay for his or her regular job classification.

G. It is the City Manager’s responsibility to determine, prior to enacting this procedure, that there will be a need due to an anticipated lengthy absence. And, that the incumbent intends and is expected to return.

5.02 RECLASSIFICATION

When a job is reclassified, the employee holding the reclassified position will be paid in accordance with the City’s Compensation Plan and Section 7.02(B).

A. Purpose

i. The most common type of reclassification is that of reclassification of an entire class of jobs. Reclassification can also take place when the work performed on a particular job changes substantially over a period of time, due to new technology or
a change in the department’s focus, by design or evolution.

B. Request for Reclassification

i. Reclassification can be initiated through independent, outside review conducted by or at the direction of the City or at the request of the individual or the supervisor, if accompanied by written supporting documentation. This documentation should be sufficient to support a reclassification, e.g., actual job duties and tasks.

C. Approval

i. Implementation of a requested reclassification of an individual or individuals to another job title within the existing Classification Plan requires authorization by the City Manager. If the reclassification is for an entire class of jobs, it requires an amendment to the Compensation Pay Plan.

D. Effect on Pay

i. When a reclassification occurs, the employee is placed in the new grade, but not below his current rate of pay.
SECTION 6

PROMOTION / DEMOTION

6.01 PROMOTION

An employee may be promoted to a higher job classification. Upon promotion, the employee’s pay grade, pay and classification shall be adjusted, accordingly. The Department Head shall complete a change of duty performance evaluation to cover the nonrated period from the anniversary date of hire to the time prior to promotion. Annual Performance Evaluations will follow yearly on the anniversary date from hire. The employee shall be placed in a probationary status for six (6) months.

6.02 DEMOTION

An employee may be demoted to an available position in a classification of lower grade for which he/she is qualified.

A. Demotion can be implemented for any of the following reasons:

i. When an employee would otherwise be laid off because the position is being abolished.

ii. When an employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds.

iii. If an employee voluntarily requests such demotion.

iv. For disciplinary reasons.

B. Effect on pay:

i. Pay will not exceed the maximum rate of the pay grade designated for the lower classification.

C. The Department Head shall complete a change of duty performance evaluation to cover the nonrated period from the anniversary date of hire to the time prior to promotion.

D. If an employee is demoted or transferred, he shall be placed in a probationary status for six (6) months; however, if an employee is voluntarily demoted or transferred, there will be no probationary period. Annual Performance Evaluations will follow yearly on the anniversary date from hire.
SECTION 7

SENIORITY, LAYOFF AND RECALL

7.01 ACCRUAL

City, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the City. Approved leaves of absences of thirty (30) or more consecutive workdays without pay shall not count towards the accrual of classification seniority unless the law requires otherwise.

7.02 LOSS OF SENIORITY

An employee shall lose his/her seniority as the result of any one of the following:

A. Discharge/dismissal
B. Retirement (does not apply to active DROP participants)
C. Voluntary Resignation
D. Layoff exceeding one (1) year
E. Failure to report to the Department Head the intention to return to work within five (5) working days of receipt of a recall notice.
F. Failure to report from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by management.

7.03 LAYOFF SELECTION

In the event the City decides to lay off employees within a department, the City will first lay off those employees employed on a part-time, temporary or probationary basis. If further layoffs are necessary, selection among regular full-time employees shall be based upon:

A. Ability to perform all of the work available.
B. Special skills essential to the performance of the available work.
C. Job performance as reflected by the performance evaluations for the past three (3) years or the most recent evaluations available.
D. Departmental classification seniority.
SECTION 8

ATTENDANCE / TARDINESS

8.01 PRESENT AND ON TIME

A. All employees are expected to report for duty at the scheduled time and remain there until the scheduled leaving time. Each Department Head shall be responsible for the attendance and timeliness of all persons within his department.

B. If an employee is unable to work, he/she must ensure that the Department Head or designee is aware as soon as possible prior to the scheduled reporting time otherwise the day will be counted as leave without pay.

C. It is the responsibility of the employee to notify their immediate supervisor if they are taking medication that may impair their ability to perform their essential functions of the job, such as operating machinery or vehicles.

D. Repeated/unjustified absence or tardiness will result in disciplinary action up to and including termination.

8.02 CALL-IN

Employees are required to call in before they are scheduled to report to work when they are going to be absent or late. (Check with your Supervisor or Department Head for specific instructions that pertain to your department). Failure to call in before the employee's shift begins will subject the employee to discipline, unless the Department Head is satisfied that the failure to call in was for a reason beyond the employee's control.

8.03 VERIFICATION

The Department Head may require an employee to establish to his satisfaction that an absence or tardiness was for a legitimate reason. Such proof, in the case of sickness or injury, may include the presentation of a medical doctor's excuse from a doctor acceptable to the City.

8.04 CONTINUING ABSENCE

In the case of a continuing absence, the employee must call in each day unless otherwise instructed by his Department Head or supervisor.
8.05 PERSON TO CALL

Call-ins are to be directed to the employee's immediate supervisor; however, in the event the immediate supervisor is not available, the employee must speak with another supervisor, Department Head or his designee.

8.06 ARREST OF CITY EMPLOYEE

A. If a City Employee is arrested, he/she shall notify the Department Head by telephone, in person or cause such notification to be made by a responsible person as immediately as reasonably possible. The employee shall furnish the following information:

i. Time and date of arrest;

ii. Place of occurrence;

iii. Present location of employee or place where he will be available for interview;

iv. Specific charges against the employee;

v. Date and location of court appearance;

vi. Temporary or final disposition.

B. Any employee pending criminal charges, whether before or subsequent to hiring, shall notify the Department Head at the earliest possible time after the arrest and while the case is pending, keep him/her informed of the status of the case, all court dates, final disposition of the case, whether an appeal has been taken and the final disposition of any appeal. In any case, pending final disposition of the matter, the employee shall report at least once every thirty (30) days to the Department Head.
SECTION 9

SEPARATION

9.01 TYPES OF SEPARATIONS

Separations and/or terminations from positions in City service are designated as one of the following types. Forms shall show the reason for the separation, and the last day worked. The effective date of the separation shall be the last day on which the employee is present for duty.

A. Deceased
B. Unable to perform the essential functions of the job with or without a reasonable accommodation in accordance with State and Federal Laws.
C. Dismissed
D. Laid off
E. Probationary termination
F. Resigned
G. Retired
H. End of temporary hire

9.02 GENERAL SEPARATION PROCEDURES

A. Both the Department Head and the Human Resources Director must clear any employee leaving City service before a final paycheck will be issued, in order to:

i. Assure the return of all City property;

ii. Settle any deductions for monies owed to the City and/or reimbursement due the employee;

iii. Explain the employee’s status regarding retirement or unemployment benefits, if applicable;

iv. Provide explanation of the employee’s right under Federal COBRA Act to continue health care coverage; and

v. Conduct an exit interview.
B. The supervisor must submit the Personnel Action Form (or similar form designated for that purpose) and applicable timesheet to the City Manager by noon on the Thursday prior to the week of payroll in order for the employee's check to be available on the following Friday.

C. The Department Head or his designee will notify Information Technology personnel when an employee is separating from the City.
   
   i. IT personnel shall close or re-route any City email accounts as specified by the Department Head.
   
   ii. The Department Head shall arrange to have all computer files on the separating employees’ computer copied to disk, which will then be labeled and forwarded to the Records Archive Section of the City Clerk’s Office.

D. The City Clerk shall be advised by the Department Head when any Petty Cash Custodian is leaving City service. Such advisement must be given a minimum of five (5) working days prior to the employee's last day of service with the City so that an appropriate audit may be conducted.

**RESIGNATION**

A. An employee wishing to leave the City in good standing shall file a written resignation with his/her Department Head, stating the date and reasons for his resignation. Such notice must be given at least two weeks prior to the date of separation. Employees who give such notice may be considered for reemployment. A Department Head, with City Manager approval, may exempt an employee who has given less than the required notice if, in the Department Head’s judgment, exceptional circumstances warrant such an exemption.

B. Unauthorized absences or absences determined to be unexcused for a period of three (3) working days or more shall be treated as a resignation without notice and the employee will be automatically terminated. Employees terminated under these circumstances will not be eligible for re-hire.

**9.03 RETIREMENT**

Retirement from City employment occurs when an employee retires under the terms and conditions set forth for the City-sponsored applicable Pension Plan.

**9.04 DEATH**

Separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be 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 personnel file.
9.05 **REDUCTION IN FORCE (LAYOFF)**

Reductions in force shall be in accordance with Section 7.

9.06 **DISABILITY**

When an employee is determined to have a legally recognized disability which impairs his ability to perform the essential functions of the job, which he still cannot perform with reasonable accommodation and without undue hardship to the City, the City Manager may take whatever action he deems in the best interests of the City, including termination of employment.

9.07 **DISMISSAL OR DISCHARGE**

A. Temporary, part-time, seasonal and probationary employees serve at the will and pleasure of the City and may be dismissed without the City showing cause, per Florida law.

B. Permanent, regular full-time employees are subject to dismissal from City employment pursuant to the progressive disciplinary process outlined in this Manual.

9.08 **EXIT INTERVIEW**

All employees who are departing from the City are to report to the respective Department Head. The Department Head will certify that all City-owned property has been returned and note the date and items returned on the form designated for that purpose. The employee shall contact the City ClerkHuman Resources Director to coordinate dispensation and termination of benefits and to complete an exit interview form.

9.09 **RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS**

A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools and other items of City property to his department supervisor or Department Head. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. The City may, through appropriate legal action, collect any balance due over and above the amount deducted from the employee’s paycheck.

B. All outstanding voluntary debts to the City incurred by the employee, such as the cost of non-compensatory training, shortages or advance of leave or expense accounts, advances on pay and other standing debts due to the City will be deducted from the employee's final paycheck.
C. All deductions under paragraphs A and B above shall be subject to the applicable state and federal law.

9.10 **UNEMPLOYMENT COMPENSATION**

A. The City is registered with the State of Florida. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation law may be eligible to receive unemployment compensation benefits. Employees who are terminated for violation of the City’s Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida Law.

B. An explanation of employee’s rights and responsibilities is available through Human Resources.

C. Any correspondence received by employees regarding unemployment compensation must be forwarded to the Human Resources Department upon receipt.
SECTION 10

STANDARDS OF CONDUCT

10.01 POLICY

A. One of the primary objectives of the City of Williston, in accordance with the Charter, is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties in a public service career.

B. To an unusual extent and in a special way, employees in the City’s organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. All persons employed by the City must remain constantly aware of their responsibilities to the public and of the fact that they are representatives of the City. It is expected that their conduct and appearance shall be commensurate with the positions they hold.

C. The attitude and behavior of a City employee should, at all times, be such as to promote the good will and favorable attitude of the public toward the City, its programs, and policies.

D. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.

D.E. It is the policy of the City to expect from employees compliance with this HRM, state statutes, federal regulations and departmental rules SOP’s in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct included in this section, departmental rules SOP’s, or the HRM shall be subject to disciplinary action under Section 15 of this manual.

E.F. Employees shall be well informed concerning the policies and operations of City government. Such responsibilities increase with the importance of the position held. Admitting lack of knowledge concerning a question asked is far superior to an incorrect answer, but, if the situation requires it, the employee, under such circumstances, should refer the questioner to the proper source of information, or obtain the actual facts and inform the person making the inquiry.

10.02 CONFLICTS OF INTEREST
A. Employees in a position to influence actions and decisions of the City or a member of the managerial staff shall refrain from internal or external relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the City.

B. No City employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, favor, service or promise of future employment, which might reasonably appear to influence him in the discharge of his official duties.

C. An employee shall not use his position with the City to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.

D. No employee shall disclose confidential information gained by reason of his official position with the City except in and as a part of his normal duties as a City employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.

E. When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the City, or any division thereof, the employee shall advise the City Manager in writing as soon as that potential relationship is known. Failure to so advise the City Manager may result in immediate termination. The City Manager will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict or potential conflict of interest no longer exists. The City Manager’s determination as to whether there is a conflict of interest or a potential conflict of interest and the actions required by the City Manager shall be final.

F. No City employee shall transact any business in their official capacity with any business entity of which he or she is an officer, director, agent, or member, or in which he or she owns a controlling interest.

G. No employee shall have or hold any employment or contractual relationship with any business entity or any agency that is subject to the regulation of or is doing business with the City, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the City; nor shall an officer or employee of the City have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties. This shall not prohibit an employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.

H. All employees shall comply with the Code of Ethics for Public officers and...
employees under Florida State Statutes 112, as well as all City ordinances and policies, including this HRM.

I. An employee shall not use his employment with the City to attempt to persuade any person, including, but not limited to, citizens, residents or guests, to make contributions to any personal cause, unless that cause has been specifically approved by the City Manager.

10.03 POLITICAL ACTIVITY

A. All employees are encouraged to register to vote and exercise this privilege at each opportunity afforded. No employee shall be required to make a contribution of any kind to any political party or any candidate for public office. The solicitation during working time of any assessment, subscription or contribution in any manner for any political party or political purpose is prohibited, and such activity subjects the employee to discharge. Employees may take part in political campaigns, but only to the extent permitted by Florida Statutes, Section 104.31. Retaining employment with the City after becoming appointed or elected to any public office is prohibited in the same jurisdiction.

B. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the operation of City business.

C. Employees shall not wear or display political badges, buttons or stickers when on duty, when wearing a City insignia, riding in or on City equipment or when in a City uniform.

D. Employees shall comply with all state and local laws involving political activity.

E. Employees may run for elective office or be appointed to non-elective office other than those involving the City of Williston so long as the position in no way interferes with their work as a City employee.

F. Florida Law contains Chapter 99, F.S. which includes what is commonly known as the "Resign to Run Law." Subject to the restrictions set forth in that law, employees may run for City office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the City.

10.04 EMPLOYMENT OF RELATIVES
The City does not automatically prohibit members of the same family from working for the City. Each situation involving employment of a relative must be reviewed on its own individual merits by the City Manager. As a general guideline, however, employees should know that the City will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as a relative working under the direct supervision of another, one relative being responsible for the performance evaluation of another, one relative being directly involved in job actions with regard to another, one employee being in possession of confidential information about another employee. It is the obligation of all affected employees to immediately advise their Department Head if a change in his situation occurs or is anticipated that will result in his becoming related to another employee so the effect, if any, of the relationship on City operations may be fully explored and appropriate action taken.

10.05 **OUTSIDE EMPLOYMENT**

A. Subject to paragraphs B-E below, employees are not prohibited from engaging in other employment, including individually owned businesses, during their off-duty hours. However, City employment shall be considered the primary employment and no employee may engage in outside employment which interferes or tends to interfere with the interest of the City or the duties for which the employee is responsible as a City employee.

B. Employees who have other jobs or who seek to have other jobs must immediately notify their immediate supervisor.

C. If in the judgment of the City Manager, the employee's other employment causes or may cause absences, tardiness, or otherwise interferes or may interfere with the operations of the City or his responsibility as an employee of the City, including but not limited to availability for scheduled and unscheduled overtime and/or call-ins, the employee may be required to quit the other job or leave City employment.

D. Outside employment may be withdrawn at any time if, in the opinion of the City Manager, the responsibilities of the job are inconsistent with the employee's responsibilities as an employee of the City.

E. Employees who are injured while working another job or jobs are required to notify their Department Head, or his designee, as soon as possible.

F. Exceptions to this Outside Employment policy may be made for Police Department employees by Police Department General Order, as approved by the Mayor.

10.06 **PUBLIC STATEMENTS**

A. City employees may be asked, from time-to-time, to express opinions and to provide information concerning the City government, its operations and its
policies. Expressions of opinions should be carefully weighed in the light of their probable effect and should be based only upon facts within the knowledge of the employee. A City employee is not deprived of the rights of citizenship, which affords him the right of free speech, however, he should be keenly aware of his responsibilities and privileges, and should understand that his opinions will often be taken by his listeners as representing the official opinion of the City.

B. Official spokespersons for the City will be designated by the City Council or City Manager. Any other employee who is asked to make a public statement about the business of the City should clearly state that they are expressing their personal views only.

C. Employees shall be well informed concerning the policies and operations of City government. Such responsibilities increase with the importance of the position held. Admitting lack of knowledge concerning a question asked is far superior to an incorrect answer, but, if the situation requires it, the employee, under such circumstances, should refer the questioner to the proper source of information, or obtain the actual facts and inform the person making the inquiry.

D. Employees are expected to refrain from repeating false rumors which would tend to create dissension within the organization, City government in general or the community.

E. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.

F. All employees will observe Section 2-263 of the City Code of Ordinances – Public Records Copy Request Procedures. Employees will not release City records, including those concerning personnel records or the operations of City business, unless their job description authorizes them to do so. All other employees, if asked to release such records, will courteously and immediately direct such inquiries to the City Clerk or City Manager at the time of the request. If the City Clerk or City Manager is unavailable, the employee will determine how the requestor would like the records to be distributed (i.e. email address, physical address, pick up). The employee will always acknowledge receipt of the request and inform the requestor that it will be processed as soon as possible. At no time will the employee ask a requestor to identify himself as a requirement or condition of fulfilling the request.

G. Managerial, confidential and supervisory employees are cautioned that subjects under discussion or consideration among City staff often change in content and meaning before becoming an accomplished fact. Discussions with anyone of such subjects, before final decisions or dispositions are reached, often cause misunderstandings and confusion which results in waste of time and money. Such discussions should be avoided.
10.07 PERSONNEL RECORDS

A. It is the official policy of the City that employment applications, personnel records, and personnel files are public record and will be made available for public inspection, upon request, pursuant to Florida Statute 119. Exceptions can be found in FS 119.07. Release of medical records is covered by State and Federal laws. Job applicants and employees are to be so advised of the public records inspection laws.

B. Human Resources will be responsible for maintenance of primary official personnel records for all Departments and Agencies of the City of Williston. Department Heads shall forward all pertinent employee material, including, but not limited to; employment applications, background check reports, medical reports, memorandums, disciplinary measures, letters of accommodation, completed evaluation forms, and payroll change forms, to Human Resources for review, comment, and approval, prior to being placed into official personnel records. Departments may maintain supplemental files, however, the Human Resources Department must be informed that supplemental records are being kept by the Department.

C. Personnel files will be housed and secured in the Human Resources Department. These files will be legally recognized as “official”, and will be in a secured filing system. Access to these files will be limited to authorized personnel only, for placement of information, payroll purposes, medical, insurance, and retirement information.

D. Personnel records and employment application submittals (exempt material excluded) will be subject to inspection by any person. Upon request an inspection of personnel records may be accomplished as follows:

i. Request to view a personnel record or records is to be directed to the Human Resources Manager, City of Williston, P.O. Drawer 160, Williston, FL 32696, or by dialing (352) 528-3060. Employees may review their personnel records upon request, other people must make a verbal or written request to review records.

ii. When requests are made by telephone, the Human Resources Department shall confirm when the individual wishes to review said records. Within a reasonable period of time, exempt material is to be removed and said records are to be made available for inspection.

iii. When a request is made in person, staff will determine whether the City has sufficient personnel to make available for inspection and or copying while the person waits or whether an appointment will be necessary at a later date or time to fulfill the request. Every effort will be made to make file material ready (exempt material excluded), and available for inspection within a reasonable time.
iv. Written requests are to be forwarded to the Human Resources Department. The Human Resources Department will inform the employee’s department that his/her records are about to be, or have been inspected but in no case will an attempt to contact the affected employee, or department, delay review of said records.

v. The inspection of personnel records will only be made under the supervision of the Human Resources Department, or assigned staff to perform that function.

vi. Excluding internal use, copied material will be released after payment has been received. The current fee schedule, at the date/time of copying, will be imposed.

vii. Department Heads and supervisory personnel are to forward original (when possible) paperwork to Human Resources for review and insertion into the respective employee folder. At no time will departmental records substitute for the contents so contained in the official personnel file. Departments are encouraged not to maintain a personnel file, or any facsimile thereof, in their office.

viii. Personnel file material is to be routed to the Human Resources Department in a sealed envelope, or other system that affords a degree of confidentiality. Sensitive information, so determined by the sender, should be routed in a sealed envelope.

10.08 SOLICITATION AND DISTRIBUTION

A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

B. Pursuant to the Florida State Statutes’ Standard of Conduct for Public Officers and Employees of Agencies (FSS 112.313(2)): No City employee “shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.”

C. Employees of the City are prohibited from conducting or promoting private business for gain while on duty or during scheduled working hours of any of the employees involved or within any City building.

D. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work, including solicitations in behalf of or in opposition to a labor organization under circumstances which management determines interfere with the efficient operation of the City.
E. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time under circumstances which management determines interfere with the efficient operations of the City.

F. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its managerial staff, when such is part of the normal operation of City business.

10.09 EMPLOYEES’ PERSONAL LIFE AND DEBTS

Employees shall handle their personal life, including their financial obligations, in such a manner that it will not interfere with the efficient operation of City business or the performance of their own job responsibilities.

10.1110.10 UNIFORMS, DRESS AND APPEARANCE

A. Employees supplied uniforms by the City, or expected to wear uniforms in the performance of their job, shall report in a clean full uniform on each day worked. Uniforms must also be worn in the manner prescribed by the Department Head. Failure to comply may result in the employee being sent home for the day without pay. Repetition of such conduct shall subject the employee to further discipline.

B. Employees are expected to report to work in clean clothes.

C. Employees are expected to observe normal and reasonable standards of personal hygiene and to present a professional appearance at all times. Failure to do so may result in the employee being sent home to correct the situation or for the day without pay. Repetition of such conduct shall subject the employee to further discipline.

D. Beards and mustaches will be allowed, except as otherwise prohibited by law or where in the opinion of the City Manager they interfere or tend to interfere with the safe and efficient performance of the job. All hair, beards and mustaches must be of a length so as not to create operational or possible safety problems and must be maintained in a clean, neat and orderly fashion.

E. Uniforms supplied by the City will be replaced by the City when they become unusable through normal wear and tear.
F. The employee is responsible to reimburse the City for uniforms lost or damaged through the employee's negligence. The City Manager or his designee will determine whether an employee has been negligent.

G. Uniformed personnel may at times be required to supplement their issued uniform parts. To maintain a professionally identifiable appearance for personnel assigned to work in an office or in the field, employees are to always report to work in the issued uniform, or in the event alternate clothing is warranted, employees are to wear attire that is similar in style to that of the issued uniform. Before reporting to work in supplemental clothing, or in attire other than the issued uniform, employees are to secure approval from the respective Department Head.

H. An employee who reports to work in unsuitable clothing will be sent home to change, and docked for the time lost at work or for the entire day if necessary. A written memorandum outlining the incident and reasons for the docking must be prepared by the employee’s supervisor and routed through the chain of command to the Department Head for approval. If approved, a copy is to be forwarded to the City Clerk Manager Human Resource Director’s Office for filing in the employee’s folder. A continued failure to report to work in proper attire will lead to additional disciplinary action, suspension, and possible dismissal.

I. At no time will employees be permitted to wear the City issued uniform or uniform parts while off duty; participating in a non-sanctioned activity, or engaged in secondary employment except as approved by Police Department administration for off-duty police detail activities. City issued uniform parts are for official use only, and are not to be worn or used for any reason other than while officially on duty, except as provided in Police Department General Orders. It will be the responsibility of employees to maintain the furnished City issued uniform to fit properly in a neat, orderly manner, excluding employee issued uniforms that are maintained on a rental service basis. At no time is an employee to report for duty wearing parts of the uniform that are soiled, wrinkled, or in disrepair.

J. Employees who receive uniform parts on a rental basis will be responsible for the proper use of each item issued, and will be required to return all uniform parts at the conclusion of the service contract period.

K. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be used only in the performance of the official duties of the position to which they are related.

K.L. Employees whose primary work is conducted in the administrative areas of the City organization are expected to report to work in appropriate business attire.
**10.1210.11 GENERAL PROHIBITIONS**

A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner which will in no way discredit the City, public officials, fellow employees or themselves.

B. Employees shall avoid conduct or speech that is inconsistent with good order and discipline. They shall treat each other with the utmost courtesy and respect and at all times refrain from making any derogatory remarks concerning each other. Employees shall not make false, vicious or malicious statements concerning any employee, supervisor, the City or its operations. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various units of the City.

C. City employees are encouraged to become involved in non-profit organizations, community functions, and community organizations. At no time shall a City employee, through an organization, provide information, or actively take part in an organization’s negotiation or posturing, which will either directly, indirectly or adversely affect the City.

**10.1310.12 BULLETIN BOARDS**

There shall be an official City bulletin board in each building. Announcements of special events, changes in policies, transfer/promotional opportunities and other items relating to official City business will be posted there. No other information is to be posted on such bulletin boards without specific approval of the City Manager.

**10.1410.13 PURCHASES THROUGH THE CITY**

The City does not purchase from or sell, non-work related materials to any City employee, in accordance with the guidelines of Florida Statutes. The City also does not purchase, or arrange for the purchase of, materials or services for City employees or for residents of the City.

**10.1510.14 EQUIPMENT USAGE**

A. Employees are responsible for all City equipment in their care, custody and control. Employees are expected to exercise reasonable care and proper caution with equipment. Any equipment assigned solely for the duration of a work shift, including vehicles, must be returned in good condition at the end of the shift.

B. Damage to City property caused by actions not contained in the employee’s job
description or due to negligence on behalf of the employee may result in disciplinary action. Intentional misuse or neglect of equipment may render the employee responsible for any repair or replacement cost.

C. Equipment made available for employees is for official use only. Employees are not to use equipment when off duty or engaged in secondary employment except as allowed by Police Department policy.

D. At no time should the operation of a motorized or power piece of equipment compromise the safety of one’s self or others.

E. All City property assigned to an employee must be returned upon separation of employment or transfer of duty. The cost of any equipment not returned may be deducted from an employee’s final pay check.

40.1610.15 CELL PHONES

When it is deemed that a City employee has a need for a cell phone to effectively perform their job requirements, the following policy shall apply:

A. A requisition for the cell phone shall be submitted along with written authorization from the Department Head explaining the reason for the need for the employee to have a cell phone. Cell phone vendors must be approved in advance by the City Manager, or his designee. The cell phones shall remain the property of the City and will remain so until it is declared surplus and disposed of in a manner acceptable to the City. All bills for the use of the cell phone shall be sent to the City, care of the Finance Department.

B. If an employee is using their personal cell phone for City business calls, they shall be responsible for full payment of their bill and may submit requests for reimbursement for the City business calls only to the Finance Department using the proper form. Written authorization from the Department Head for the reimbursement along with a copy of the bill highlighting such calls must be submitted with the Check Request Form. Reimbursement will be given in the employee's name only, not to the cell phone service provider. The rates established for the cell phone service shall remain between the employee and the service provider. Should a dispute arise involving any of the above procedures, the decision of the City Manager shall be considered final and binding.
C. Employees are discouraged from using cell phones for personal phone calls during working hours, except in emergency circumstances. Usage on City provided cell phones may be subject to IRS regulations and are considered taxable to the employees. The Finance Department may periodically require cell phone holders to highlight all personal phone calls on the monthly bills.

C.D. All employees are strictly prohibited from texting on a cell phone while driving a city vehicle or personal vehicle in the course of City business. Violation of this prohibition will result in immediate termination after first warning.

40.1710.16 TOBACCO USE

The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco smoke, to comply with Florida Statute, the Florida Clean Air Act and problems created by the use of other tobacco products in the workplace.

A. No person may smoke or use any tobacco product in any City building, facility or vehicle. This includes, but is not limited to, private offices, hallways, rest rooms, conference rooms and break rooms, even with only one occupant and during service calls.

B. Smoking is permitted outdoors except for the following conditions:

   i. Whenever a safety hazard exists;

   ii. In any area where smoking is specifically prohibited by Federal, State, County or City Ordinance;

   iii. In any area posted "No Smoking".

C. The City Manager shall be responsible for ensuring City-wide implementation of this policy. Department Heads and Managers shall be responsible for uniform implementation of this policy in their respective work areas, facilities and buildings.

D. Violation of this policy shall subject the employee to disciplinary action up to and including termination.

E. Citizens, clients, contractors and visitors to City facilities shall be expected to comply with this policy. Violators shall be requested to extinguish their smoking material or to leave the building/facility area if they refuse to do so.

40.1810.17 WORKPLACE INSPECTIONS AND PRIVACY

A. The City of Williston believes that maintenance of a workplace that is free of drugs, alcohol, and other harmful materials is vital to the health and safety of its employees
and the public we serve. The City also intends to protect against the unauthorized removal or use of City property. In addition, the City intends to assure access at all times to City premises, property, records, documents and files. Accordingly, the City has established this policy concerning inspections and searches for prohibited materials and for City property on and off City premises. This policy applies to all employees of the City. Employees do not have any expectation of privacy with regard to City premises or property as defined herein. Although employees may from time to time be provided keys to an office, drawer, file cabinet or vehicle, or a password to a computer, this is not an indication of privacy from designated or authorized personnel, but rather to assure that City property is protected. If an employee desires personal property not be subject to this policy, employees should keep such property at home and not bring it on City premises.

B. Definitions:

i **Prohibited Materials** means firearms or other weapons, except those issued or authorized by the City to certified employees *and except when in compliance with Section 790.251, Florida Statutes*; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined by statute, the Florida Department of Law Enforcement (FDLE), or the City Drug-Free Workplace Policy; drug-related paraphernalia; alcoholic beverages; materials considered obscene which are not work/investigation related or City property that an employee is not authorized to have in his or her possession.

ii **City Property** includes all documents, records, and files relating to the City; and all equipment and other property of any kinds, such as computers, office furnishings, lockers and assigned vehicles, whether owned, leased, rented, or used by the City.

iii **City premises** includes all premises and locations under the control of the City, including offices, parking lots, locker rooms, files, drawers and storage areas, City vehicles, or vehicles or property located on City premises.

iv **Personal Property** includes items that are not City property owned by an employee or others that are brought on the City premises, such as personal vehicle, brief case, purse, lunch box, etc.

v **Reasonable suspicion** includes a suspicion that is based on specific personal observations such as, but not limited to, an employee’s manner, disposition, muscular movement, appearance, behavior, or speech; information provided to management by an employee, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

vi **Possession** means that an employee has the prohibited material or substance on his or her person or otherwise under his or her control or within City premises.
C. Inspections and Searches

i The City reserves the right to inspect City premises or City property at any time for prohibited materials, regardless of whether the employee has commingled personal property with City property. **Except as otherwise prohibited by applicable federal or state law, statute or regulation, such inspections may include, but are not limited to, an employee’s office, desk, file cabinets, closet, locker, computer, email, and voice mail, assigned or used vehicles.**

ii Inspections or searches of personal property for prohibited materials will be conducted when the City has reasonable suspicion to believe that a particular employee or group of employees may be in possession of the prohibited materials or City property in violation of this policy. Personal property includes an employee’s pockets, purse, brief case, lunch box, vehicle or similar items owned by the employee.

iii In cases where the employee is not present for the inspection or search of the employee’s office, desk, locker, file cabinets, closet, or similar place where the personal possessions may be located, a second employee of management will observe whenever practicable, except for routine searches for City property.

D. In cases involving an inspection or search of an employee’s pockets, purse, briefcase, or other item of personal property that is being worn or carried by the employee, the employee will be requested to conduct a self-search (i.e., by turning out or emptying pockets, purses, etc.) in the presence of an observer who will be a person of the same gender.

E. Employees who refuse to cooperate during an inspection or search should not be forcibly detained or searched. They should be informed, however, that the City will base any disciplinary decision on the information that is available, including their refusal to consent to the search as well as the information that gave rise to reasonable suspicion that the employee was in possession of prohibited materials or City property, and that their failure or refusal to cooperate could deprive the City of information that may clear them of suspicion. In addition, the City reserves the right to take appropriate action to prevent the unauthorized removal from City premises of City property and to discipline an employee who refuses a direct order regarding a search or inspection.

iv Monitoring – The City reserves the right to monitor the use by employees of the City telephones, computer networks, electronic mail systems and Internet. Monitoring may be performed by observation, or through aural, mechanical, electronic, or other means. Monitoring may take place on a regular or random basis and will be used to monitor an employee’s job performance, for training or quality control purposes, or in instances in which the City believes that the employee’s use of the systems is for personal matters or is otherwise unauthorized. An employee’s use of the system constitutes his/her consent to any monitoring that may occur.
Employees have no expectations of privacy in the use of the systems, which shall not be used for non-work related purposes absent an emergency or supervisor’s approval.

E. Approvals for Inspections or Monitoring

i. In instances in which an inspection, search, or monitoring is conducted because the City believes that an employee(s) may be in possession of prohibited materials in violation of this Policy, or in instances where an item of the employee’s personal property is searched, the inspection, search, or monitoring will be approved in advance by the Department Head absent an emergency or exigent circumstance.

F. Disciplinary Action

i. Employees who are found to be in possession of prohibited materials in violation of this Policy or who misuse City property or communications, Internet or computer systems, will be subject to discipline, up to and including discharge, regardless of the City reason for conducting the search, inspection, or monitoring.

ii. If an employee refuses to cooperate with a search or inspection, the City may take that refusal into consideration in determining appropriate disciplinary action. Discipline will be based on all available information, including the information giving rise to the search.

G. Disposition of Prohibited Materials

i. Prohibited materials, or any materials suspected of being prohibited by this Policy, that are found in an employee’s possession during an inspection or search will be collected by the City and will be placed in a contained, sealed container, and marked with (1) the date collected, (2) names of persons present, (3) circumstances of discovery, and (4) a general description of the contents placed in the container.

ii. The employee who was in possession, or who was suspected of being in possession, of the prohibited materials should be given a receipt for the materials that are collected.

iii. If, after further investigation, it is determined that the materials collected were not prohibited by this Policy, the collected materials will be returned to the employee, except as provided below, and an acknowledgement obtained from the employee. In cases in which it is suspected that the collected materials consist of illegal drugs or other controlled substances, the City will arrange for disposition in accordance with its drug policy or retain as evidence. In cases in which the collected materials consist of, or are suspected of consisting of, unauthorized firearms or other weapons, explosives, or other hazardous
materials or articles, the City reserves the right to dispose of the materials, or retain as evidence.

41.4810.18 WORKPLACE VISITORS

A. The City’s policy is to provide a professional workplace environment free of distractions and safety hazards, and to provide a friendly yet professional atmosphere in order that the work of the City can be conducted without distractions caused by interference from unauthorized personnel. This policy is further intended to minimize security concerns and to reduce the City’s exposure to risk and liability.

B. It is expected that visitors in the workplace be limited to those conducting scheduled business.

   i. No friends, family members or acquaintances are allowed in working areas not open to the public without supervision and department head approval.

   ii. Adherence to this policy is required of all personnel; elected and appointed officials and staff.

41.4910.19 WORKPLACE VIOLENCEVISITORS

A. Acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the City or that occur on City property will not be tolerated.

B. Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City or to create a hostile, abusive, or intimidating work environment for City employees. Examples of workplace violence include, but are not limited to:

   i. All threats or acts of violence occurring on City premises, regardless of the relationship between the City and the parties involved;

   ii. All threats or acts of violence occurring off City premises involving someone who is acting in the capacity of a City representative;

   iii. All threats or acts of violence occurring off City premises involving a City employee if the threats or acts affect the legitimate interests of the City; and/or

   iv. Any acts or threats resulting in the conviction of an employee or agent of the City, or of an individual performing services for the City on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the City.
SECTION 11
SEXUAL AND OTHER ILLEGAL OR IMPROPER MISCONDUCT AND HARASSMENT POLICY

11.01 PURPOSE

To define and establish a reporting and investigative procedure for complaints of harassment made by City personnel.

11.02 APPLICABILITY

This directive will apply to all full-time, part-time, seasonal, temporary, volunteer, and appointed staff of the City of Williston.

11.03 POLICY STATEMENT

It is the policy of the City of Williston to promote a productive work environment and not tolerate verbal, physical, visual, or other inappropriate conduct by an employee or non-employee which harasses, disrupts or interferes with the work or performance of another; or which creates an intimidating, offensive, or hostile environment. This policy includes situations that involve employee interaction, on or off the job, at social or after hour events.

11.04 GENERAL CONDITIONS

Once an allegation of harassment has been made, three things are to expeditiously occur:

A. Action to separate the affected parties;
B. An investigation to determine the facts, and;
C. The matter is to be brought to resolution. It is to be generally understood that retaliation against any employee for filing a complaint or participation in an investigation of harassment is strictly prohibited.

11.05 RESPONSIBILITY

A. Employees are required to report any such occurrences of inappropriate or harassing behavior they may have been subjected to, or possibly witnessed, in a timely manner per section 11.07.

B. Supervisors must constantly observe the workplace to mitigate or prevent acts of harassment and/or retaliation.
C. Department Heads are to maintain familiarity with this directive; maintain a productive work environment, and assure that the workplace is free from harassment and retaliation at all times.

11.06 DEFINITIONS

For the purpose of this directive, the following words shall mean:

A. City is the City of Williston Government.

B. Employee is a person on the payroll or in the service of the City.

C. Harassment is any verbal or physical conduct that degrades or shows hostility or aversion toward an individual because of their race, color, religion, gender, national origin, age, disability or impairment, or that of his/her relatives, friends, or associates, and that for a reasonable person:

   i. Has the purpose or effect of creating an intimidating, hostile, or an offensive work environment; or

   ii. Has the purpose or effect of unreasonably interfering with an individual’s work performance; or

   iii. Otherwise adversely affects an individual’s employment opportunity.

Examples of harassment include, but are not limited to, epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, disability, or any display of written or graphic material that denigrate or shows hostility or aversion toward an individual or group because of the same.

D. Sexual Harassment is any verbal or physical conduct of a sexual nature or with sexual overtones, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when; 1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment; 2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, offensive work environment.

   i. Examples of sexual harassment include, but are not limited to, lewd or sexually suggestive comments; off color language or jokes of a sexual nature; slurs or other verbal, graphic or physical conduct relating to an individual’s sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, films, or cartoons.
ii. While the most common form of sexual harassment occurs between a male supervisor and a female employee, it is by no means limited to that scenario. The harasser or the victim may either be a man or a woman, and the harassment can occur involving persons of the same or opposite sex.

### 11.07 GRIEVANCE PROCEDURES

#### A. Harassment:

i. Employees who believe they are being subjected to harassment are required to immediately report the conduct to their immediate supervisor. If the complaint is concerning the immediate supervisor, the employee should report to their Department Head or Human Resources. If the alleged harasser is the Department Head or Human Resource Director, the report will be made directly to the City Manager. If the alleged harasser is the City Manager or a Council Member, the complaint will be made to the Council President or Vice President, whichever member is highest and is not associated with the alleged harassing behavior.

ii. The complaint recipient will review the complaint with the Department Head. The Department Head will initiate and coordinate investigative action to resolve the matter, and advise the City Manager or highest investigating official accordingly. Human Resources will be consulted throughout the process. A written response shall be communicated to the claimant within three (3) working days unless such time is mutually extended in writing. If the alleged harasser is on leave or vacation, the complainant will be informed of the delay in the letter. The letter is to provide prompt response to the complainant and reassure that person that actions are pending on the complaint.

iii. Once a finding has been made, the complaint and the alleged harasser will be notified in writing of the investigative results. If the complainant or alleged harasser disagrees with said findings, a written request for review of the decision can be made to the City Manager or the official facilitating action on the complaint. This request must be submitted within five (5) working days.

iv. The City Manager or appropriate official will issue a written report of his/her findings to the complainant and alleged harasser within five (5) working days unless such time is mutually extended in writing. The decision of the City Manager or highest investigating official shall be final.

v. All interview notes and memoranda shall be kept separately from employee personnel records until finalized. The investigation will remain confidential to the extent permitted by law. A finalized report summary will be filed in one’s personnel file, if found valid.

vi. If the validity of the complainant cannot be determined, the City Manager will
insure that all parties are reacquainted with the City policy on harassment.

B. Sexual Harassment:

i. Employees who believe they are being subjected to sexual harassment are required to report the conduct to their immediate supervisor after he/she had knowledge of the occurrence, unless good and reasonable cause is shown for the delay. If the complaint concerns the immediate supervisor, the employee should report to the next person in his/her chain of command to their Department Head or to Human Resources as set forth in 11.07A(i).

ii. The complaint recipient will review the complaint with the Department Head, the same day as being advised. The Department Head will review the matter with the City Manager, or his/her designee, and Human Resources within twenty-four (24) hours. (It is the responsibility of the Department Head to coordinate any and all investigative action with Human Resources and the City Manager.)

iii. The Department Head will investigate the complaint (at the City Manager’s discretion); conduct interviews with all relevant witnesses, including the complainant, the accused, and other potential witnesses. A written response shall be communicated to the claimant within three (3) working days unless such time is mutually extended in writing. If the Department Head is the alleged harasser, the investigation will be conducted by the City Manager.

iv. To the extent possible, and as permitted by law, the investigation will remain confidential. All interview notes and memoranda are to be kept apart from employee personnel records. The finalized summary report will be filed the employee’s personnel file, if found to be valid.

v. Any employee interviewed during the course of an investigation may be accompanied to the interview by a union representative, attorney, or fellow employee.

vi. The complaint investigator will review his/her findings with the complainant and alleged harasser at the conclusion of the investigation. The investigative report will be reviewed by the Department Head, Human Resources and the City Manager to determine proper action up to and including termination, if disciplinary action is deemed to be warranted. If the claim is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made.

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

C. Retaliation:
i. Employees who believe they are being subjected to retaliation for filing a claim of harassment of any type or because they have participated in a harassment investigation are required to immediately report the conduct to their immediate supervisor. If the complaint concerns the immediate supervisor, the employee should report to the next person in his/her chain of command, to their Department Head or to the Human Resources as set forth in 11.07A(1).

ii. A complaint for retaliation will be investigated as set forth in Section 11.07A. The City will not tolerate retaliation.
SECTION 12

DUI, DWI AND MOVING TRAFFIC VIOLATIONS

12.01 PURPOSE

The safety and health of all City employees, residents and the public in general is of utmost importance to the City. The City’s policy is to ensure that employees who drive vehicles on the public roads, streets, and highway as part of their job maintain safe driving records and habits consistent with conducting safe and efficient City business, and to ensure the ability of the City to maintain acceptable insurance protection at reasonable costs. When an employee is charged with a DUI or DWI while on duty or driving a City vehicle, the employee may be terminated in accordance with the City’s disciplinary action policy. Supervisors shall consult the City’s Drug Free Workplace policy as well.

12.02 DUI/DWI

A. When an employee is charged with DUI or DWI while on duty or driving a City vehicle or driving personal vehicle while on City business, Section 15 shall apply.

B. Except as provided in subsection (A) above, when an employee who holds a driving position is charged with a DUI or DWI:

   i. The employee shall be suspended from his driving job pending resolution of the charge or charges. The suspension will be without pay, except the City Manager, at his option, may elect to transfer the employee to a vacant non-driving position which the employee is qualified to perform at the non-driving position rate of pay.

   ii. Upon acquittal, the employee shall be reinstated to his/her driving position or a similar driving position with back pay less any interim earning received from any source, including from the City, and unemployment compensation. Acquittal is defined as a finding of not guilty after trial or dropping of the charges. A plea of nolo contendere or a reduction of charges are not considered to be an acquittal. Employees who refuse breath, blood, or urine testing in violation of Florida State Statutes regarding implied consent shall be considered as convicted of the stated charge.

   iii. Unless the law provides otherwise, upon first offense conviction, the employee shall be removed from his driving position for not less than twelve (12) months. Upon written request, the employee will be considered for placement in other non-driving vacancies in the City for which he is qualified; however, he shall be given no preferential treatment because he is a City employee. If the employee is not offered a non-driving job, he shall be terminated. If the employee is offered and accepts a non-driving position, the employee's service
record will remain unbroken.

iv. An employee placed in a non-driving position or ex-employee terminated pursuant to subsection (c) above may not reapply for a driving job for twelve (12) months from the date of his removal from the driving job. Those employees and ex-employees who reapply after the twelve (12) month period for a driving job will be given no preference, but if otherwise qualified, will be considered along with all other qualified applicants, and their past conviction will be considered along with other job related factors.

v. Upon conviction of a second DUI or DWI within three (3) years, an employee in a driving position shall be terminated from employment with the City.

vi. Upon conviction of a second DUI or DWI, an employee in a non-driving position as a result of the application from subsection (c), shall be permanently barred from a driving position within the City.

vii. Employees and applicants for employment who have never held a driving position with the City, but who have been convicted of DWI or DUI not more than one time, may be considered for driving positions under the same conditions as employees who have been removed from a driving position because of a DUI or DWI conviction under subsection (c) above. Employees and applicants who have two or more DUI or DWI convictions regardless of the period over which they were obtained shall not be considered for driving positions.

12.03 MOVING VIOLATIONS

A. An employee in a driving position whose driver’s license is revoked shall be terminated or, at the option of the City Manager, may be placed in a non-driving position under whatever conditions the City Manager considers appropriate, including disciplinary action under this HRM.

B. An employee in a driving position whose driver’s license is suspended shall be subject to disciplinary action under Section 15, and if not terminated, may, at the option of the City Manager, be placed in a non-driving position and shall not be allowed to hold a driving position until his driving record has not been charged with any additional points from the date of the suspension as follows:

<table>
<thead>
<tr>
<th>Length of Suspension</th>
<th>Length of Time with No Additional Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 30 days</td>
<td>1 year</td>
</tr>
<tr>
<td>Up to 90 days</td>
<td>3 years</td>
</tr>
<tr>
<td>Up to 365 days</td>
<td>5 years</td>
</tr>
</tbody>
</table>
C. Return to a driving position under subsection (B) above shall be at the discretion of the City Manager.

D. If the employee accrues no more points on his driver’s license during the prescribed City driving suspension, he may be reinstated to a driving position at the discretion of the City Manager.

E. Applicants for employment and bidders for driving positions that have more than twelve (12) points on their Florida driver’s record shall not be considered.
SECTION 13

DRUG-FREE WORKPLACE AND ALCOHOL POLICY

13.01 PURPOSE

The City of Williston maintains a Drug Free Workplace in accordance with the requirements set forth in Florida Statutes, the Florida Administrative Code as established by the Florida Department of Labor and Employment Security.

The Omnibus Transportation Employee Testing Act of 1991 requires testing for drugs and alcohol of “safety-sensitive” employees. Safety-sensitive positions include anyone required to have a Commercial Driver’s License, such as equipment operators, bus drivers, mechanics, trade workers and other appropriate job classifications. Under the Federal Transit Administration (FTA) rules the performance of safety-sensitive functions include dispatchers and first-line supervisors, provided the supervisor’s responsibilities include the performance of a safety-sensitive function. Safety-sensitive functions include operating, maintaining, or controlling the movement of vehicles. The regulations apply to regular employees (full-time and part-time), intermittent or casual drivers, and independent, owner-operator contractors who are either directly employed by, or under lease to, the City, or who operate a commercial vehicle at the discretion of, or with the consent of the City. (NOTE: volunteers who perform safety-sensitive functions are considered covered employees). These rules have recently been published under 49 C.F.R. 382.

The purpose of this administrative regulation is to establish an official policy regarding a mandatory testing program for affected City employees, and to express our support for measures designed to prevent accidents and injuries resulting from the misuse of alcohol, or use of controlled substances by operators of City vehicles.

13.02 IMPLEMENTATION

A. Prior to testing, all employees and job applicants shall be given a written policy statement from the City that shall contain:

i. A general statement of the City’s policy on employee drug use;

ii. A list of all drugs for which the City will test;

iii. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test;

iv. Procedures for employees and job applicants to confidentially report to a Medical Review Officer the use of prescription or nonprescription medications both before and after being tested;

v. A general statement concerning confidentiality;
vi. The consequences of refusing to submit to a drug test;

vii. Names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs;

viii. A statement that an employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the Medical Review Officer within five (5) working days after written notification of the positive test result; that if an employee or job applicant’s explanation or challenge is unsatisfactory to the Medical Review Officer, the person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration;

ix. A statement informing the employee or job applicant of his responsibility to notify the laboratory of any administrative or civil actions brought pursuant to this section;

x. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission; and

xi. A statement notifying employees and job applicants of their right to consult the Medical Review Officer for technical information regarding prescription and nonprescription medication.

In general, the Omnibus Act and related rules require five different types of testing, each indicated separately as follows:

**A. B. Post-Job Offer**

i. Employers are required to administer drug tests to persons selected for employment prior to the employee actually performing safety-sensitive functions for the first time. This requirement also applies when an employee is transferring from, or is being promoted from a non-safety sensitive position to a safety-sensitive position. The City shall require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.

ii. The City shall require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the City’s established policy or that is scheduled routinely for all members of an employment classification or group.

**B. C. Post-Incident/Accident**
If the driver is cited for a moving violation or is involved in an accident, the driver must be tested for both alcohol and drugs as outlined below or as soon as practical, whichever is most proximate to the time of the incident. Under the FTA rules, in addition to the previous listed conditions, FTA covered employees must also be tested post-accident whenever there has been disabling damage resulting in the towing of the agency vehicle (bus, van, automobile). Drug tests must be administered; an alcohol test should be administered within 2 hours; if more than 2 hours elapses from the time of accident, the employer must document reasons for the delay; if more than 8 hours elapses following the accident, the employer shall cease attempts to administer an alcohol test. Employees (drivers) may leave the scene of an accident for required medical attention or emergency assistance after being processed by emergency personnel, but must remain readily available for drug and alcohol tests. Failure to submit to testing will be considered a refusal to be tested, which will result in disqualification from any safety-sensitive position, and transfer to a non-safety sensitive position, if available, at the discretion of the employer, and with a corresponding pay adjustment (for one year).

C.D. Employee Assistance Program Testing

If an employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the City shall require the employee to submit to a drug test as a follow-up to such program, and on a quarterly, semiannual, or annual basis for up to two (2) years thereafter, unless the employee voluntarily entered the program, in which the case testing shall be at the City’s discretion.

Notification of any arrest is in Section 8 - added to Group I Offenses under Section 15.

E. Random Testing

Each year, the number of random alcohol tests conducted by the employer must equal at least 50% of all safety-sensitive employees; the number of random drug tests must equal at least 50% of the safety-sensitive employees. These rates may fluctuate depending on the violation rate in any given year.

Random testing shall be conducted throughout the year on an unannounced basis with unpredictable frequency just before, during, or just after the employee has ceased performing safety-sensitive functions. Employees will be selected for random testing by use of an unbiased selection procedure approved by the Department of Transportation.

If an employee refuses to take an alcohol/drug test, the employee will be terminated.

F. Reasonable Suspicion

An employee must submit to a drug test if a supervisor, trained pursuant to 49 CFR
382.603 or 46 CFR 16.401 in detecting the indicators of drug use, recommends testing an employee who is reasonably suspected for drug use based on specific, particularly physical behavior or indicators of probable drug use. Some circumstances that might trigger reasonable suspicion testing include evidence of abnormal conduct or erratic behavior, significant deterioration of work performance, reports of drug use provided by a reliable source, and information that an employee has caused, contributed to, or been involved in an accident while at work.

A similar test will be performed when a trained supervisor, as described above, determines that reasonable suspicion exists to require an employee to undergo an alcohol test based on specific observations concerning the appearance, behavior, speech, or body odors of the employee that is characteristic of alcohol misuse. Such a test shall be conducted within two (2) hours of the observation and in no event shall a test be conducted more than eight (8) hours following the observation of the suspicious events or behavior. The supervisor making this observation shall notify the appropriate City official to arrange for testing.

Upon a reasonable suspicion determination, the following steps shall be taken:

i. The supervisor shall inform the employee of the suspicion;

ii. The employee shall immediately stop performance of his/her safety-sensitive functions;

iii. A person appointed by the City shall transport the employee directly to the designated testing facility following the observations and arrange for the testing of the employee; and

iv. After the appropriate testing has been completed, the employee shall be transported to his/her place of residence. Under no circumstances shall the employee under suspicion be allowed to drive himself/herself to or from the testing facility.

v. The employee shall be required to use accrued leave time, or if the employee has no such leave available, the employee shall be placed on an unpaid leave status in order to account for any time remaining on his/her shift. Such time shall be reimbursed if the results of the test are negative. If the employee tests positive for drug or alcohol use, any non-work time during regular work hours will not be compensable during the first 24-hour period.

vi. If testing is conducted based on reasonable suspicion, the supervisor who made the observations shall detail in writing the circumstances which led to that conclusion within twenty-four (24) hours of testing or before the test results are released (whichever is earlier). A copy of this documentation will be furnished to the employee on request. The City will maintain confidentiality of this
documentation, and will retain the information for at least four (4) years.

G. **Return-to-Duty and Follow-up Tests**

These tests are conducted when an individual, who has violated the prohibited conduct standards concerning alcohol or controlled substances, returns to performing safety-sensitive duties. These tests are done at the employee’s expense immediately prior to return and, as determined by the Department Head in accordance with provisions of this section, thereafter.

**G.H. CDL Testing:** All operators required to hold a Commercial Driver’s License (CDL) shall be periodically tested according to the Federal Department of Transportation guidelines.

i. A driver must be about to perform, or immediately available to perform, a safety-sensitive function to be considered subject to random alcohol testing. A supervisor, mechanic, or clerk who is on call to perform safety-sensitive functions may be tested at any time they are on call, ready to be dispatched while on-duty.

ii. If not increased or decreased by the Federal Motor Carrier Safety Administration’s calculations, the minimum annual percentage rate for random alcohol testing shall be ten (10%) percent of the average number of driver positions. The minimum annual percentage rate for random controlled substances testing shall be fifty (50%) percent of the average number of driver positions.

**H.I. PSC Testing:** The City shall conduct annual drug testing for the Gas Department as required by the Public Service Commission.

13.03 **ALCOHOL TESTING**

The rules require breath testing using Evidential Breath Testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a “negative” test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The confirmation test results determine any actions taken. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. If the Breath Alcohol Concentration (BAC) is still 0.02 to .039, the employee must be removed from any safety sensitive position for a minimum of 24 hours. If the confirmation BAC test result is 0.040 or greater, the employee must be removed from the safety sensitive function, and referred to a Substance Abuse Profession (SAP). If employee is tested positive for alcohol, any non-work time during regular work hours will not be compensable during the first 24-hour period.
Performance of safety-sensitive functions is prohibited:

A. While having a Breath Alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test.

B. While using alcohol; or

C. Within four hours after using alcohol.

In addition, refusing to submit to an alcohol test, and using alcohol within eight hours after an accident or until tested (for drivers required to be tested) are prohibited. Drug testing is to be conducted by analyzing a driver’s urine specimen.

13.04 DRUG (CONTROLLED SUBSTANCE) TESTING

A. All specimen collection and testing for drugs shall be performed in accordance with the federal, state and local laws and professional certification standards applicable to the City and its employees under the following procedures:

i. A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.

ii. Specimen collection shall be documented, and the documentation procedures shall include:

   (a) Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results, and

   (b) A form for the employee or job applicant to provide any information he considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication, or other relevant medical information.

1. Such forms shall list the most common medications by brand name or common name, as well as by chemical name, that may alter or affect a drug test.

2. The individual’s disclosures do not preclude the administration of the drug test but shall be taken into account in interpreting any positive confirmed results.

iii. Specimen collection, storage and transportation to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration.
iv. Each initial and confirmation test conducted, not including the taking or collecting of a specimen to be tested, shall be conducted by a state licensed laboratory.

v. A specimen for a drug test may be taken or collected by any of the following persons:

(a) A physician, a physician’s assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment; or

(b) A qualified person employed by a licensed laboratory.

vi. A person who collects or takes a specimen for a drug test conducted pursuant to this section shall collect an amount sufficient for two (2) drug tests as determined by the Agency for Health Care Administration.

vii. Urine will be used for the initial test for all drugs except alcohol and for the confirmation for all drugs except alcohol. Blood will be used as the initial and confirmation specimen for alcohol.

viii. Levels on initially screened urine specimens which are equal to or exceed the following shall be considered to be presumptively positive and submitted for confirmation testing:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Level (ng/mL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amphetamines</td>
<td>1,000</td>
</tr>
<tr>
<td>Cannabinoids (11-nor-Delta-9- tetrahydrocannabinol-9-carboxylic acid)</td>
<td>50</td>
</tr>
<tr>
<td>Cocaine (benzoylcegonine)</td>
<td>300</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>25</td>
</tr>
<tr>
<td>Methaqualone</td>
<td>300</td>
</tr>
<tr>
<td>Opiates</td>
<td>2,000</td>
</tr>
<tr>
<td>Barbiturates</td>
<td>300</td>
</tr>
<tr>
<td>Benzodiazepines (novamins)</td>
<td>300</td>
</tr>
<tr>
<td>Methadone</td>
<td>300</td>
</tr>
<tr>
<td>Propoxyphene</td>
<td></td>
</tr>
</tbody>
</table>

ix. The only specimen for alcohol testing shall be blood and the initially screened specimen shall be considered presumptively positive and submitted for confirmation testing if the level is equal to or exceeds 0.04 g/dL. The alcohol level on confirmation testing for blood which is equal to or exceeds 0.04 g/dL shall be reported as positive.

x. Levels which exceed the following for hair specimens shall be considered presumptively positive on initial screening and submitted for confirmation
testing:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana</td>
<td>10 pg/10 mg of hair</td>
</tr>
<tr>
<td>Cocaine</td>
<td>5 ng/10 mg of hair</td>
</tr>
<tr>
<td>Opiate/synthetic narcotics and metabolites</td>
<td>5 ng/10 mg of hair</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>3 ng/10 mg of hair</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>5 ng/10 mg of hair</td>
</tr>
</tbody>
</table>

xi. Levels on confirmation testing for urine specimens which are equal to or exceed the following shall be reported as positive:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amphetamines (amphetamine, methamphetamine)</td>
<td>500 ng/mL</td>
</tr>
<tr>
<td>Cannabinoids (11-nor-Delta-9-tetrahydrocannabinol-9-carboxylic acid)</td>
<td>15 ng/mL</td>
</tr>
<tr>
<td>Cocaine (benzoylecgonine)</td>
<td>150 ng/mL</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>25 ng/mL</td>
</tr>
<tr>
<td>Methaqualone Opiates</td>
<td>150 ng/mL</td>
</tr>
<tr>
<td>Codeine</td>
<td>2000 ng/mL</td>
</tr>
<tr>
<td>Morphine</td>
<td>2000 ng/mL</td>
</tr>
<tr>
<td>6-Acetylmorphine</td>
<td>10 ng/mL</td>
</tr>
<tr>
<td>Barbiturates</td>
<td>150 ng/mL</td>
</tr>
<tr>
<td>Benzodiazepines</td>
<td>150 ng/mL</td>
</tr>
<tr>
<td>Methadone</td>
<td>150 ng/mL</td>
</tr>
<tr>
<td>Propoxyphene</td>
<td>150 /mL</td>
</tr>
</tbody>
</table>

xii. Levels for hair specimens on confirmation testing which are equal to or exceed the following shall be reported as positive:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana Metabolites</td>
<td>1 pg/10 mg of hair</td>
</tr>
<tr>
<td>Cocaine</td>
<td>5 ng/10 mg of hair</td>
</tr>
<tr>
<td>Opiate/synthetic narcotics and metabolites</td>
<td>5 ng/10 mg of hair</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>3 ng/10 mg of hair</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>4</td>
</tr>
</tbody>
</table>

B. If an initial drug test of an employee or job applicant is confirmed as positive, the Medical Review Officer shall provide technical assistance to the City and to the employee or job applicant for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

C. Every specimen that produces a positive, confirmed test result shall be preserved by the laboratory that conducted the confirmation test for a period of at least two hundred and ten (210) days from the time the results of the positive confirmation test are delivered to the Medical Review Officer.

i. However, if an employee or job applicant undertakes an administrative or legal
challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled.

ii. During the 180-day period after written notification of a positive test result, the employee or job applicant shall be permitted by the City to have a portion of the specimen retested, at the employee or job applicant’s expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant.

iii. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory.

iv. The first laboratory that performed the test for the City is responsible for the transfer of the portion of the specimen to be retested and for the integrity of the chain of custody during such transfer.

D. If an initial drug test is negative, the City may at its discretion seek a confirmation test. Such testing shall be conducted only once and must be requested no more than seven (7) working days from the time the original negative test result was reported to the City by the Medical Review Officer; hair specimens may be re-collected only once to perform repeat confirmation testing.

E. Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory or Medical Review Officer, the City shall inform an employee or job applicant in writing of the positive test result, the consequences of such results and the options available to the employee or job applicant. Upon request, the City shall provide to the employee or job applicant a copy of the test results.

F. Within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the Medical Review Officer explaining or contesting the test results and why the results do not constitute a violation of City policy.

i. Such If an employee or job applicant’s explanation or challenge of the positive test results is unsatisfactory to the Medical Review Officer, a written explanation as to why the employee’s or job applicant’s explanation is unsatisfactory, along with the report of positive results, shall be provided by the City to the employee or job applicant.

ii. All such documentation shall be kept confidential and exempt from the provisions of applicable public records law and shall be retained by the City for at least 1 year.

G. An employee or job applicant whose drug test result is confirmed as positive in accordance with this section shall not, by virtue of the result alone, be deemed to have a “handicap” or “disability” as defined under federal, state, or local handicap
and disability discrimination laws.

H. The City shall not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a Medical Review Officer.

I. The City shall not discharge, discipline, or discriminate against an employee, or refuse to hire a job applicant, on the basis of any prior medical history revealed to the employer pursuant to this policy and applicable state statute.

J. The City shall not discharge, discipline, or discriminate against an employee solely upon the employee’s voluntarily seeking treatment, while in the employ of the City, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program. However, statutorily defined “special risk employees” may be subject to discharge or disciplinary action when the presence of illicit drugs, pursuant to FSS 893.13, is confirmed.

K. Unless otherwise provided by a collective bargaining agreement, the City may select the employee assistance program or drug rehabilitation program if the City pays the cost of the employee’s participation in the program.

L. The City may discharge or discipline an employee following a first-time positive confirmed drug test result. If the employer does not discharge the employee, the City may refer the employee to an employee assistance program or an alcohol and drug rehabilitation program in which the employee may participate at the expense of the employee or pursuant to a health insurance plan.

i. If the City refers an employee to an employee assistance program or an alcohol and drug rehabilitation program, the City must determine whether the employee is able to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.

ii. An employee whose assigned duties require the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, hold a position subject to s. 110.1127, or hold a position in which a momentary lapse in attention could result in injury or death to another person, is deemed unable to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.
iii. If the City refers an employee to an employee assistance program or an alcohol and drug rehabilitation program and the City determines that the employee is unable, or the employee is deemed unable, to safely and effectively perform the job duties assigned to the employee before he completes the employee assistance program or the alcohol and drug rehabilitation program, the City shall place the employee in a job assignment that the City determines the employee can safely and effectively perform while participating in the employee assistance program or the alcohol and drug rehabilitation program.

iv. If a job assignment in which the employee may safely and effectively perform is unavailable, the City shall place the employee on leave status while the employee is participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave status without pay, the employee may use accumulated leave credits before being placed on leave without pay.

M. If an employee who is in a mandatory-testing position enters an employee assistance program or drug rehabilitation program, the City must assign the employee to a position other than a mandatory-testing position or, if such position is not available, place the employee on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

N. An employee who is in a special-risk position may be discharged or disciplined by the City for the first positive confirmed test result if the drug confirmed is an illicit drug under s. 893.03. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special-risk or mandatory-testing position, but may be assigned to a position other than a mandatory-testing position or placed on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

O. If an employee is unable to participate in outpatient rehabilitation, the employee may be placed on leave status while participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave without-pay status, the employee shall be permitted to use any accumulated leave credits prior to being placed on leave without pay.

P. Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.

Q. All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance
with state statute.

13.05 **DRUG TEST ADMINISTRATION**

Driver drug testing results and records are to be maintained under strict confidentiality, by the employer, (Administration Office), the drug testing laboratory, and the Medical Review Officer (MRO). Test results cannot be released to others without the written consent of the employee (driver).

13.06 **VIOLATION OF PROHIBITIONS**

All persons selected for employment in safety-sensitive positions shall be required to take a drug test prior to their initial performance of safety-sensitive functions. Any person who refuses to take the required tests or whose test results indicate present drug abuse will not be hired.

No employee (driver) shall refuse to submit to an alcohol or drug test on any of the following instances: Post-accident, random, reasonable suspicion, return-to-duty, or follow-up tests. Failure to submit to any required tests will result in immediate disciplinary action up to and including termination.

Any employee (driver) who has been removed from his/her safety-sensitive position due to alcohol misuse (BAL 0.040 or greater) and/or testing positive for drugs will be referred to an appropriate treatment facility. Employees (drivers) shall be advised of the resources available for evaluating and resolving problems associated with misuse or abuse of alcohol or drugs.

Rehabilitation is the responsibility of the employee. Any employee seeking medical attention for alcoholism or drug abuse will be entitled to benefits only to the extent specified under the City’s group health insurance program.

Employees required to be absent from the workplace while in treatment may request a medical leave of absence in accordance with the City’s Human Resource Manual. An employee seeking treatment for Alcohol/Drug abuse treatment may be permitted to utilize all available accumulated paid leave before requesting to be placed in a leave without pay status.

Upon successful completion of the treatment program, the employee will be reinstated to the same or equivalent position held prior to such rehabilitation. Employees who violate this policy by testing positive on the return to duty follow-up tests will be referred to alcohol and drug rehabilitation programs as appropriate.

The City will not discharge, discipline, or discriminate against an employee solely on the basis of any prior medical history revealed to the City pursuant to this policy.

The City will not dismiss, discipline, or discriminate against an employee solely upon the voluntary seeking of treatment for an alcohol or drug program. However, use of the rehabilitation resources will not shield the employee from appropriate disciplinary action for violations of other City policies.
Employees referred to treatment programs as a result of a first violation will be allowed to continue employment with City provided that:

A. They immediately contact the rehabilitation resource for treatment and strictly adhere to all terms of treatment and counseling prescribed;

B. They immediately cease any and all abuse/use of alcohol or drugs;

C. They consent in writing to a minimum of 6 follow-up alcohol/controlled substances tests over the first 12 months after returning to work or completion of any rehabilitation program whichever is greater. It shall be understood that the employee will pay for all follow-up testing;

D. They pass all tests administered under this program; and

E. They execute and abide by an agreement describing the above stated conditions.

Failure to meet any of the above conditions, or a second confirmed positive drug or alcohol test, will result in immediate dismissal from employment.

The City has no responsibility for substance abuse treatment referral or rehabilitation for persons who fail or refuse the required post-job offer test.

13.07 ROUTING

All employees affected by these Federal Regulations will be furnished a copy of this policy, including information concerning the testing requirements, and available resources on alcohol and drug treatment.

13.08 QUESTIONS OR CONCERNS

Further specific testing procedures and training programs will be established and administered by the Administration (Human Resource) Office and respective Department Head, who supervises safety-sensitive positions.

Questions regarding the City’s policies and procedures related to substance abuse or alcohol misuse, or questions regarding the City’s testing procedures should be addressed to your respective Department Head. The Department Head will consult with the Human Resources Department as needed.

A. All operators required to hold a Commercial Driver’s License (CDL) shall be periodically tested according to the Federal Department of Transportation guidelines.

B. The Public Service Commission requires an annual drug testing for The Gas
Department.

C. Any city employee may be required to submit to immediate testing of their urine/blood at the City’s expense upon reasonable suspicion as determined by a minimum of two (2) supervisors or management personnel.

D. Employees may be required by the City to take a medical and/or psychological examination at any time for reasons connected with their job (i.e. an accident on the job, fitness for duty).
SECTION 14

COMPUTER EQUIPMENT, INTERNET AND E-MAIL POLICY

14.01 USAGE

A. Use of the City of Williston Computer Equipment or the Internet or other on-line services in violation of local, state, or federal law or regulations, or City of Williston Policy and Procedure or for any activity which negatively affects the availability, confidentiality, or integrity of information technology resources is prohibited. This use includes, but is not limited to, copyright and trademark infringement, fraud, forgery, harassment, libel or slander or accessing materials which might be deemed obscene.

B. While using City of Williston information technology resources, employees should have no expectation of privacy regarding any aspect of their use. All department email use is archived and may be retrieved at any time for review. The Department has the right to inspect any files created, stored, sent, received or deleted on department computers.

C. Users of the City of Williston Computer Equipment and the Internet or other on-line services are responsible for protecting the security of the Computer Equipment by keeping passwords confidential, not using another user’s account, and reporting any security problems to the City Manager’s Designee. Use of the network to access on-line services for commercial, political, or other personal use not related to the support of the mission and goals of City of Williston is prohibited. Examples of prohibited use on the network includes, but is not limited to:

i. Access to personal email accounts or instant messaging.

ii. Access to non-job related web sites or on-line services such as chat rooms, recreational bulletin boards or hobby list servers.

iii. Playing computer games or using other non-job related programs.

iv. Download of non-job related files and materials from the internet.

v. School class work or homework, unless approved by Supervisor or Department Head and done on off duty hours to support employee professional development.

E. Computer users are prohibited from: creating or propagating viruses; disrupting services; damaging files; or intentionally destroying or damaging equipment, software or data. Computer users must adhere strictly to all software license agreements and no software may be installed, copied, or used on the City of Williston computer systems.
Williston Computer Equipment except as permitted by the copyright owner of the software. All Computer Equipment and Internet or other on-line service users are expected to abide by generally accepted rules of Computer etiquette. The E-mail communications, documents, or materials resident on the Computer Equipment, are considered public records and shall be used and treated as public records. The stored records shall follow local, state, federal law, regulations, and City of Williston Policy and Procedure for retention and destruction of records.

F. Since text messages are handled outside of City systems, employees should limit the use of text messages for city business purposes unless absolutely necessary. Employees who are the sender or recipient of a text message that is required to be retained for public records purposes, should forward the text message to the City’s E-mail system in order to comply with the records retention requirements of Florida Statutes, Chapter 119.

G. Failure to abide by the City of Williston Computer Equipment Acceptable Use Policy will result in a loss of Computer privileges and/or other disciplinary (including suspension and/or termination) or legal action. Questions about or allegations of misuse of these resources should be reported to the City Clerk for review and evaluation. If necessary, the City Clerk will make disciplinary recommendations to the City Manager.

H. While using City information technology resources, employees should have no expectation of privacy.

i. All City email is archived and may be retrieved at any time for review.

ii. The City has the right to inspect any files created, stored, sent, received or deleted on City computers.
SECTION 15

DISCIPLINARY ACTION

15.01 GENERAL STATEMENT

It is the intent of the City that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case by case basis.

15.02 FORMS OF DISCIPLINE

A. The City recognizes the following types of discipline:

i. Verbal reprimands.

ii. Written reprimands.

iii. Suspension without pay.

iv. Demotion.

v. Combination of the above.

vi. Termination of employment.

B. A Department Head may also combine a probationary period not to exceed three (3) months with all forms of discipline except termination.

C. The Department Head, or his designee, will consult with Human Resources in deciding appropriate disciplinary action greater than a written reprimand. However, the Department Head may suspend employees temporarily with pay to the next regular work day of the City (Monday through Friday), if the Department Head deems it is operationally necessary. The Department Head shall then immediately consult with Human Resources, and together they will decide whether to continue to temporarily suspend the employee with or without pay pending completion of an investigation. Once the investigation is completed an appropriate decision can be made. If the suspension was without pay yet unfounded, the employee would be reimbursed. Otherwise, a course of action will be enacted that will be warranted.

5.02 15.03 BASIS FOR DISCIPLINARY ACTION
A. Verbal and written warnings may be given for any reason listed in Section 15.05, Group I or Group II, or under any other similar circumstance as deemed appropriate.

B. Subject to Section 15.02(C), employees may be suspended without pay temporarily pending investigation and final determination of possible disciplinary action.

C. Employees may be suspended without pay, demoted or terminated for any reason listed in Section 15.05 below, or under any other similar circumstance as deemed appropriate.

5.0315.04 NOTICE OF DISCIPLINARY ACTION

In all cases of written reprimand, probation, suspension without pay, demotion, any combination of same, or termination, the employee will be notified in writing of the action taken and a copy of such notice shall be retained by the City in the employee’s personnel file; provided a temporary suspension without pay will be removed from the employee’s personnel file if the employee is exonerated.

5.0415.05 TYPES OF OFFENSES

There are two (2) groups of example offenses for which employees may be disciplined up to and including termination. The guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Sections 15.01-15.03 above shall apply. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below, and suspension without pay, demotion or termination may be for any reason as determined by the City Manager.

This paragraph provides recommended but not mandatory penalties for the specific example offenses listed here. These examples are suggestions only. The severity of the infraction will be a factor in management’s determination of the discipline imposed.

This listing is not all-inclusive. Management has the right and obligation to administer discipline for any action that requires correction.

GROUP I OFFENSES

First Offense – Verbal or Written Reprimand one (1) day suspension without pay.

Second Offense - Up to three (3) days suspension without pay.

Third Offense - Up to and including termination.

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Taking more than allowable times for meal or rest periods.

3. Unacceptable, inefficient productivity or competency.

4. Sleeping on the job unless authorized to do so.

5. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability in which case the matter will be dealt with in accordance with applicable law.

6. Violating a safety rule or practice, and/or not wearing required safety clothing or equipment.

7. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, catcalls, or other disorderly conduct.

8. Failure to report the loss of City equipment or other City property entrusted in the employee’s custody.

9. Failure to keep the City and department notified of the employee’s current proper address and telephone number.

10. Gambling, lottery or engaging in any other game of chance in any fashion that brings disrepute upon the City.

11. Violation of published City or departmental policies, rules, standard, orders, operating procedures or regulations.

12. Unexcused tardiness or absence. In excess of three (3) days will be considered a Group II offense.

13. Failure to report an on-the-job accident or personal injury.

14. Violation of the Standards of Conduct in Section 310.

14.15. Failure to report any arrest as required under Section 8.
GROUP II OFFENSES

First Offense - Up to and including termination

1. Conviction of a non-felony or felony level criminal offense.

2. Excessive tardiness and/or absenteeism which disrupts departmental operation regardless of the reason.

3. Abuse of sick leave privileges.

4. Use of official position for personal advantage.

5. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.

6. Falsification of personnel, City, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.

7. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.

8. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.

9. Use or possession or display of fire arms, explosives, or weapons on or in City property unless authorized.

10. Removal of City property or any other employee's property from City locations without proper authorization, theft of City property or any employee's property.

11. Failure to return at the end of an authorized leave of absence.

12. Concerted curtailment, restriction of production, or interference with work in or about the City’s work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.

13. Absent without permission or leave (AWOL).

14. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored
treatment.

15. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment.

16. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.

17. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government.

18. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.

19. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.

20. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.

21. Provoking or instigating a fight or fighting while on duty.

22. Unauthorized personal use of the exempt tax number for any reason.

23. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.

24. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.

25. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.

26. Refusal to sign an acknowledgment of disciplinary action.

27. Failure to possess and maintain a current and valid state motor vehicle operator’s license, if driving a vehicle is required by the City as an essential part of the employee’s job.

28. Failure to report a DUI or DWI when the employee drives a vehicle as a part of their normal job.
29. Loss of a license or certification required by the City, the State or other governmental entity to perform the job for which the employee is assigned.

The above list does not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

**5.0515.06 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES**

A. In the event an employee is charged with any crime, the employee may be suspended with or without pay.

B. At any time, the City Manager shall have the option of taking disciplinary action based on his own investigation without regard to the existence, status or final disposition of the criminal charges.

C. The City Manager may elect to wait until the criminal proceeding, or a particular phase thereof, is concluded before considering disciplinary action. In such a case, the City Manager may take the resolution of the criminal proceeding, or phase thereof, under consideration but shall not be bound thereby and shall make its determination as to the facts and the appropriate disciplinary action, if any.

D. If an employee charged with a crime is found not guilty by a judge or jury, and the City Manager determines no disciplinary action is warranted, the employee will be reinstated with back pay less amounts earned, unemployment compensation and periods of time the employee was unavailable to work or did not make every reasonable effort to find work.

**5.0615.07 APPEALS**

This provision shall not apply to any employee covered under a collective bargaining unit.

A. The City Manager shall hear appeals in cases involving disciplinary actions of permanent employees who have satisfactorily completed their probationary period.

B. The appeal must be made within ten (10) working days after the written decision is mailed to the employee, by filing a written request for a hearing with the City Manager.

C. The City Manager shall set a time and place for the hearing, to be held at the earliest possible date. The City Manager shall notify the employee, the Human Resources Department and the Department Head of the time and place scheduled for the hearing.

D. Hearings before the City Manager shall be conducted informally.

E. The decision of the City Manager shall be final.
A. For all disciplinary actions beyond verbal counseling, including written reprimand, probation, suspension, demotion or termination, the employee will be notified in writing of the charges and the reasons for the action taken. The statement shall advise the employee of his right to grieve the discipline pursuant to City policy or any applicable collective bargaining agreement.

B. In reference to police officers, pursuant to 112.532 of Florida State Statute, any dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer unless the law enforcement officer is notified of the action and the reason for the action before the effective date of the action.

i. Whenever a law enforcement officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer’s representative shall, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the Chief of Police or his designee before disciplinary action consisting of suspension with loss of pay, demotion, or dismissal is imposed.

ii. The contents of the complaint and investigation shall remain confidential until such time as the police department makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.

C. Any written reprimand shall be furnished to the employee and shall outline the reason for the reprimand. The employee shall be requested to sign the statement to acknowledge receipt of the statement, not agreement. If the employee refuses to sign this statement, the refusal shall be noted and possible disciplinary action may be taken.

D. All discipline-related documentation shall be dated, specify the exact nature of the offending conduct, detail the action the employee is expected to take to comply with City policy and indicate what consequences the employee may face if the conduct is not corrected.

E. Employees shall have the right to file a written response to any letter of reprimand or other document placed in the employees’ official personnel file as a result of a supervisory action or citizen complaint. Any such written response shall be included in the employee’s official personnel file.

F. Such documentation shall be retained by the City in the employee’s personnel file.
but shall be removed from the file if the employee is exonerated.

G. Only those disciplinary actions recorded in an employee’s official personnel file may be used as the basis for progressive discipline.

H. After a disciplinary document has been in the employee’s personnel file for twenty-four (24) months, the document shall not be used adversely against the employee unless the employee has been written up for the same offense previously.

**5.0815.09 NAME CLEARING HEARINGS**

A. When a City employee is terminated, and the employee contends that in relation to the disciplinary action false statements damaging to the employee’s reputation have been placed in his personnel file and thus subject to public records disclosure, the City shall afford the employee an opportunity to clear his name by responding to the statements. Such a hearing shall not serve as an appeal of any disciplinary action or a process by which to gain reinstatement. The sole purpose of the hearing is to provide an opportunity for an employee to clear his name.

B. A name-clearing hearing is not required every time an employee is terminated. A name-clearing hearing must be offered whenever the following three (3) conditions are met:

   i. An employee is terminated or significantly demoted;

   ii. The employee contends that stigmatizing statements have been placed in the his personnel file or otherwise made public; and

   iii. The employee asserts that the statements are untrue.

C. For the purposes of a name-clearing hearing, a stigmatizing statement involves allegations of dishonesty, immorality or other conduct that may damage the employee’s reputation and impair his ability to obtain other employment.

D. When an employee is terminated or significantly demoted, the applicable Department must notify the employee in writing that a name-clearing hearing will be arranged if the employee requests it. The employee should sign his copy of the notification if the letter is presented in person. If the employee is not personally presented the notification, it must be mailed to the employee by both certified and regular mail.

E. A written request for a name-clearing hearing must be filed by the employee within fifteen (15) calendar days from the effective date of termination or demotion. The failure of the employee to request this hearing within the stated timeframe shall be considered a waiver of the employee’s rights under this policy.
F. The employee requesting a name-clearing hearing must identify the specific statement(s) he contends are false.

G. Upon receipt of the employee’s timely request for a name-clearing hearing, the City Manager shall schedule a hearing within sixty (60) calendar days.

H. The hearing will not consist of or result in the formulation of any conclusions or the reevaluation or nullification of any employment action.

I. The employee shall be allowed to present testimony and documents to support the employee’s allegation that the statements in question are untrue.

J. The City Manager shall ensure that a record of the hearing is made.

K. Within thirty (30) calendar days after the hearing, the City Manager shall issue a written report summarizing the evidence presented. The City Manager’s report shall state clearly that the report has no bearing or effect on the employee’s status with the City.

L. A copy of the report shall be placed in the employee’s personnel file, in the employee’s Department file and in any investigative file on the employee.
SECTION 16

GRIEVANCE PROCEDURE (NON-DISCIPLINARY MATTERS)

16.01 PURPOSE

A. It is the purpose of this grievance procedure to assure employees that their problems and complaints will be considered fairly, rapidly and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their supervisors, any matters pertaining to conditions of employment that may negatively impact the individual employee. Free and open discussion between employees and their supervisors will lead to better understandings by both, of practices, policies, and procedures and how they impact all employees. This will serve to help identify and eliminate conditions which may result in misunderstandings and grievances.

B. The primary purpose of any grievance procedure is to determine what is right, rather than who is right. Therefore, grievances must be considered objectively and in an atmosphere of mutual assistance. This cannot be done if a spirit of conflict enters into consideration of a grievance. Supervisors and employees alike must recognize the true purpose of the grievance procedure is to help employees achieve the basic objectives of City government by promoting the well-being of the organization and those within it appropriately.

C. Employees who are a part of a Collective Bargaining Agreement will operate according to those guidelines.

16.02 DEFINITION OF A GRIEVANCE

A. A grievance is a complaint, a view or an opinion pertaining to employment conditions, to relationships between employee and supervisor or to relationships with other employees. Disciplinary action, dismissals, demotions, suspension, fines, reduction in pay, and position classification allocation shall not be subject to review as a grievance.

B. Employees covered by Collective Bargaining Agreements will utilize the grievance and appeals procedures as negotiated.

C. Examples of actions which may be causes of grievances include:

i. Application of City policies, practices, rules, regulations, and procedures believed to be to the detriment of an employee;

ii. Treatment considered unfair by an employee, such as coercion, reprisal, harassment or intimidation;
iii. Alleged discrimination because of race, religion, color, sex, age, marital status, national origin, physical handicap or any other non-merit factor; and

iv. Improper or unfair administration of employee benefit or conditions of employment such as vacations, fringe benefits, promotion, retirement, holidays, performance review, salary, or seniority.

16.03 PROCEDURE

A. Supervisors are responsible for ensuring that the grievance is fully processed until the employee is satisfied with the decision or until the employee’s right of appeal is exhausted. No employee shall be penalized for using the City’s grievance procedure, unless repetitive unmeritorious grievances are viewed as abuse of the procedure.

B. Any grievance filed shall systematically follow the grievance procedure as outlined herein, and shall refer to the provision or provisions of City policy, practice, procedure, rule, or regulation alleged to have been violated, and shall adequately set forth the facts pertaining to the alleged violation, and the remedy or correction sought.

C. In the event a grievance arises, the employee must submit a grievance to his/her Department Head (Step I) within five (5) working days after he/she had knowledge of the grievance, unless good and reasonable cause is shown for the delay.

Step I: The aggrieved employee shall present the grievance to his/her supervisor. Discussions will be informal for the purpose of settling differences in the simplest and most direct manner. The supervisor shall reach a decision and communicate it in writing to the aggrieved employee within five (5) working days from the date the grievance was presented. If there is no supervisor, proceed directly to Step II.

Step II: If the grievance is not settled in Step I, the aggrieved employee within five (5) working days of receipt of the written decision, shall forward the written grievance to the Department Head. The Department Head shall meet with the aggrieved employee to determine the fact of the case. Any decision rendered shall be written to the aggrieved employee and shall be dated and signed by the Department Head at that step within five (5) working days after the receipt of the grievance, unless such time is mutually extended in writing.

Step III: If the grievance is not settled at Step II, the aggrieved employee shall, within five (5) working days, forward the written grievance to the City Manager. The City Manager shall meet with the aggrieved employee and reply in writing within five (5) working days after the meeting, unless this period is extended by mutual agreement. The decision of the City Manager shall be final and binding.
The Human Resource Director/City Clerk is available to assist throughout the grievance process. All grievances should be forwarded to the City Clerk/Human Resources Department at each stage to ensure relevant input is provided throughout the process.
SECTION 17

HOURS OF WORK AND OVERTIME

17.01 HOURS OF WORK

A. The City shall establish the hours of work in accordance with the operational needs of the City.

B. The Department Heads shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.

C. With the exception of Exemptive Personnel, the City will pay employees for all hours in which they provide services for the City.

D. Unless otherwise provided by a Collective Bargaining Agreement (CBA), employees shall be scheduled for an unpaid lunch break of not less than one-half (½) hour but not more than one (1) hour. A paid break before and after lunch, not to exceed fifteen (15) minutes each, may be scheduled at the discretion of the Department Head. As part of the City Wellness program, employees may consolidate their break times, to engage in wellness related activities in the morning or afternoon. This time must be established in cooperation with the Department Head or Supervisor.

17.02 REGULAR WORK WEEK OR PERIOD

Except for employees on a Section 7(K) schedule in the Police Department or as otherwise provided by a CBA:

A. The regular workweek for regular full-time employees shall be forty (40) hours in a seven (7) day period. The City Manager may establish the basic work schedule and hours of work best suited to meet the needs of the departments and the City to provide proper service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the number of hours to be worked per week.

C. The basic work schedule shall be from Monday through Friday of each week unless specified or scheduled by the City Manager to meet the particular requirements of the City or individual departments. When the City Manager deems it necessary, work schedules may be established other than the basic Monday through Friday schedule.

D. For sworn personnel within the Police Department, eighty-six (86) hours in a fourteen (14) consecutive day period shall constitute a normal work week, though no employee is guaranteed payment for an eighty-six hour work period unless the employee actually works an eighty-six hour work period or his actual hours worked
and his authorized compensated leave total eighty-six hours.

E. If an employee is assigned to attend training or an educational seminar, he will be paid for a regular work day during the seminar and for travel time to and from the seminar, if traveling outside of regular work hours.

i. Overtime pay will be granted only if time exceeds the employee’s regular workweek.

ii. Training records and itemized expenses shall be maintained as a part of official City personnel payroll records.

17.03 OVERTIME AND COMPENSATORY TIME

A. In any department, overtime will be authorized or directed only when it is in the best interest of the City and is the most practical and economical way of meeting workloads or deadlines. Overtime will be authorized in advance by the Department Head when practical or on special occasions. The Department Head will also determine whether the employee is to be paid for the time or accrue compensated time.

B. Non-exempt employees shall be paid at a rate of one and one-half (1½) their regular hourly rate after forty (40) hours in a seven (7) day work period.

C. Employees may be required to work overtime when requested unless excused by supervisors.

D. For computing overtime, the following shall apply:

i. A holiday shall be considered as a day worked.

ii. All work performed on Saturday or Sunday regardless of hours worked in preceding workweek shall be paid at time and one-half. Departments with a separate contract or Departments that have a Saturday and Sunday work schedule will be paid at the normal rate.

E. Standby time, sick leave, funeral leave, jury-duty, vacation, annual military leave, and other absences from work while on pay status will follow the guidelines set forth in the Fair Labor Standards Act (FLSA).

F. Within the Police Department, sworn officers shall be paid regular straight time for the first eighty (80) hours worked per fourteen (14) consecutive days and shall be additionally compensated at regular straight time for each hour worked from the eighty-first (81st) to the eighty-sixth (86th) hour per fourteen (14) consecutive day work period.
i. Only hours worked in excess of eighty-six (86) hours per work period shall be compensated at the rate of time and one half (1 ½) times the officers’ straight time rate.

ii. No officer may authorize overtime for himself, excluding reasonable performance of duties relating from a normal shift.

17.04 COMPENSATORY PAY (COMP TIME)

A. When an employee is required by proper authority to work beyond the normal 40 hours per week, the employee may be granted compensatory time off in lieu of cash for overtime provided that:

i. It is granted at time and one-half for all hours over 40 worked in a week;

ii. Employees who are regularly scheduled to work more than eight (8) hours in a day for the purpose of attending mandatory council, committee and, or workshop meetings shall accrue comp time for those hours worked;

iii. It is pursuant to an agreement or understanding, oral or written, with the employee prior to performance of work;

iv. Employees generally may accrue up to 40 hours of comp time with operational request with City Manager or Mayor approval (depending on the employee department) on a case by case basis.

v. Employees who have accrued comp time are provided time off within a reasonable time period after requesting its use, providing it does not unduly disrupt the operations of the City.

B. The Official Record of Earned Comp Time for all employees will be maintained by the Finance Department.

C. Employees will be paid for comp time remaining on the books after termination or separation from the City at the rate of pay received by the employee at the time of separation.

D. In the event of a major or catastrophic incident when a period of emergency is declared by the Governor and FEMA assistance is requested, those employees whose duties and responsibilities are deemed essential shall respond and will be paid comp time as necessary.

17.05 ON-CALL PAY

On-Call pay is a method of compensating non-exempt employees assigned to on-call duty during off-duty hours. Employees must be available to answer the phone or beeper and to report to duty
as needed during the on-call shift hours assigned. Except as cited below, non-exempt employees assigned to on-call duty during off-duty hours shall receive four hours of pay at their regular rate. These four (4) hours are added to the actual hours worked at the end of each week the employee is on-call. If this results in more than forty (40) hours worked, then all hours over forty (40) will be paid at time and one-half.

The Electric Department employees are paid 8.25 hours of call time at regular time.

17.06 CALL BACK PAY

A. With the exception of police personnel, non-exempt employees called out to work during off-duty hours will be paid time and one-half for a minimum of two (2) hours or the amount of time actually worked, whichever is greater.

B. Call back shall be calculated at time and one-half.

C. Sworn members of the Police Department called out to work at a time outside normal working hours shall receive a minimum of three (3) hours pay.
   
   i. This call out provision does not include those additional hours worked contiguous to the officer’s scheduled work period.

   ii. Officers will be compensated at regular, straight rate of pay except for those hours that exceed the eighty-sixth (86th) hour of the normal work week.

   iii. Call-back compensation shall apply to required off-duty appearances as a subpoenaed witness in federal, circuit, and/or municipal courts pending criminal, civil or traffic cases where the employee is involved as a witness in his official capacity, as the arresting officer or as an investigating officer.

17.07 PAYROLL PROCEDURES

D. Individual employee attendance and on the job recordings (time sheets) are to be accurately documented at each department, and forwarded to the Finance Department at the end of each pay period. The recorded information will remain in the permanent files of City Hall. Payroll sheets are to be completed and routed to the Finance Department no later than 11:00 a.m., on Monday after the completion of the pay period. Supervisors are responsible to review the timesheets to ensure accuracy and that all scheduled hours worked are accounted for properly on each time sheet.

E. The following regulatory payroll procedures are to be followed by each Department:

   i. It is the City of Williston’s policy that employees, except Executive Personnel,
will be paid for all hours in which they provide services for the City. Careful records will be maintained for all hours worked for each employee.

ii. No one should work overtime in any workweek without approval from a supervisor. The repeated performance of unauthorized overtime will be grounds for disciplinary action, up to and including dismissal.

iii. Employees are to be discouraged from taking work from the job to be completed at home. All work performed for the City will be performed on the job in the employee’s designated work area.

iv. There will be no job related voluntary work performed by an employee on behalf of the City.

v. If an employee is assigned to attend a training or educational seminar, he/she will be paid for travel time, to and from the seminar, if not during the regular work day, as well as pay for a regular work day during the seminar. Overtime pay will be paid only if time exceeds the regular 40-hour workweek. Records for time spent in this situation shall be maintained and recorded as a part of the official payroll records.

vi. Federal Withholding and Social Security are deducted from paychecks in accordance with law along with mandatory pension contributions and any voluntary supplemental policy deductions as requested by the employee.

vii. Checks are distributed weekly and bi-weekly on Friday. Errors in an employee’s check should be reported to his supervisor immediately. The supervisor shall research the issue and forward the matter to the Finance Department.

viii. Should an employee voluntarily terminate his/her employment, the final paycheck will be issued on the next regular payday with deductions for any City related indebtedness. In the event an employee is discharged, the Department Head shall notify the Human Resource Department that the employee is being discharged and the final check shall be issued as soon as practical.

ix. Time sheets shall be retained by City Hall in accordance with applicable state retention periods.
SECTION 18

EMPLOYEE PERFORMANCE EVALUATION

18.01 POLICY

A. PURPOSE: The primary purpose of the employee performance evaluation shall be to inform employees of the quality of their work and to communicate areas needing improvement. The performance evaluation may also be used in determining salary increases (rounded to single decimal to nearest 10th); as a factor in determining order of lay-off; as a basis for training, promotion, demotion, transfer or dismissal; and for such other purposes as set forth in these regulations.

B. EVALUATION SCHEDULE: Employees, except those in temporary status, shall be evaluated/rated by the immediate supervisor prior to completion of six (6) months of service and annually on their hire date thereafter. This means that, in the first year, the employee will receive an initial evaluation at 6 months and an annual evaluation at the first anniversary date with annual reviews from that point forward.

C. CHANGE OF CLASSIFICATION/CHANGE OF RATER EVALUATIONS: Changes in position classifications (i.e. promotions, demotions, etc.) and supervisory personnel (raters) will not change the date of the annual evaluation. Upon Prior to the date of promotion/reclassification/change of rater, the immediate supervisor will complete a reclassification/change of status/change of rater evaluation up to the point of reclassification/status or supervisory change. The immediate supervisor will later complete the regular annual review on the anniversary date applicable only to the period the employee performed in his or her new classification/position/status. In the event a rater becomes unavailable to complete the evaluation process, the current immediate supervisor will document the applicable dates on the next annual evaluation, providing review of only the period of time in which the employee served under his supervision.

D. INITIAL PERFORMANCE SESSION: Within the first two (2) weeks of an employee's assignment to a new position, the supervisor shall meet with the employee and review the relevant job description, the performance evaluation form and rating criteria.

E. CONTINUOUS FEEDBACK ACTIVITIES: Performance evaluation is a continuous process with the formal evaluation being a summation of on-going feedback, training and discipline. A supervisor shall address performance problems as they occur and not wait until the end of the evaluation period. An employee should not receive feedback on an issue for the very first time on the annual evaluation. Ongoing issues should be addressed through progressive guidance, counseling and discipline as applicable.
F. PERFORMANCE EVALUATIONS: The immediate supervisor shall complete a final probationary performance evaluation at least two (2) weeks before the completion of the probationary period to determine whether or not the employee should be retained.

i. An employee must attain an overall evaluation of “Meets Standards” or above to be granted regular status.

ii. If an employee has not met standards or failed to exhibit the necessary job skills, an extension of one-half of the original probationary period may be granted.

iii. A written request for an extension must be submitted by the immediate supervisor and approved by the Department Head and City Manager two (2) weeks prior to the expiration of the probationary period.

iv. At the conclusion of the extension, an employee’s overall performance score must meet standards or the employee shall be terminated.

G. RATING SCALE: Employee performance forms must be approved by the City Manager and should reflect current best practices with regard to professional development and evaluation standards within the governmental industry. Employee performance will be rated and scored on the approved evaluation form as follows:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superior</td>
<td>5</td>
</tr>
<tr>
<td>Always Exceeds Standards</td>
<td>4</td>
</tr>
<tr>
<td>Sometimes Exceeds Standards</td>
<td>3</td>
</tr>
<tr>
<td>Meets Standards</td>
<td>2</td>
</tr>
<tr>
<td>Needs Improvement</td>
<td>1</td>
</tr>
</tbody>
</table>

C.H. EMPLOYEE PERFORMANCE COUNSELING AND FOLLOW-ON ACTIONS: The performance counseling session should involve a professional and constructive discussion of the employee’s performance, covering both strengths and weaknesses while encouraging employee feedback to reach performance goals for the next evaluation period. The report of performance shall be discussed directly with the employee. If an employee disagrees with any statement in the evaluation, he may submit, within ten (10) days following the conference with his supervisor, a written statement, which shall be attached to the evaluation form and forwarded to the City Manager for review and signature. The employee must sign an acknowledgment of the evaluation. Refusal to sign the evaluation to acknowledge receipt is subject to disciplinary action.

i. A copy of all documents related to the evaluation will be given to the employee.
and retained in the applicable department until a signed copy is returned from the City Manager’s office.

ii. If a Personnel Action Form is required, the Department Head or his designee shall complete the appropriate paperwork and forward it with the evaluation documents to the City Manager.

iii. The City Manager will review and sign all performance evaluations and forward the forms and attachments to Human Resources for inclusion in the employee’s permanent file. The City Manager will forward all Personnel Action Forms to the Finance Department for processing. The Finance Department will submit the forms to Human Resources upon conclusion of processing.

D. Probationary evaluations may be completed at the discretion of the Supervisor for employees who have been promoted or reclassified, as well.
SECTION 19

COMPENSATION PLAN

19.01 COMPOSITION OF THE PLAN

The Compensation Plan shall include:

A. A basic table of pay grades;

B. The schedule of pay grades for each title in the classification plan consisting of minimum and maximum rates of pay. Each employee shall be paid within the rates set forth in the pay plan for the class of position in which he is employed.

19.02 DEVELOPMENT AND MAINTENANCE OF SALARY GRADES

Salary grades shall be linked directly to the position classification plan and shall be determined with due regard to the following considerations:

A. Grades of pay for other classes.

B. Relative difficulty and responsibility of positions in the grade.

C. Availability of employees in particular occupational categories, i.e., supply and demand.

D. Cost of living factors; the financial policies of the City Council; and other economic conditions. When cost of living increases are implemented the minimum and maximum in each pay grade will be adjusted according to the amount approved.

The minimum to maximum of each salary grade shall be those rates in the basic salary schedule which most nearly reflect these conditions and factors.

19.03 SALARY GRADES

The salary grades are intended to furnish administrative flexibility in recognizing individual differences between positions, in providing the employees with incentive in rewarding employees for meritorious service and longevity, and in meeting emergency conditions requiring pay adjustments. Prior to the preparation of each annual budget, and at other times as may be necessary, the City Manager shall make or cause to have made such comparative studies as he deems to be necessary relative to the factors affecting the level of salary ranges.
A. Pay grades shall be linked directly to the position classification plan and shall be determined according to:

i. Pay grades for other classes;

ii. Relative difficulty and responsibility of positions in the grade;

iii. Availability of employees in particular occupational categories;

iv. Cost of living factors;

v. Financial policies of the City Council; and

vi. Other economic conditions.

B. When cost of living increases are implemented the minimum and maximum rate in each pay grade will be adjusted according to the amount approved.

C. When an employee reaches the maximum in their pay grade and their annual performance appraisal warrants an increase, the employee may receive the increase in a lump sum payment. The supervisor or City Manager may, as the situation dictates, institute a reclassification or may promote the employee to a higher position, as appropriate.

19.04 ENTRANCE AT THE MINIMUM

Normally the minimum rate of pay for the class will be paid to a qualified person on his original appointment to a position. However, the Department Head may request employment at a higher rate in the pay grade due to experience. Approval from the City Manager is required. The maximum allowable entry rate shall be no higher than 15% above the minimum in the pay grade.

19.05 PAY RATES IN TRANSFER OR PROMOTION

A. If the employee is promoted to a class of a higher pay grade, he should be placed in the new pay grade with an increase of five (5) percent or the minimum of the new grade whichever is higher.

B. If an employee is transferred to a position in the same pay grade, the employee should receive no salary increase at the time of the change, and the employee’s hire date will remain unchanged.

C. If an employee is promoted, demoted or transferred, he shall be placed in a probationary status of six (6) months. If employee is voluntarily demoted or transferred, there will be no probationary period.
SECTION 20

HOLIDAYS

20.01 DAYS OBSERVED

A. The City Manager will annually determine the twelve (12) day Holiday Schedule prior to the beginning of each fiscal year. These days will be granted with pay to all eligible employees regularly scheduled to work on such days, provided that an employee may be required to work on a holiday if necessary to maintain essential services to the public.

B. When a holiday falls on Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday. For those employees working a rotating shift, the actual holiday is considered as the day observed.

C. The observed holidays are:

1. Martin Luther King, Jr. Day
2. Veteran’s Day
3. Thanksgiving (4th Thursday)
4. Day after Thanksgiving
5. Christmas Day
6. Day before/after Christmas Day
7. New Year’s Day
8. President’s Day
9. Good Friday
10. Memorial Day
11. Independence Day
12. Labor Day (1st Monday)

D. The City Manager will determine when any department or operation will be opened for business on a holiday.

20.02 HOLIDAY PAY

A. All full-time permanent employees will receive compensation for their standard scheduled shift eight (8) hours off with pay for each of the holidays observed except those covered by a CBA. All holidays must be taken as time off or as paid time within thirty (30) calendar days.

B. For those employees working rotating shifts, if the designated holiday falls on an employee’s off-duty day he shall receive an additional day’s compensation at his
regular rate of pay. If the actual holiday falls on an employee’s on duty day, he shall be compensated at the rate of one and a half (1 ½) his regular rate of pay for all hours worked in addition to his holiday pay.

STAFF RECOMMENDATION NEEDED FOR SECTION 20.02 HOLIDAY PAY

STAFF RECOMMENDATION IS TO EITHER MAINTAIN THE SAME PROVISION AS IS INCLUDED IN THE CURRENT MANUAL OR INSTITUTE CHANGES BASED ON THE COMMON PRACTICES OF OTHER GOVERNMENTAL ENTITIES WITH REGARD TO HOLIDAY PAY AND COMPRESSED OR VARIED SCHEDULES AS LISTED BELOW:

- Leave assessed/compensation given based on hours scheduled.
- Hours assessed/8 hours compensation given for each holiday with the option for employees to either use paid time off or make up for the difference
- Hours assessed/8 hours compensation with the option to forego compensation for the difference
- With advance approval, providing the employee the opportunity to work additional hours during the same workweek as the holiday in lieu of using accrued leave.

The Council may select one of the above options or develop an alternative of their own with the understanding that these provisions must be approved by the current union and be consistent with the prior PBA agreement if possible.

20.03 ELIGIBILITY FOR HOLIDAY PAY

A. In order to receive holiday pay, the employee must have worked the scheduled shifts immediately before and after the holiday unless on pre-approved paid leave.

B. When the employee is scheduled to work on a holiday, and his absence is not excused, the employee will not receive holiday pay.

20.04 ABSENCE DUE TO SICKNESS

An employee scheduled to work a holiday who fails to work because of sickness or injury shall not receive holiday pay.

20.05 HOLIDAY ON A LEAVE PAY

A. Employees on a scheduled vacation who meet the eligibility requirements for holiday pay will be paid for their regularly scheduled hours for the holiday(s) that fall within their vacation leave period.

B. Otherwise, if a holiday falls during a leave of absence without pay, the employee shall not receive holiday pay.
C. All overtime holiday work must have the prior approval of the Department Head.
SECTION 21

ANNUAL LEAVE (VACATION)

21.01 ELIGIBILITY AND RATE OF EARNING

A. The following chart illustrates the rate of accrual of annual leave, based on years of service.

<table>
<thead>
<tr>
<th>Year</th>
<th>Hours Earned Per Year</th>
<th>Hours Earned Per Week</th>
<th>Year</th>
<th>Hours Earned Per Year</th>
<th>Hours Earned Per Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>80</td>
<td>1.54</td>
<td>11th</td>
<td>128</td>
<td>2.47</td>
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<tr>
<td>2nd</td>
<td>80</td>
<td>1.54</td>
<td>12th</td>
<td>128</td>
<td>2.47</td>
</tr>
<tr>
<td>3rd</td>
<td>80</td>
<td>1.54</td>
<td>13th</td>
<td>136</td>
<td>2.62</td>
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<tr>
<td>4th</td>
<td>96</td>
<td>1.85</td>
<td>14th</td>
<td>136</td>
<td>2.62</td>
</tr>
<tr>
<td>5th</td>
<td>96</td>
<td>1.85</td>
<td>15th</td>
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<td>120</td>
<td>2.31</td>
<td>19th</td>
<td>152</td>
<td>2.93</td>
</tr>
<tr>
<td>10th</td>
<td>120</td>
<td>2.31</td>
<td>20th</td>
<td>160</td>
<td>3.08</td>
</tr>
</tbody>
</table>

B. Annual leave credits are earned monthly on the basis of the schedule in Paragraph A, calculated from the first day of employment. The maximum number of annual leave hours to accrue shall be two hundred and eighty-eight (288) hours. Accrued annual leave in excess of two hundred and eighty-eight (288) hours shall be set back to the maximum of two hundred and eighty-eight (288) hours on January 1st of each year.

21.02 CHARGING LEAVE

A. Annual leave taken shall be recorded and charged in hours.

B. Holidays which occur during the period selected by the employee for annual leave shall not be charged against such annual leave.

C. For purposes of determining overtime payments, authorized vacation hours shall not be counted as time worked.

21.03 REQUEST FOR LEAVE

D. Annual leave may be taken only after approval by the appropriate department head. The request for annual leave shall be submitted to the Department Head at least 24 hours in advance of the requested time off. Exceptions to the 24 hour rule may be
E.B. Employees shall be encouraged to take their annual leave during the same year. Employees are encouraged to take their vacation in a minimum of five (5) day increments. Department Heads may approve leave in less than five day increments provided such leave does not interfere with the operation of the unit.

F.C. Annual leave may be used only as earned. In emergency or hardship situations, the City Manager may approve an employee’s taking leave in advance of having earned such leave.

G.D. Except in extreme cases, it is not contemplated that vacation leaves will necessitate the use of relief employees. Department Heads will arrange vacation schedules and reallocate duties on such a basis as to cause minimum interference with the normal functions and operations of the department. Only after this has been done will a relief employee be necessary.

H.E. To further ensure adequate shift coverage, employees should submit leave requests as early as possible in the calendar year.

I.F. At the discretion of the Department Head, priority shall be given to those leave requests received first.

1.0321.04 USE

A. After completing six (6) months of continuous service, the employee shall be eligible to use earned annual leave. Use of annual leave prior to the completion of six (6) months service requires the approval of the Department Head.

C. Annual leave may be granted for the following scheduled purposes, including but not limited to:

i. Vacation;

ii. Absences for transacting personal business which cannot be conducted during off-duty hours.

iii. Religious holidays other than those designated by the City Council as official holidays.

iv. For uncovered portions of absences due to medical reasons once sick leave has been exhausted. Employees who become sick while on vacation may use sick time for such a period of illness, but may be required to present a doctor’s certificate if requested by the Department Head.

v. Any scheduled absences from work not covered by other types of leave
provisions established by the policies and procedures.

**4.0421.05 ACCRUAL AND PAYMENT**

A. An employee may carry over annual leave from one vacation year to the next only as shown in Paragraph 21.01B.

B. Employees shall not be paid for earned annual leave in lieu of taking such leave, except in the following instances:

   i. Separation.

   An employee who has reached the maximum carry over vacation time and who is unable to take vacation before the end of the calendar year due to a request from the City, may take leave within thirty (30) days after the end of the calendar year, with the City Manager’s approval.

C. For determining overtime payments, annual leave shall not be counted as time worked.

D. Holidays falling during an employee’s annual leave shall not be charged against annual leave.

**4.0521.06 PAYMENT FOR UNUSED ANNUAL LEAVE**

A. Employees who resign voluntarily, quit with notice, or are terminated for any reason, shall receive pay for all earned vacation time.

B. Employees who have less than six (6) months of continuous employment are not entitled to payment for annual leave upon separation.

C. In the event of an employee’s death all earned annual leave accrued while in the service of the City shall be paid to the spouse or estate of the employee.

D. For annual leave purposes, reinstated employees are considered new employees.

E. Employees placed on lay-off status will receive pay for all annual leave accrued up to the date of the layoff.

**4.0621.07 RECORDING LEAVE**

The official record of annual and sick leave credits is maintained in the Finance Department. Each department shall receive an accounting of all leave earned, used, and total remaining balance upon request.
SECTION 22

SICK LEAVE

22.01 ELIGIBILITY AND RATE OF EARNING

A. Each permanent full-time employee will earn sick leave credits on the basis of 1.85 hours per pay period, calculated from the first day of employment.

B. Sick leave is earned and may be taken during the employee’s probationary period per approval of Department Head. However, in the event the employee resigns or is otherwise terminated before the end of the probationary period, no accrued time will be paid.

C. Frequent claiming of benefits under this rule will constitute grounds for the assumption by the Department Head that the physical condition of the employee is below the standard necessary for the proper performance of duties. Evidence of malingering or the abuse of this benefit will constitute grounds for prompt dismissal or disciplinary action by the City Manager.

22.02 CHARGING LEAVE

A. Sick leave shall be accurately recorded.

B. Should holidays occur during sick leave, the holidays shall not be chargeable to sick leave.

22.03 REQUEST FOR LEAVE

A. To receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor or department head prior to or as soon as possible after the time set for beginning the daily duties.

B. It is the policy of the City to require a physician’s release for an employee to return to work after having sustained an off-the-job injury; after undergoing surgery; to return from sick leave of absence or other illness in excess of six (6) weeks, with or without pay. However, a Department Head or supervisor may require a medical release at any time he/she feels that an employee’s physical or emotional well-being may be endangered.

C. The employee’s Department Head or supervisor may require proof of illness or disability for any compensated sick leave as a condition of an employee being allowed to return to work.
22.04 **USE**

A. Sick Leave may be granted for the following purposes:

   i. Personal injury, pregnancy or other illness not connected with work.

   ii. Medical, dental, optical or chiropractic examination or treatment.

   iii. Exposure to a contagious disease which would endanger others, as determined by a physician.

   iv. Illness of a member of the employee’s household which requires the personal care and attention of the employee. In this case, not more than two days sick leave will be granted per occurrence, **unless it is an FMLA qualified event**. Continued absence will be charged to annual leave or leave without pay.

B. Use of sick leave for any purpose not specified above shall be considered misconduct and shall be grounds for disciplinary action, up to and including termination for cause.

22.05 **ACCURAL**

A. Regular General Employees shall be allowed to earn (96) hours of sick leave with pay in one (1) calendar year, computed on the basis of one (8) hours of sick leave with pay earned for each calendar month employed. (approximately 1.85 hours per pay period.)

B. An employee may accumulate up to 800 hours of sick leave in their account. Hours in excess of 800 hours will not accrue, and employees will not be compensated for any hours over 800.

C. An employee who does not utilize sick leave within any six (6) month period of service, shall receive eight (8) additional vacation leave hours to be added to his/her vacation leave for the following year. This additional vacation leave shall not be calculated in the vacation leave maximums.

D. Sick leave is earned and may be taken during the employee’s probationary period with approval of the Department Head. However, in the event the employee resigns or is otherwise terminated before the end of the probationary period, no accrued time will be paid.

22.06 **PAYMENT – UNUSED SICK LEAVE**

Upon retirement or separation of employment, an employee in good standing (eligible for re-hire) will be entitled to be paid a portion of their accumulated sick leave based upon eight (8) hours of compensation for each thirty-two (32) hours of sick leave accrued. The maximum number of
hoursdays paid will be two hundred (200).

22.07 GENERAL PROVISIONS

The responsibility for determining that an employee is entitled to sick leave rests initially with the supervisor. The supervisor shall make periodic checks to insure that sick leave time is being used properly, and home checks may be made for those employees who use sick leave frequently. A notation shall be made of each check and retained for a period of twelve (12) months.

A. The City will not tolerate abuse or misuse of sick-leave.

B. An employee who is unable to report to work because of injury or illness must notify his supervisor prior to the scheduled starting time and should refer to the Attendance section of this manual for specific requirements for calling in sick.

C. For absences of more than three (3) consecutive days due to illness or injury not connected with employment, a certification from a health care provider must be submitted. The certification must state that the employee was under the provider’s care or treatment for the days in question and that it is the provider’s recommendation that the employee remain out of work.

D. A health care provider’s certification may also be required in other circumstances.

E. The City reserves the right to require a release from the employee’s health care provider before the employee returns to work.
SECTION 23

SICK LEAVE BANK

23.01 OBJECTIVE

The Sick Leave Bank was established (with 16 initial qualifying members) to provide employees emergency sick leave for illness or injury beyond that available under provisions governing sick leave.

23.02 ELIGIBILITY

Any full time employee shall be eligible for voluntary participation in the Sick Leave Bank after one and a half (1½) years from the date of initial employment with the City of Williston, provided that such employee has accrued a minimum of one hundred twenty (120) sick leave hours. Open enrollment in the sick leave pool program will be accepted from September 15th through September 30th of each year, as long as the above requirements have been met, except new employees who can enroll at the time the above requirements are met. Employees must wait ninety (90) days after initial enrollment before being eligible to withdraw days from the Sick Leave Bank.

A notification letter will be sent to applicants informing them of their acceptance or rejection into the sick leave pool. Participating members will also be notified when they are no longer a member of the pool.

23.03 CONTRIBUTIONS

During initial enrollment period, new participating members shall contribute forty (40) hours of sick leave during the enrollment period. All participating members shall contribute eight (8) hours each time the bank reaches twenty-five percent (25%) of the initial enrollment days. Said contributions shall be made one (1) month following the depletion occurrence, at which time members will be notified of the need for an additional day and be given the option to contribute eight (8) day immediately when a sick leave day is earned. The Sick Leave Bank Committee shall not grant days in excess of the balance of days in the bank. Sick leave days donated to the bank by an employee will not be returned to the employee except as provided for in this Section.

Should the membership in the bank fall below fifty percent (50%) of initial membership enrollment, the Sick Leave Bank shall be automatically dissolved. Such days remaining shall be equally proportioned to the remaining members, provided that no member may receive more than the days contributed.

The Business Office shall establish procedures for identifying and recording contributions to the pool and for complying with applicable governmental regulations and/or associated record keeping.
23.04 WITHDRAWAL OF SICK LEAVE DAYS

Any sick leave days withdrawn from the bank by a participating employee must be used for said employee’s personal illness, accident, or injury. The employee must make application to the Sick Leave Bank in order to receive sick leave benefits.

No employee shall be eligible to draw more than two hundred forty (240) days from the bank for any one illness, injury or complications thereof. The number of hours will be equal to the hours that make up an employee’s work day. Fragmentary sick leave days in excess of sick leave will not be honored by the Sick Leave Bank Committee unless the request is for the same illness, accident or injury. After an employee’s accumulated sick leave has been exhausted and any special leave also has been exhausted; the employee will be eligible to draw from the bank only for approved absences of eighty (80) continuous scheduled hours.

Any employee withdrawing sick leave days from the bank shall not be required to replace those days except as a regular contributing member of the pool.

A participating employee who chooses to no longer participate in the Sick Leave Bank shall not be eligible to withdraw any sick leave already contributed to the bank.

All requests for withdrawal of days from the Sick Leave Bank shall be addressed to the Sick Leave Bank Committee on an official form provided for this purpose. The decision of the committee shall be final.

23.05 SICK LEAVE COMMITTEE

A. The Sick Leave Bank Committee shall consist of three (3) members. The employees shall elect these three (3) members; one each from the Police Department, Utility Department and the Business Office. The members shall be elected to two (2) year terms. Members can be re-elected at the end of their term. Vacancies on the Sick Leave Bank Committee shall be elected by the department for whom the vacancy exists. Term of office runs from July 1st to June 30th.

B. The Sick Leave Bank Committee shall be required to meet at least once per year prior to the expiration of the terms of office to compile an update to the members as to balance remaining, upcoming election of Committee Members and any issues that may impact the Sick Leave Bank.

C. The Sick Leave Bank Committee, by majority vote, shall determine the Rules and Procedures of the Sick Leave Bank and shall have the authority to amend them when necessary.

D. The Sick Leave Bank Committee shall review all withdrawal applications. It will approve or deny each request.

E. The Sick Leave Bank Committee shall not grant days in excess of the balance of hours in the bank.
F. Denials will be fully explained in writing.

G. A minimum of two (2) committee members’ signatures will be required for all approvals or denials.

H. The Sick Leave Bank Committee shall assist the Personnel Human Resources Director in any investigation of alleged abuse of this Sick Leave Bank. Any finding or wrongdoing shall result in the employee being required to repay all sick leave credits from the bank. Refusal on the part of the employee to repay said credit shall be grounds for termination. Other appropriate disciplinary action may be recommended by the Committee if the employee provides repayment to the pool.
SECTION 24

LEAVES OF ABSENCE

24.01 CONFERENCE LEAVE

All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization. When deemed in the best interest of the City, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings that may contribute to the effectiveness of the employee’s service to the City. All such leave travel expenses will be recommended by the Department Head subject to the approval of the City Manager.

24.02 MILITARY LEAVE

A. In accordance with Florida State Statute 115.07, all City employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or members of the National Guard are entitled to leaves of absence without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations.

B. Such leaves of absence may not exceed 240 working hours in any one annual period.

1. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and shall be granted without loss of time or performance rating.

2. The annual period to be used in the computation of National Guard and Reservist Annual Training is the same as the City’s fiscal year, October 1 to September 30.

C. When an employee’s assigned employment duty conflicts with ordered active or inactive duty training, the City shall provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on military leave.

24.03 VOTING LEAVE

During a Primary or General Election, an employee who is registered to vote whose hours of work do not allow sufficient time for voting, shall be allowed the necessary time off with pay for this purpose. When the polls are open two hours before or two hours after the regularly scheduled work period, it will be considered sufficient time for voting.
24.04 LEAVE WITHOUT PAY

A. The decision to grant a leave without pay (leave of absence) is a matter of management discretion. It shall be incumbent upon each Department Head to weight and determine each case on its own merits. In each case the City shall make a reasonable effort to return the employee to his or her former position or a similar position of the same classification in another department. If no opening exists, the employee shall be placed on a lay-off status.

i. Department Head’s must submit the necessary forms placing employees on a leave of absence for any period of leave without pay which extends thirty (30) consecutive days or longer. The leave of absence will be effective beginning with the first day of absence. Leave without pay includes excused absences without pay.

ii. Leave without pay for thirty (30) days or longer will result in a corresponding adjustment of classification dates.

iii. An employee granted a leave of absence must keep the department informed every three (3) months of his/her current activity (school, medical, military, etc.). In addition, the employee must keep the department advised on his/her current address at all times.

iv. An employee who attains either part time or full time employment elsewhere while on an authorized leave of absence is required to notify his/her department in writing within three (3) days of accepting such employment.

v. Failure to comply with all of the above items will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be dismissed.

vi. Any employee granted a leave of absence shall contact his/her Department Head at least two (2) weeks prior to the expiration of the approved leave in order to facilitate the reinstatement process.

vii. Failure to return to work at the expiration of the approved leave shall be considered as absent without permission and grounds for dismissal.

viii. No sick leave or annual leave will be earned by an employee for the time that the employee is on leave without pay.

B. Retirement credit may be maintained only if allowed by the pension plan in operation, provided the employee pays the full share of the premiums.

C. Group Life and Hospitalization Insurance coverage may be continued for a maximum period of six (6) months while on authorized leave of absence, provided
premium payments are kept current by the employee. In case of leave of absences for illness, the maximum period shall be twelve (12) months during which period both group life and hospitalization may be continued.

i. A maximum delinquency period of two (2) months will be enforced for payment of premiums. If a monthly premium is delinquent and payment is not made by cash or payroll deduction from the next applicable pay period, coverage will be cancelled as of the beginning of the delinquent period.

ii. Where the employee will be out of town during an approved leave exceeding thirty (30) days, payment arrangements must be made in advance so that premiums are kept current.

iii. If any coverage is cancelled during an approved leave of absence, it will be reinstated upon return to active duty without observing the waiting period prescribed for new employees subject to meeting the qualifying event eligibility requirements as prescribed by the group insurance provider.

24.05 ADMINISTRATIVE LEAVE

A. When an employee is removed from work or duty at the direction of the Department Head or City Manager, such employee may be granted paid time off from work without loss of other paid leave or may be placed on unpaid leave, at the discretion of the Department Head with City Manager approval.

B. Per disciplinary policy, the Department Head may suspend employees temporarily with pay to the next regular City work day, if the Department Head deems it is operationally necessary. The Department Head shall immediately consult with the City Manager, and together they will decide whether to continue the temporary suspension with or without pay.

5.05.124.06 QUALIFYING EXIGENCEY LEAVE

A. The FMLA provides that eligible employees are entitled to a total of twelve (12) work weeks of job-protected leave during any 12-month period for “qualifying exigencies” that arise when the employee’s spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. Covered active duty means:

i. for members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country, including deployment to international waters;

ii. for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country, including deployment to international waters, under a call or order to active duty in support of a contingency operation.
B. An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

i. To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven (7) or less calendar days prior to the date of deployment, in which case leave can be used for a period of seven (7) calendar days beginning on the date the military member is notified of an impending call or order to covered active duty;

ii. To attend any official ceremony, program, or event sponsored by the military;

iii. To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross;

iv. For childcare and school activities or meetings when the military member is the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave;

v. To arrange for alternative childcare for a child of the military member;

vi. To provide childcare for a child of the military member on an urgent, immediate need basis but not on a routine, regular, or everyday basis;

vii. To enroll in or transfer to a new school or day care facility a child of the military member;

viii. To make or update financial or legal arrangements to address the military member's absence;

ix. To act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits;

x. To attend counseling provided by someone other than a health care provider for oneself, for the military member, or for the child of the military member;

xi. To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment, in which case leave taken for this purpose can be used for a period of fifteen (15) calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave;

xii. To attend arrival ceremonies, reintegration briefings and events, and any
other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the military member's covered active duty status;

xiii. To address issues that arise from the death of the military member while on covered active duty status;

xiv. To arrange for alternative care for a parent of the military member when the parent is incapable of self-care;

xv. To provide care for a parent of the military member on an urgent, immediate need basis but not on a routine, regular, or everyday basis when the parent is incapable of self-care;

xvi. To admit to or transfer to a care facility a parent of the military member;

xvii. To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due but not for routine or regular meetings;

xviii. To address other events that arise out of the military member's covered active duty or call to covered active duty status provided that the City and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

C. An employee must provide notice of the need for qualifying exigency leave as soon as practicable.

D. An employee does not need to specifically assert his rights under FMLA, or even mention FMLA, when providing notice, but the employee must provide sufficient information to make the City aware of the need for FMLA leave and the anticipated timing and duration of the leave.

E. The first time that an employee requests qualifying exigency leave, the City may require the employee to provide a copy of the covered military member’s active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member’s active duty service.

F. In addition, each time that an employee first requests leave for one of the qualifying exigencies, the City may require certification of the exigency necessitating leave. Such certification should include:

i. Appropriate facts supporting the need for leave, including any available written documentation supporting the request;
ii. The date on which the qualifying exigency commenced or will commence and the end date;

iii. Where leave will be needed on an intermittent basis, the frequency and duration of the qualifying exigency; and

iv. Appropriate contact information if the exigency involves meeting with a third-party.

G. An employee must provide the requested certification to the City within fifteen (15) calendar days after the City’s request, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

H. If the qualifying exigency involves a meeting with a third party, the City may verify the schedule and purpose of the meeting with the third party. Additionally, the City may contact the appropriate unit of the Department of Defense to confirm that the covered military member is on active duty or call to active duty status.

I. The City shall not require second or third opinions on qualifying exigency certifications nor shall the City require recertification for such leave.

J. As with other forms of FMLA leave, qualifying exigency leave may be taken on an intermittent or reduced leave schedule basis.

**5.05.224.07 MILITARY CAREGIVER LEAVE**

A. The FMLA provides that eligible employees are entitled to twenty-six (26) work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin.

B. FMLA defines “next of kin” as the service member’s nearest blood relative, other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under FMLA, in which case the designated individual shall be deemed to be the covered service member’s next of kin. The regulations provide that all family members sharing the closest level of familial relationship to the covered service member shall be considered the covered service member’s next of kin, unless the covered service member has specifically designated an individual as his or her next of kin for military caregiver leave purposes.

C. An employee must provide thirty (30) days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a
covered service member. When thirty (30) days advance notice is not possible, the employee must provide notice as soon as practicable.

D. An employee does not need to specifically assert his or her rights under FMLA, or even mention FMLA, when providing notice. The employee must provide “sufficient information” to make the employer aware of the need for FMLA leave and the anticipated timing and duration of the leave.

E. The “single 12-month period” begins on the first day the eligible employee takes military caregiver leave and ends twelve (12) months after that date, regardless of the method used by the City to determine the employee’s twelve (12) work weeks of leave entitlement for other FMLA-qualifying reasons.

F. For military caregiver leave, a “serious injury or illness” is defined as an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

G. When leave is taken to care for a covered service member with a serious injury or illness, the City may require an employee to obtain a certification completed by an authorized health care provider of the covered service member.

H. An employee must provide any requested certification to the City within fifteen (15) calendar days after the City’s request, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

I. The City may authenticate and clarify medical certifications submitted to support a request for military caregiver leave using the procedures applicable to FMLA leave taken to care for a family member with a serious health condition.

J. The City shall not require second or third opinions on military caregiver leave nor shall the City require recertification for such leave.

24.08 LEAVE FORMS

Employees are required to request leave in writing or by electronic means. Forms are available in the Human Resources Department but any written format is permissible at the discretion of the Department Head or supervisor.
SECTION 25

FUNERAL LEAVE

25.01 POLICY

A. All full-time permanent employees may be granted, upon approval of the Department Head, up to three (3) working days off with pay in the event of a death in their immediate family (see Section 2, Definition of Terms). Funeral leave shall not be construed as an automatic three days off, but is limited to the time actually needed for the purpose.

B. For relatives not considered immediate family by definition, the employee will be allowed time off with pay for the day of the funeral only.

C. The employee may be required to provide the Department Head with verification before compensation is approved.

D. If additional days off are necessary to attend the funeral of a member of the immediate family, annual leave may be used.
SECTION 26

COURT LEAVE

26.01 POLICY

A. Employees attending court as a witness on behalf of a public jurisdiction or for jury duty during their normal working hours shall receive full pay equal to their normal work schedule for the hours they attend court. This time shall be charged as leave with pay.

B. All full time employees subpoenaed to attend court during scheduled work hours are eligible for leave with pay. Those employees who become plaintiffs or defendants are not eligible for leave with pay, unless they become a plaintiff or defendant on behalf of the City.

C. Non-law enforcement employees who attend court for only a portion of a regular scheduled workday are expected to report to their supervisor when excused or released by the court.

D. For sworn police personnel, a minimum of three (3) hours call-back compensation shall apply to required off-duty appearances as a subpoenaed witness in federal, circuit, and/or municipal courts pending criminal, civil or traffic cases where the employee is involved as a witness in his official capacity, as the arresting officer or as an investigating officer.

E. Employees required to attend court as stated above, while on scheduled vacation, may be allowed to take additional leave with pay for the Court Time.

F. All fees, subpoena allowance, except travel pay, received by the employee shall be turned into the Finance Director, unless received on designated time off.
SECTION 27

WORKER’S COMPENSATION

4.0127.01 POLICY

A. An employee with a medically established disability or physical limitation resulting from an injury or illness sustained directly in the performance of the employee’s work shall be afforded benefits, as provided under the state Workers’ Compensation Act.

B. If incapacitated from his or her regular position, the employee may be given other duties for the period of recuperation as medically permissible. Unwillingness to accept such an assignment could make the employee ineligible for continued benefits.

C. A physician selected by the City may be used to determine the physical ability of the employee to continue working or to return to work.

D. After the first seven (7) calendar days the employee will receive a check from our Workers’ Compensation Carrier in an amount equal to 66 ⅔ percent of their average weekly earnings. (Based on their earnings thirteen weeks prior to the accident.)

i. If the employee so desires, sick leave credits can be used to make up the difference of 33 ⅓ percent of the amount they would normally take home.

ii. The amount of sick leave credits needed will vary with each employee.

E. When sick leave credits are exhausted annual leave may be used with written request from the employees.

F. When all medical and annual leave benefits are exhausted the employee shall receive only the Workers’ Compensation check. An employee who is off work due to an on-the-job injury shall earn sick and annual leave benefits as if the employee is on the job. However, he/she must have returned to work for a minimum of thirty (30) calendar days in order for the employee to be eligible to use or be paid for leave credits earned while out due to an on-the-job injury. Exception: When needed, leave credits may be used as earned while out on Workers’ Compensation due to an on-the-job injury.

G. The employee must not have been in violation of any laws, statutes, ordinances, City policies, safety rules and regulations and/or instructions by supervisors or as specified by relevant equipment manufacturers affecting the cause of the accident.

H. At any time during the period of disability, any case may, upon request and with
sufficient documentation, be reviewed by our Workers’ Compensation Carrier and a physician, who shall recommend to the City whether the employee should be retained, reduced to a lower classification or separated. Any employee so affected shall have the right to appeal.

I. Should an employee be released by his physician for “light duty”, return to work shall depend on work being available and restrictions placed by the doctor on the light duty authorization.

J. Written medical release to work must be presented to the Department Head, and a copy given to the Human Resources Department prior to returning to work from a lost time on-the-job injury.
SECTION 2728

FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)

27.0428.01 POLICY

The Family and Medical Leave Act (FMLA) provides that eligible employees are entitled up to a maximum of twelve (12) weeks of paid or unpaid leave during a 12 month period of time for any one, or more of the following reasons.

A. The birth of a son or daughter, and to care for the newborn child. Time taken off work due to pregnancy complications can be counted against the twelve (12) weeks of family and medical leave. FMLA must be taken within twelve (12) months of the birth.

i. The placement with the employee of a son or daughter for adoption or foster care. FMLA must be taken within twelve (12) months of the adoption or placement of a child;

ii. The care of the employee’s current spouse, son, daughter, or parent (whom the employee provides routine and regular care) due to a serious health condition;

iii. Due to the serious health condition of an employee that prevents them from being able to perform their duties;

iv. any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” or Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin (military caregiver leave).

B. Leave Entitlement – When both spouses are employed by the City, they are limited to a combined total of twelve (12) workweeks during a calendar year/fiscal year period of time if leave is taken for birth of a child or the placement of a child for adoption or foster care. FMLA need not always be taken in one continuous leave period. Leave may be taken “intermittently” or on a “reduced schedule” basis under certain circumstances. Intermittent leave is leave taken in separate blocks of time because of a single illness or injury rather than for one continuous period of time.

C. Leave of Absence – A reduced schedule leave is one that reduces an employee’s number of scheduled working hours per day or per week. Intermittent or reduced scheduled leave for a birth or placement of a child for adoption or foster care may
be approved by the employee’s Department Head, if staffing and workload permit. Intermittent or reduced scheduled leave to care for a qualifying sick family member or for an employee’s own serious health condition will be approved, if the leave is medically necessary. An employee who has a serious health condition and is unable to return to work after twelve (12) weeks of FMLA may be placed on a general medical leave.

D. **Serious Health Condition** – An illness, injury, impairment or physical or mental condition that involves either:

i. Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or

ii. Continuing treatment by a health care provider which includes any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities because of:

   a. A health condition (including treatment therefore, or recovery there from) lasting more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

      1. treatment two or more times by or under the supervision of a health care provider; or

      2. one treatment by a health care provider with a continuing regimen of treatment; or

   b. Any period of incapacity related to pregnancy or prenatal care. A visit to the healthcare provider is not necessary for each absence; or

   c. A chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (i.e. asthma, diabetes). A visit to a health care provider is not necessary for each absence; or

   d. A permanent long-term condition for which treatment may not be effective (e.g., Alzheimer’s, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or

   e. Any absence to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity for more than three (3) days if not treated (e.g., chemotherapy or radiation treatments for cancer).
E. **Eligibility** – An eligible employee is one who has been employed for at least twelve months, has worked at least one-thousand two-hundred and fifty (1,250) hours of service during the twelve month period immediately preceding the date of the requested leave, and who expresses an intent to return to work after the leave.

F. **Approval** – An employee desiring to take FMLA must give at least thirty (30) days advance notice prior to commencement of leave, if the need for leave is foreseeable. If the need for leave was not foreseeable, and/or thirty days is not possible, the employee must give as much notice as is possible under the circumstances. The employee should give at least verbal notification to the City within one or two business days after the need for leave becomes known. The City may delay the taking of FMLA until at least thirty days after the date that notice is provided except in extraordinary circumstances where such notice is not feasible. A written request for leave shall be submitted by the employee to the Human Resource Department. The request should set forth the reasons for the leave, the anticipated start and the duration of the leave. When planning medical treatment, the employee should consult with the health care provider and his/her supervisor, before scheduling treatment, in order to prevent undue disruption of department operations.

G. **Medical Certification** – A health care provider’s certification will be required to support a request for leave. Second or third opinions may also be required at the City’s expense. It is the employee’s responsibility to return both the Medical Certification as well as the Leave of Absence Request form to Human Resources within fifteen (15) days of receipt of the form. A delay in the return of the required documents and certification may result in the leave being denied or postponed. Subsequent re-certifications may also be requested of the employee at periodic intervals which are no more often than every thirty days in order to update the leave record and justify the continuation of the leave. Failure to comply with the requests for re-certification may result in the leave being canceled. A fitness for duty or physician’s release to return to work will be required when the leave has been taken due to the serious health condition of the employee. An employee WILL NOT BE able to return to work without the proper documentation from the health care provider. Failure to submit a fitness for duty certification may result in the denial of restoration to employment following FMLA leave.

H. **Reinstatement** – An employee should provide the City with periodic reports concerning intent to return to work. An employee should give the City at least two (2) weeks’ notice of intent to return to work earlier than anticipated. An eligible employee who returns from FMLA taken in accordance with this guideline will be reinstated to his/her former position, or to an equivalent position with equivalent pay, benefits and working conditions. Taking of FMLA leave does not entitle the employee to any lesser or greater right to be restored to his/her position, or an equivalent position than the right the employee otherwise would have had if FMLA had not been taken (e.g., during a reduction in force or organizational redesign).
I. **Key Employee** – Reinstatement may not always be possible for certain salaried “key employees”. If the City Manager determines that reinstatement of a “key employee” would cause substantial and grievous economic injury to the operations of the City reinstatement may be denied. An employee requesting leave will generally be notified at the time of request, of his/her status as a “key employee” and the potential consequences with respect to reinstatement following the leave. If such notice cannot be given immediately, because of the City’s need to determine whether the employee is a “key employee”, notice will be given as soon as practical after receipt of the leave request (or the commencement of leave, if earlier). If the City determines, after the leave has begun, that it will not be able to reinstate the “key employee” at the end of the leave, it will also notify the employee in writing and give the employee a reasonable time in which to return to work. If the “key employee” elects not to return to work, (if the leave has already begun) after receiving notification of the City’s intent to deny reinstatement, the employee’s eligibility for reinstatement will be governed by the guideline for reinstatement from general medical leave. In such a case, the “key employee’s” insurance coverage will continue in effect throughout the entire family and medical leave in accordance with the Benefits Continuation section of this policy.

J. **Benefits Continuation** – An employee on an approved FMLA may continue group insurance coverage’s during the leave. If any portion of the leave is paid, (i.e. vacation), the premiums normally paid by the employee, while working, will be deducted from such pay:

i. If the leave is unpaid, or paid benefit time is exhausted before completion of the leave, the medical, dental and other insurance premiums normally paid by the employee will be paid directly to the Human Resource Department during the unpaid leave period.

ii. Premiums are due on a monthly basis, in advance of the coverage period. An employee’s failure to pay his/her portion of the insurance premiums will result in termination of the coverage’s, after proper notice, at the end of the thirty days following commencement of the leave, or at the end of thirty days following the date premiums became due.

iii. An employee who fails to return to work, following a FMLA, for reasons other than health conditions or some other reason beyond the employee’s control, will be required to reimburse the City for premiums paid by the City to continue the employee’s insurance coverage during the unpaid portion of the leave.

iv. Employees may choose not to continue insurance coverage during leave. If an employee elects not to continue coverage, his/her coverage will be reinstated upon request by the employee and the employee’s return from leave, to the same coverage levels that were in effect prior to the leave. The employees coverage
will be reinstated the first of the following month without any waiting period, evidence of insurability, or pre-existing condition exclusion.
SECTION 298

CONTINUING EDUCATION

The City’s Continuing Education Policy is to assist full time career employees in furthering their education. A full time career is an employee who is hired to work 2080 hours per year and has satisfactorily completed their probationary employment period.

28.0429.01 MANAGEMENT APPROVAL

To apply for benefits under this program, the employee must submit request for assistance in writing to his/her Department Head in sufficient time to allow for the approval process. The Department Head will determine if coursework is applicable to the employee’s current position or a career position the employee can reasonably be expected to occupy. If employee’s application receives a favorable decision by the Department Head, he or she must request final approval from the City Manager.

28.0229.02 TUITION REIMBURSEMENT BENEFIT

The maximum annual reimbursement will be $2,500.00 for eligible employees. Reimbursement will be authorized after the employee submits a transcript indicating satisfactory completion of coursework. Satisfactory completion of coursework is defined as a course grade of “C” or better. On a Pass/Fail scale, a Pass must be attained. Any request for reimbursement received 60 days after completion of course will not be paid. The City will not reimburse tuition costs which have been paid or advanced to the employee from other sources such as scholarships, grants or other subsidies. In the event of a partial scholarship or grant, reimbursement for tuition costs will be based on the actual expense to the employee. The course work must take place after the employee’s hire date. No employee will be reimbursed for course work completed prior to his or her hire date under this benefit. Reimbursement will be tabulated from paid receipts submitted at time of reimbursement request.

28.0329.03 TYPES OF COURSES APPROVED

All courses must be taken at an accredited educational institution. The following types of courses are eligible for reimbursement provided they are related to the employee’s present position or one he/she could reasonably be expected to obtain:

A. Accredited undergraduate and graduate level courses
B. All required courses for a degree program
C. Certificate Courses
D. Courses or study programs resulting in a high school diploma
REIMBURSABLE EXPENSES

Tuition expense up to a maximum of $2,500.00 per year.

NON-REIMBURSABLE ITEMS

A. Parking Fees
B. Travel
C. Meals
D. Late Registration Fees
E. Physical Exams for Admission
F. General Supplies
G. Study Aids
H. Other Optional Charges
I. Facility Fees
J. Deferred Payment Fees
K. Sports Fees

EMPLOYEE TUITION REIMBURSEMENT AGREEMENT

Qualified employees must enter into an employment agreement to be eligible for City of Williston Continuing Education Reimbursement. For college undergraduate and degree level courses, employee must be willing to sign an agreement obligating themselves to one (1) month employment for each semester hour of reimbursable expense. For courses leading to a Certificate or program resulting in a high school diploma, the obligation would be one (1) month employment for each month or part of a month required to receive certificate or high school diploma.

Time spent in classroom is not subject to compensation.
SECTION 2930
EMPLOYEES RECOGNITION PROGRAMS

30.01 PLAQUES

A. Eligibility – Plaques shall be presented to employees upon retirement or as recognition for an act of courage. For the purpose of this section, a Councilor is considered a City employee.

B. Funding – Each Department shall fund the purchase of plaques for its employees below the position of Department Head. The funding and purchasing of plaques for Department Heads and Councilors shall be done by the City Manager’s office.

C. Presentations – Plaques will be presented at Council meetings or at special events by the Department Head, City Manager or Designee.

D. Media Coverage – Department Heads shall inform local news, and fraternal and civic organizations of the award presentation to ensure proper coverage and recognition of awardees.

3130.02 CERTIFICATES, LETTERS OF COMMENDATION AND LETTERS OF APPRECIATION

E.A. Eligibility – Certificates of Commendation, Letters of Commendation and Letters of Appreciation shall be presented to employees as recognition for exceptional acts of performance.

E.B. Ranking – The following are listed in an ascending order of importance:

   i. Letters of Appreciation
   
   ii. Letters of Commendation
   
   iii. Certificates of Commendation

G.C. Preparation – Each Department shall prepare its own letters or certificates for employees below the position of Department Head. Letters or certificates for Department Heads shall be prepared by the City Manager’s office.

H.D. Presentations – Unless requested otherwise by a Department Head, letters and certificates generated by Department Heads shall be presented at departmental level in front of as many departmental employees as possible. Letters and certificates generated by the City Manager shall be presented at the discretion of the City Manager, and might include presentation at Council meetings or at special events.
Endorsements – Letters of Commendation or Appreciation received from persons not employed by the City of Williston shall be endorsed, as a minimum, by the employee’s Department Head and the City Manager.

Filing – Original letters or endorsements shall include the caption: “A copy of this letter shall be placed in your Personnel File”. Copies of letters and certificates shall be forwarded to the Human Resources Department for inclusion in the employee’s file.

30.03 PARTIES

City sanctioned parties will be at the direction of the Council or the City Manager.

Upon retirement with the City, $30.00 per year of service will be used to determine the amount allowed for retirement party and gift.

301.04 SERVICE PINS AND SERVICE CERTIFICATES

i. Eligibility – Service Pins shall be awarded to employees for five, ten, fifteen and twenty years’ service to the City.

ii. Funding – Each Department shall fund the purchase of the service pins.

iii. Preparation – The Human Resources Department or the City Manager’s office shall prepare the Service Certificates.

iv. Presentations – Service Pins and Certificates shall be presented at Council meetings or at special events.

v. Media Coverage – Presentations shall be announced to local news to ensure proper coverage and recognition of awardees.
SECTION 3031

OPTIONAL BENEFITS

3031.01 POLICY

The City provides numerous benefits for its employees. Many are paid for and/or supplemented by the City.

The City also has made it possible for employees to purchase or invest in many other optional benefits, which are payroll deducted.

The optional benefits that are made available are priced at group rates which enable employees to take advantage of lower prices than can be obtained elsewhere.

Upon retirement an employee may elect to keep his/her life insurance policy. The employee would be responsible for the premiums on an annual basis, payable the 1st of October each year.

All employees are encouraged to visit the Human Resource Department for details regarding City provided benefits as well as the many optional programs that are available.
SECTION 3132

HEALTH INSURANCE

32.01  PURPOSE

To provide group health insurance coverage to eligible employees and their dependents.

32.02  PROCEDURE

A.  Eligibility: Full-Time employees are eligible for health insurance benefits on the first of the month following the first thirty (30) days of employment. Employees changing status from a non-benefits eligible position to a benefits eligible position are eligible for benefits on the first of the month following the first thirty (30) days of benefits eligible employment. Employees have thirty (30) days after employment to enroll in order to be eligible for insurance coverage. Failure to enroll by this time will require the employee to wait until the next open enrollment period.

B.  Cost of Coverage: Premiums are based upon the current benefit plan year rates. The City covers the cost of premiums for employees.

C.  Change of Coverage:

i.  Dependent Coverage - If the addition of a dependent is desired due to marriage or the birth or adoption of a child, application must be made within thirty (30) days of the qualifying event to the Human Resources Department. Afterwards, application for coverage cannot be processed until the next open enrollment period.

ii.  Coverage While on Leave: - Coverage is provided while an employee is on certain approved leaves of absence as long as the employee arranges to make his monthly premium payments (if any) through the Human Resources Department.

iii.  Terminating Employees - Consistent with COBRA regulations, terminating employees may continue their coverage for a period of up to 18 months provided that COBRA premiums are paid on a timely basis. In some cases COBRA can be extended beyond the 18 month period (as allowed by law). COBRA information will be provided when an employee has a qualifying event.

iv.  Length of Coverage – Coverage lasts through last month worked. COBRA information will be provided upon termination.

v.  Retirement
1. An employee retiring from the City of Williston who is at least sixty-two (62) years old; and has worked for the City twenty-five (25) years, or more; and who at the time of retirement has been covered under the City’s health insurance plan for at least the past five (5) years, will be offered continued health insurance coverage on him/her under the City’s group health plan until he/she reaches age sixty-five (65), or a maximum of three (3) years, at no cost to the retiree.

2. An employee retiring from the City of Williston who is at least sixty-two (62) years old who has worked for the City less than twenty-five (25) years; and who at the time of retirement has been covered under the City’s health insurance plan for at least the past five (5) years, may purchase health insurance coverage on him/her under the City’s group health plan until he/she reaches age sixty-five (65).
SECTION 3233

PENSION (RETIREMENT PLAN)

3233.01 POLICY

The City provides all full time employees with a Pension Plan.

Employees also have an opportunity to voluntarily contribute to an optional retirement program that will increase their retirement benefits. This is accomplished on a pre-tax basis.

For information regarding these benefits, please contact the Human Resource Department.
SECTION 3334
EMPLOYEE ASSISTANCE PROGRAM (EAP)

34.01 PURPOSE

A. The purpose of the Employee Assistance Program (EAP) is to provide confidential, professional assistance to help you and your family resolve problems that may affect your personal life or job performance.

B. The EAP deals with almost any problem that can hamper your wellbeing, including marital and family problems, parenting issues, drug and alcohol problems, stress and emotional difficulties. In addition, it offers financial and legal assistance with initial consultations at no charge and further discounts beyond the first free consultation.

C. The Employee Assistance Program is operated by an outside party which is a completely separate and confidential service.

34.02 ELIGIBILITY

All full time employees and their household family members.

Voluntary participation is encouraged. If a person thinks they have a problem, they call the EAP number and set up an appointment.

34.03 WHAT KIND OF PROBLEMS ARE COVERED

A. Marital  
B. Work Related Stress  
C. Financial  
D. Legal Referral  
E. Alcohol  
F. Weight/Weight Loss  
G. Drugs  
H. Physical / Mental  
I. Family  
J. Dependent Care  
K. Vocational  
L. Emotional / Psychological

Also any other problems that may surface.
34.04 **CONFIDENTIALLY**

EAP is strictly confidential. Only the individual receiving services can authorize the release of information.

34.05 **MANDATORY REFERRAL**

Sometimes problems can be of such a magnitude that the supervisor or Department Head may recognize that they should recommend that the employee talk to the EAP personnel.

When this occurs, the employee will be referred to the EAP by the City Clerk Human Resources Director who will provide the employee with the EAP phone number. Full cooperation and participation is required of the employee. Although the employee is expected to follow through with recommendations of the EAP, job performance remains the ultimate criteria for assessment.

The content of counseling sessions remains confidential. Only compliance with treatment schedules is reported.

34.06 **SHORT-TERM COUNSELING**

The implied objective of short-term counseling is the resolution of a problem within a brief period of time. As a result, short-term counseling is not appropriate for each client referred to EAP. In choosing between short or long-term counseling, the therapist will weigh the nature of the problem, as well as the client’s desire and ability to work on resolving the problem. A decision is reached during the initial assessment as the counselor evaluates the client’s treatment needs.

Once completed, the assessment, with recommendations for treatment, is discussed with the client. If the problem is long-term, every effort will be made to give the client the names of qualified providers in the community (who are approved by insurance) and referred for treatment. If the problem is short-term, a treatment plan will be established to reach mutually agreed upon goals. The actual number of sessions is driven by the treatment plan and is not predetermined. Therefore, both the services received and the number of sessions delivered is based on the clinical needs of the client. There will be no charge to the client for short-term counseling visits provided by the EAP counselors.

34.07 **EAP 24-HOUR PHONE NUMBER**

The current provider has a free phone number that can be accessed 24 hours a day. It is posted throughout all of the City’s departments.
SECTION 3435

EMPLOYEE SAFETY PROGRAM

35.01 POLICY

This program is designed to allow City employees to work together in an effort to reduce the number of accidents, equipment loss, and workmen’s compensation claims. By working together, insurance claim losses can be kept as low as possible, and in turn employees are rewarded for their efforts.

It will be the responsibility of the Human Resources Department to review all accidents, equipment loss, and workmen’s compensation claims. All claims will be classified as negligent or non-negligent. The HR Department findings will be sent to the Department Head and the employee. If either disagrees with the findings, they will request to meet with the Human Resources Department Designee to discuss the claim. Upon completion of this review, the recommendation will be forwarded to the City Manager for action.

35.02 ELIGIBILITY

All permanent full and part-time employees are eligible provided they meet the criteria at the time and have been employed by the City for the past twelve months. It is the intent of management to also include sworn personnel.

35.03 CRITERIA

Employees who have not had a negligent accident, negligent equipment loss or negligent workmen’s compensation claim during the fiscal year will be eligible for the following awards:

A. **Yearly Safety Awards:** This award consists of a $50.00 stipend for field employees (field employee-primary duties are completed in the field or drive an assigned City vehicle), a $25.00 stipend for other employees, and Safety Bonus time of 8 hours for full time employees and 4 hours for part-time employees regardless of scheduled hours, which must be used within the following 12 months or they will be lost. Safety bonus hours and monetary stipends will be awarded no later than the second payday in October. Employee recognitions for safety will be presented a luncheon or similar function as scheduled by the Human Resources Department and as soon as reasonably possible. (Example – A field employee with no negligent incidents from October 1st to September 30th each year will receive 8 safety bonus hours and a $50.00 stipend as recorded in the payroll summary during the month of October and will receive a safety recognition certificate at an employee luncheon.)
B. **Perfect Attendance Drawing:** This drawing is for eligible employees who have perfect attendance, excluding FMLA leave, accidents, equipment loss or any loss of time claims. The names of employees with perfect attendance, who will be eligible to be included in a drawing for a special door prize, will be announced at the luncheon or similar function.

35.04 **NOTE**

This program will be reviewed annually by the City Manager and will be subject to change.

35.05 **SAFETY GENERALLY**

A. All Department Heads, Managers and Supervisors are to take all reasonable steps to ensure that City employees work in an environment free from hazards and dangerous conditions which they observe or which, with the exercise of reasonable diligence, they should have observed. They also are responsible to enforce all City, departmental, state, local and federal laws relating to safety applicable to their area of responsibility and to report to the City Manager any safety concern a reasonable person would or should consider significant.

B. All employees are required to abide by all applicable City, departmental, state, local and federal safety laws and regulations applicable to their area of responsibility.

C. All employees should report to their Department Head, and/or the City Manager any condition, equipment or practice they consider to be unsafe.

D. Employees who are required to must wear safety equipment and clothing provided by the City. Failure to do so may justify immediate termination.

35.06 **OTHER SAFETY CONSIDERATIONS**

A. Cell Phone Safety - Cell phone safety should be observed. You should know that: Mobile phones can ignite fuel or fumes. Mobile phones that light up when switched on or when they ring release enough energy to provide a spark for ignition. Mobile phones should not be used in filling stations, or when fueling lawn mowers, boat, etc. Mobile phones should not be used, or should be turned off, around other materials that generate flammable or explosive fumes or dust, i.e., solvents, chemicals, gases, grain dust, etc.

B. Fueling Safety Four (4) Rules for Safety:

   i. Turn off engine
ii. Don’t smoke

iii. Don’t use your cell phone, leave it inside the vehicle or turned off

iv. Don’t reenter your vehicle during fueling, and be aware that “static electricity” can cause fire at gas pumps.
SECTION 3536

RECORDS, REPORTS AND RETENTION

36.01 RESPONSIBILITY

The City Clerk/Human Resources Director is responsible for establishing and maintaining comprehensive personnel records for all employees.

36.02 RECORDS

A. All personnel records of employees covered under the Personnel Management System and all other records and materials relating to the administration of the Personnel Management System shall be considered the property of the City. The decision of the City Clerk/Human Resources Director relating to use, maintenance and disposition of such records and materials, and as to whether or not any information contained therein may be disclosed will be governed by State and Federal records law, and shall be final.

B. Human Resources will house and secure the primary official personnel records for all Departments of the City of Williston. These files will be legally recognized as the official records. Access to these files will be limited to authorize personnel only.

C. Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying their Department Head of any changes such as change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage, or any other change not previously reported. This is the responsibility of the employee; failure to comply may result in loss of employee benefits.

C. The Department Head shall be informed of any special training courses completed by an employee. Copies of diplomas or certificates shall become a permanent addition to the employee’s personnel file.

D. Department Heads shall forward all original (when possible) employment material, including, but not limited to: employment applications, background checks, medical reports, memorandums, training certificates, disciplinary measures, letters of accommodation, performance evaluations and payroll change forms to Human Resources for review, comment and approval, prior to inclusion in the official personnel records. Personnel file material is to be routed to the Human Resources Department in a sealed envelope, or other system that affords a degree of confidentiality. Copies of diplomas or certificates shall become a permanent addition to the employee’s personnel file.

E. Departments may maintain supplemental files; however, the Human Resources
Department must be informed that supplemental records are being kept by the Department. At no time will departmental records substitute for the official personnel file. Departments are encouraged not to maintain a personnel file, or any facsimile thereof, in their office.

F. Employees shall keep their personnel records current, immediately notifying their Department Head of any changes of address, phone numbers, beneficiaries, dependents, marital status or any other relevant information. Failing to update personal information may result in loss of or delay in employee benefits.

G. Employment applications and personnel records are public record and will be made available for public inspection, upon request, pursuant to Florida Statute 119. Exceptions can be found in FS 119.07. Release of medical records is covered by State and Federal laws. Job applicants and employees shall be advised of the public records inspection laws.

H. Personnel records and employment applications (exempt material excluded) will be subject to inspection by any person in accordance with applicable state statute. Under Florida law, public record requests may be made anonymously.

i. Citizen requests to view personnel records shall be directed to the City Clerk Human Resources Director, Williston City Hall, 50 NW Main Street, P.O. Drawer 160, Williston, FL 32696, or by calling or emailing the clerk’s office.

ii. The reproduction, redaction and/or inspection of personnel records will be made under the supervision of the Human Resources Department.

iii. Responding to telephone requests, Human Resources personnel shall confirm when the individual wishes to review the records. Within a reasonable period of time, exempt material is to be removed and the requested records are to be made available for inspection.

iv. Responding to requests made in person, Human Resources personnel shall determine whether sufficient personnel are available immediately to oversee the inspection and/or copying or whether an appointment will be necessary at a later date or time to fulfill the request. Every effort will be made to make material ready (exempt material excluded) and available for inspection within a reasonable time.

v. Excluding internal use, copied material will be released after payment has been received. The statutorily established fee will be imposed.

vi. The Human Resources Department will inform the employee’s department that his/her records are about to be or have been inspected, but in no case will an attempt to contact the affected employee or department delay review of said records.
I. In accordance with state statute 943.134, when a law enforcement officer, correctional officer, correctional probation officer, or an agent thereof, is conducting a background investigation of an applicant for employment or appointment as a law enforcement officer, correctional officer, or correctional probation officer, the City shall provide to the officer or agent conducting the background investigation employment information concerning the applicant. The investigating officer or his or her agent must present to the Records Custodian credentials demonstrating the investigating officer’s employment with the employing agency and an authorization form for release of information which is designed and approved by the Criminal Justice Standards and Training Commission. The authorization form for release of information must:

i. Be either the original authorization or a copy or facsimile of the original authorization;

ii. Have been executed by the applicant no more than 1 year before the request;

iii. Contain a statement that the authorization has been specifically furnished to the employing agency presenting the authorization; and

iv. Bear the authorized signature of the applicant.

36.03 POLICE RECORDS

A. Police reports are public records except as otherwise made exempt or confidential. Every person is allowed to examine nonexempt or non-confidential police reports.

B. A person who comes into possession of exempt or confidential information contained in police reports may not use that information for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents and may not knowingly disclose such information to any third party for the purpose of such solicitation during the period of time that information remains exempt or confidential.

C. Florida state statute does not prohibit the publication of such information by any news media legally entitled to possess that information or the use of such information for any other data collection or analysis purposes by those entitled to possess that information.

36.04 PUBLIC RECORDS

A. Florida State Statute, Chapter 119.011(1), defines “public records” to include: all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
B. Florida State Statute, Chapter 119.07, authorizes the collection of fees for duplicating copies of public records. The custodian shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law, which may include the actual cost of materials and supplies and a special service charge based on the cost incurred for any extensive use of technology or personnel.

C. Employees will not release City records, including those concerning personnel records or the operations of City business, unless their job description authorizes them to do so. All other employees, if asked to release records, will courteously and immediately direct such inquiries to the City Clerk. If the City Clerk is unavailable, the employee will advise that the request will be processed as soon as possible.

D. Most public records requests may be made anonymously. Unless statutorily required, a City employee shall not ask a person requesting records to identify himself as a requirement or condition of fulfilling the request.

E. An official City bulletin board shall be in each City building. Announcements of special events, policy changes, transfer/promotional opportunities and other items relating to official City business shall be posted on these boards. No other information is to be posted on such bulletin boards without approval of the City Manager.

36.05 RECORDS RETENTION AND DISPOSITION

All City records shall be retained in accordance with the applicable General Records Schedules established by the Florida Department of State, Division of Library and Information Services. Both electronic and paper records that meet retention requirements will be disposed of only after disposal authorization is documented for the Florida Division of Library and Information Services.
PERFORMANCE EVALUATIONS

Simplify Evaluation Provisions

A. The primary purpose of the employee performance evaluation shall be to assess the work of each employee and communicate any opportunities for potential improvement.

B. Performance evaluations also may also be used in:
   
   i. Awarding employee promotions;
   
   ii. Calculating merit increases;
   
   iii. Determining lay-off order;
   
   iv. Terminating probationary employees;
   
   v. Identifying department weaknesses; and
   
   vi. Budgeting training needs.

C. Supervision is expected to examine and evaluate the performance evaluation system to ensure that it remains objective and job-related. Employees who would like to suggest changes should forward their recommendations to supervisors.

D. All new employees, except those in temporary status, shall be evaluated by their immediate supervisor prior to completion of six (6) months of service and annually on their hire date thereafter.

E. Changes in position classifications, such as promotions, demotions and transfers, will not change the date of the annual evaluation.
   
   i. Upon promotion or reclassification, the employee’s supervisor will complete an evaluation up to the point of reclassification.
   
   ii. The regular annual review will be completed on the employee’s anniversary date and apply only to the period the employee performed within the new classification or position.
   
   iii. Additional probationary evaluations may be completed at the discretion of the Department Head for employees who have been promoted or reclassified.
F. The evaluating supervisor must be able to observe job-related performance of the employee.

i. If an employee has had more than one supervisor during the rating period, the two most recent supervisors shall contribute to the preparation of the performance evaluation.

ii. All supervisors providing input into the evaluation shall sign the evaluation form in the supervisor’s signature section.

iii. If a former supervisor is not available for input, the evaluating supervisor shall note in the comments section the length of time the rating supervisor has been able to observe the employee’s performance.

G. Within the first two (2) weeks of an employee's assignment to a new position, the supervisor shall meet with the employee and review the relevant job description, the performance evaluation form and rating criteria.

H. For probationary employees, quarterly evaluations may be conducted at the discretion of each Department Head in order to assess employee training and progress.

i. The immediate supervisor shall complete a final probationary performance evaluation approximately two (2) weeks before the completion of the probationary period to determine whether or not the employee should be retained.

ii. An employee must attain an overall evaluation of “Meets Standards” or above to be granted regular status.

iii. If an employee has not met standards or failed to exhibit the necessary job skills, an extension of one-half of the original probationary period may be granted.

iv. A written request for an extension must be submitted by the immediate supervisor and approved by the Department Head and City Manager two (2) weeks prior to the expiration of the probationary period.

v. At the conclusion of the extension, an employee’s overall performance score must meet standards or the employee shall be terminated.

I. Performance evaluation is a continuous process with the formal evaluation being a summation of on-going feedback, training and discipline. A supervisor shall address performance problems as they occur and not wait until the end of the evaluation period.
J. Significant incidents of both acceptable and unacceptable performance should be recorded by supervisors and discussed with employees. Supervisors should:

i. Keep notes on all employees; not rely on memory for annual performance evaluations;

ii. Keep notes confidential and secure;

iii. Know performance criteria and job descriptions;

iv. Record both positive and negative events;

v. Document only events related to employee performance or work conduct, specifically quantity and quality of work and completion of job-related goals;

vi. Cite any agreements made between the supervisor and the employee;

vii. Remain objective and fair.

K. An evaluation should reflect an employee’s typical work performance over the entire evaluation period, not a recent or uncharacteristic event, nor reflect the employee’s potential performance or past performance during the previous evaluation period.

L. Employee performance shall be rated and scored as follows:

- Superior: 3 Points
- Always Exceeds Standards: 2 Points
- Sometimes Exceeds Standards: 1 Point
- Meets Standards: 0 Points
- Needs Improvement: -1 Point

M. The employee’s overall average evaluation score will be the rate of merit increase that the employee will receive on his anniversary date in the current year, if a City-wide merit increase is approved for the fiscal year.

N. A supervisor shall complete the performance evaluation form at least two (2) weeks before meeting with the employee, allowing adequate time for review with the Department Head.

O. The performance evaluation shall be discussed directly with the employee.
i. The employee should be given at least one (1) working days’ notice of the meeting date, time and location. Adequate time should be scheduled for the meeting.

ii. The meeting should be a professional and constructive discussion of the employee’s performance, covering both strengths and weaknesses while encouraging employee feedback to reach mutually agreed upon performance goals.

P. Based on additional information or insights from the employee, a supervisor may modify a rating. All levels of supervision must initial any changes.

Q. After the evaluation has been discussed and any modifications made, the employee must sign an acknowledgment of the evaluation.

i. The employee’s signature does not signify that the employee agrees with the evaluation but that the evaluation has been presented and discussed.

ii. If the employee refuses to sign the evaluation, the supervisor shall note the refusal in the space below the employee’s signature line.

iii. Refusal to sign the evaluation to acknowledge receipt is subject to disciplinary action.

R. If an employee disagrees with any statement in the evaluation, he may submit within ten (10) days following the conference with his supervisor a written statement, which shall be attached to the evaluation form and forwarded to the Department Head and City Manager. The employee may request a review by the City Manager for a final determination.

S. At the completion of the meeting, the original evaluation and any attachments shall be forwarded to the Department Head, who will sign and forward the original documents to the City Manager. A copy will be given to the employee and retained in the applicable department until a signed copy is returned from the City Manager’s office.

T. If a Personnel Action Form is required, the Department Head or his designee shall complete the appropriate paperwork and forward it with the original evaluation to the City Manager.

U. The City Manager will review and sign all performance evaluations and forward the forms and attachments to Human Resources for inclusion in the employee’s permanent file. Human Resources will return signed copies of evaluations to the applicable departments.
SECTION 37

USE OF CITY VEHICLES AND EQUIPMENT

A. Only authorized City employees are permitted to operate City vehicles. City vehicles are to be used only in the performance of City business, and only with the approval of the employee’s supervisor or Department Head. The use of City vehicles by unauthorized individuals is strictly prohibited.

B. Vehicles are not to be used by personnel during their off duty hours, except as approved by the City Manager.

C. Employees must always wear a seatbelt when driving a City owned vehicle or conducting business for the City in a personally owned vehicle.

D. All vehicle incidents or loss or damage of equipment shall be immediately reported to the Department Head. In instances of vehicular accidents or equipment damage or loss, Department Heads shall notify the Police Department for an investigation to take place in a timely manner. Employees found to be at fault will be subject to disciplinary action. Employees receiving moving violations are responsible for associated fines. Department Heads are to route copies of employee disciplinary memorandum(s), and/or investigative information to the Human Resource Department for filing in the employee’s folder.

E. The City Council may authorize a temporary provision, expanding the use of a City vehicle, for employee commutation purposes to and from their place of residence, based on the approval of special project conditions. The assigned personal use of a City vehicle is to employ the most direct route from one’s place of residence to work, and from work to the employee’s residence. No other personal vehicular usage will be considered permissible. Such provisions are not transferable among employees, and will be limited from the date of issuance to the project’s conclusion, or to a maximum time frame of one year, whichever comes first. By request, a waiver provision may be extended by City Council.

F. Due to the nature of the Police Department’s responsibilities, they have a specific vehicle policy which details the requirements set forth for their officers.

G. A submitted request for a vehicle usage waiver is to minimally include:
   
i. Purpose of project
   ii. Objective to be accomplished
   iii. Intended duration
   iv. Class title, count and names of affected staff
   v. Impacted vehicle description (make, model, year)
   vi. Cost benefit ratio
vii. Supportive rationale

H. Waiver requests are to be generated at the originating unit level, and forwarded by the Department Head to the Office of the City Manager for comment and presentation to the City Council. If approved, said waiver is to be routed to Human Resources, and then Finance/Payroll for further handling.

I. Employee use of a City vehicle for purposes other than while on scheduled duty, will be duly subject to the terms and conditions defined in the most current publication of the Federal Rules, and/or the Internal Revenue Service Regulations. Taxable vehicular use will be reflected in the earnings of affected personnel.

J. Equipment purchased by the City of Williston is to be properly cared for when used by employees in the performance of assigned tasks. Employees will be held accountable for the misuse, abuse or loss of a tool, or piece of equipment.

K. Employees are to exercise caution when using City equipment. At no time should the operation of a motorized or power piece of equipment compromise the safety of one’s self or others.

L. Equipment made available for employees is for official use only. Employees are not to use equipment when off duty, engaged in secondary employment or for any reason other than to accomplish an assigned task.

M. Use of Personal Vehicles on City Business. Liability insurance coverage shall be required in all cases where personal vehicles are used on City business. The employee’s coverage is considered primary, and City insurance is considered as excess or secondary in case of a claim or suit.
SECTION 38

POLICE DEPARTMENT PAY AND ALLOWANCES

39.01 FIELD TRAINING OFFICER PAY

A. Within the Police Department, when an FDLE-certified Field Training Officer (FTO) is assigned a trainee for field training, that FTO shall receive a five (5%) percent increase in base pay for the period of the assignment.

B. When that field training period ends, the FTO shall return to the previous rate of pay at the end of that pay period.

39.02 CLOTHING AND EQUIPMENT ALLOWANCES

A. Within the Police Department, the City agrees to pay a cleaning allowance of two hundred dollars ($200.00) per year to plain clothes investigators.

B. Beyond furnishing police officers with requisite uniforms and equipment, the City shall reimburse officers up to fifty dollars ($50.00) for the purchase of more expensive, Department-approved equipment. Such equipment shall be limited to that which is approved by the Chief of Police as sufficient and necessary to the job assigned.

C. Any Police Department officer who breaks or damages personal equipment or property in the line of duty shall be reimbursed for its repair or replacement up to two hundred ($200.00) dollars per employee during any fiscal year. Such personal equipment shall be limited to that which is approved by the Chief of Police as necessary to the job assigned.

BRING CHANGES TO COUNCIL FOR REVIEW AND POSSIBLE APPROVAL – IF MORE DISCUSSION IS NEEDED SCHEDULE A WORKSHOP: THREE ITEMS NEEDED ON AGENDA FIRST MEETING IN APRIL (1) HOLIDAY PAY, (2) EMPLOYEE EVALUATIONS AND (3) LEGAL REVIEW OPTIONS/INFORMATION. In addition, change City Clerk to HR Director where appropriate.