



MIAMIBEACH

Work Rules, Policies, and Procedures

The information contained herein is not all inclusive. Please contact your supervisor regarding department specific policies, procedures and work rules.

CITY OF MIAMI BEACH

EMPLOYEE POLICIES AND PROCEDURES

Welcome to the City of Miami Beach! We hope you will enjoy your employment here. This booklet is meant to ensure your understanding of the City's key employment policies and what the City expects of you and your co-workers. Your supervisor will discuss the content with you as it applies to your department.

The policies included in this booklet are:	Page:
* Work Rules	1
* Attendance Policy	4
* Drug – Free Awareness Program	7
* Drug and Alcohol Misuse Prevention	8
* Prevention of Workplace Violence	14
* Diversity Management Program and Sexual Harassment Awareness	17
* Americans with Disabilities Act (ADA) Compliance	20
* Worker's Compensation Managed Care Guidelines	22
* Family and Medical Leave	23
* Smoke Free Workplace	31
* City Vehicles and Equipment	33
* Discrimination Complaint Procedure	40
* Outside Employment	42
* Arrest Policy	45
* Providing Notifications of Traffic or Parking Citations	48

WORK RULES

These Rules are to be followed by you and, in addition, sets forth some of your responsibilities to the City. The Rules cover all types of absences from work, the reporting of those absences, rest periods, lunch hours, etc.

You will still be required to comply with the Personnel Rules, Human Resources Department directives, City Manager directives, and Departmental directives. All directives will be posted on the bulletin board and it will be your responsibility to update these Rules accordingly.

1. Time off for Vacation, Floating Holidays, and Religious Holidays must be requested in writing to the Division Supervisor or his/her designated representative at least 24 hours in advance of such absence. A form is provided for these requests. The request shall be granted at a time suitable to the Division Supervisor and convenient to his/her work schedule, as far as practicable. Time off under this provision with less than 24 hours notice may be used for up to three instances per pay period year for emergencies.
2. All absences from duty not previously arranged for are to be reported as soon as possible, but in no case later than one hour after the usual time of beginning work each day that such absence occurs. After one hour the employee is AWOL for the entire day, unless there is proof that such absence could not be reported within that time. If the cause of the absence is such that it may be expected to be of considerable duration, it shall be reported as specified the first day, together with the approximate length of time such absence is expected to continue.
3. In reporting absences of tardiness the following information must be supplied:
Employee's name
Identification number
Address
Classification
Name of person calling
Telephone number
Reason for absence - Must be specific , such as: headache, backache, toothache, illness in family (who?), cold, dentist appointment, doctor's appointment, etc.
Is the employee going to the doctor?
Where can the City get in touch with the employee during the day?
Estimated time off from work
4. After the above information has been given and recorded on the Absentee Report form, the person calling will be given a number. This number should be written down and kept as it is proof that the absence was reported and is, therefore, for the protection of the employee. MAKE SURE YOU GET THAT NUMBER.
5. All Absentee Reports must be signed by the employee when reporting back to work. Any information not correct must be so noted before the Absentee Report is signed by the employee.
6. If the employee does not call in or does not call in within one hour after the start of the shift, or leaves without permission after the start of the shift, the absence will be marked as "Absent Without Permission, Without Pay" (AWOL). An employee who is:

AWOL the first time in a 12-month period: Given written notice that the second AWOL (one assigned shift) will result in a suspension of three (3) days;

AWOL the second time in a 12-month period: Suspension of three (3) days and given written notice that for the third AWOL (one assigned shift) the employee will be subject to dismissal;

AWOL the third time in a 12-month period: Subject to dismissal.

Each AWOL day (one assigned shift) will be a separate AWOL or offense in applying the above rule.

The above steps will be followed within a time period of 12 consecutive months preceding the last AWOL offense.

Anyone who leaves without permission after the start of the shift may be subject to greater discipline than that set forth above, depending upon the circumstances.

7. Tardiness can lead to disciplinary action, delayed or denied merit increases, or dismissal from employment. An employee who is:

TARDY four times in a 12-month period: Given written notice that the fifth TARDY will result in a suspension of three (3) days;

TARDY five times in a 12-month period: Suspension of three (3) days and given written notice that for the sixth TARDY, the employee will be subject to dismissal;

TARDY six times in a 12-month period: Subject to dismissal.

The above steps will be followed within a time period of 12 consecutive months preceding the last TARDY offense.

8. Excessive absenteeism (not to include Birthday, Bereavement, Injury Service Connected, Vacation, Floating Holidays, or Religious Leave Time) can lead to disciplinary action, delayed or denied merit increases, or dismissal. What is excessive depends upon the number of absences, the cause of absences, the duration of the absences, the frequency of the absences, and the prospects for improved attendance. Employees will be given one or more warnings for excessive absenteeism and/or counseling. After such efforts to correct or improve an employee's record have failed, termination may be required.
9. All injuries on the job must be reported at once to your immediate supervisor.
10. All accidents involving City vehicles must be reported at once to your immediate supervisor and to the Police Department if in a licensed vehicle, or if it occurs in public streets.
11. No City-owned vehicles, tools, equipment or supplies shall be used for personal or private work without permission.
12. Normal meal period shall be from _____ to _____. If, for any reason, a meal cannot be taken on any day at the established time, the immediate supervisor (or person in charge) may authorize a change in time and shall notify the Divisional office of the change and the reason for such change.
13. Normal rest periods shall be from _____ to _____ and from _____ to _____. If, for any reason, a rest period cannot be taken at the established time, the immediate supervisor (or person in charge) may authorize

a change in time and shall notify the Divisional office of the change and the reason for such change.

14. The job supervisor (or person in charge) is responsible during normal working hours for all employees, tools, and equipment under his/her supervision. If the job supervisor or any of his/her employees have to leave the job site, the Divisional office shall be notified.
15. After receiving "Regular" status, an employee will be issued uniforms if the job duties require them. After uniforms have been issued, they shall be worn. Any employee reporting for work without a proper uniform may not be allowed to work that day. Employees shall wear issued uniforms for City of Miami Beach employment only, unless authorized.
16. Upon termination of employment, for any reason, an Exit Interview with a representative of the Human Resources Department and the return of all City property shall be required.

ATTENDANCE

POLICY:

It is the policy of the City of Miami Beach to provide and promote a productive work environment. The City requires its employees to report to work as scheduled. Productivity is jeopardized when employees do not report to work as scheduled.

PROCEDURES:

Definitions for the following procedures are as follows:

- Absence - not reporting for work or not remaining at work as scheduled.
 - Incidents - an unauthorized absence on one or more consecutive days due to a non-work related illness.
 - Excessive absenteeism - ten (10) incidents or ten (10) days in a twelve (12) month period.
 - Excused absence - documented medical reason, such as serious illness, non-work related injury, or surgery; absences approved under the Family Medical Leave (FML) Policy.
1. All absences from duty are to be reported to the supervisor as soon as possible, preferably before the start of the employee's work schedule. If reported later than one hour after the start of the employee's work schedule, the employee is Absent Without Leave Without Permission (AWOL) for the entire day. The supervisor's good judgment will determine when proof of absence could not be reported within that time. If the absence may be expected to be of considerable duration, it shall be reported as specified on the first day.
 2. In cases where an employee has been absent for periods exceeding ten (10) working days, the Human Resources Director must require the employee to undergo a Fitness for Duty Examination. (Time donated by employees will not count when calculating days and incidents.) In cases where the employee is absent for less than ten (10) days, the Human Resources Director may require a note from the employee's private physician or a Fitness for Duty Examination prior to the employee's being permitted to return to work. Where the physical condition is such that an employee cannot perform the duties of his/her classification, the provisions of Personnel Rule IX, Section 4 and Section 5 will apply.
 3. Appointing Officers have the authority to excuse absences deemed to be legitimate and of such emergency that they are beyond the employee's control, i.e. where a physician requires the employee to refrain from work.
 4. Ten (10) incidents, or ten (10) days, in the preceding twelve (12) months, is considered excessive and therefore requires an employee and supervisor conference.
 5. Supervisors take progressive disciplinary action as required by these Guidelines on any and all classified employees.
 6. Applications of these Guidelines and corresponding actions require good supervisory judgment.

Guidelines for Action*

Days	Number of Incidents	Maximum Action	Performance Level
0	0 - 1	Thank You/Feedback Session	10
0	2 - 3	Thank You/Feedback Session	9
5	4 - 5	Supervisory Review and Counseling with Employee	8
6 - 9	6 - 7 - 8	Verbal Warning(s)	7
10 - 14	9 - 12	Written Reprimand	5 - 6
15	13 - 14	Suspension	4 - 3
20	15 - 16	Demotion**	2
21	16 +	Contact Human Resources to Determine Action	1

* Review each union contract for changes or differences.
 ** Demotions will not be used for some classifications.
 All disciplinary action requiring a change to the employee's

salary, i.e. suspension, demotion, or termination, must be pre-approved by the Human Resources Director.

7. Supervisors should attempt to take preventative action to reduce absences before taking corrective action by:
 - o encouraging dependability by praising those employees with good attendance records as well as those who improve their attendance;
 - o using every opportunity to stress the importance of regular attendance to employees;
 - o keeping good records and using them to show concern and interest in employee attendance;
 - o referring to the Employee Assistance Program or other appropriate services as needed.

REMINDER: All policies and procedures require good judgment from all employees.

EXAMPLES

1. Employee A has a series of doctor's appointments which are scheduled in advance, i.e. once a week for ten weeks.
Recommendation:
 - o First effort should be to adjust employee's schedule, when possible, encouraging the employee to make doctor's appointments so they will not interfere with his/her workday.
 - o Allow employee to make up the time if he/she wants to.
 - o Count as one instance since it is related (i.e. employee needs one hour per week - 10 hours). For the purpose of appraisals and/or applying discipline, this incident does not apply.
 - o Have employee apply for intermittent Family Medical Leave (FML) in combination with a) or b).
2. Employee B has an auto accident over the weekend in which he/she is in the hospital for ten days, is home recovering for two weeks, and then has to go the physical therapy two times a week for eight weeks.

Recommendation:

- For the time the employee is in the hospital and home recovering, count as one incident and use guidelines for #1 for the physical therapy.
 - Employee may apply for Family Medical Leave.
3. Employee C has a series of unspecified or vague illnesses for which he/she has called in sick at least once or twice per month for the past nine months.
 4. Employee D has documented asthma. Over the past six months he/she has left work eight times giving stress-related reasons each time.

Recommendation: (#3 & #4)

Once the employee has been out four or five times, supervisor would schedule a review meeting with the employee to go over the attendance, counsel the employee, offering E.A.P. referral or advising of the Family Medical Leave Policy if appropriate. As absences continue, follow the procedure in this policy offering E.A.P./FML as an option at each step along the way, if appropriate.

5. Employee E used 100 hours of sick leave in the past ten months for doctor's appointments and some unspecified illnesses.

Recommendation:

In the case where an employee does not share the nature of an illness, the employee has not taken the supervisor's offer of applying for FML, and his/her use of sick leave is excessive, then the supervisor may consider a Fitness for Duty Evaluation by the City's provider of employee health services or at least have verification if the employee can report to work. If the supervisor does not feel this is a valid excused absence, he/she should proceed with the process outlined in this policy. (See examples #3 & #4.)

DRUG - FREE AWARENESS PROGRAM

The City is committed to providing a safe environment for employees, visitors and the general public. It is also concerned with protecting City property; and prohibiting influences in the workplace that have a detrimental effect on safety and job performance.

The following is a summary of the provisions of the City's Drug-Free Awareness Program. This is being provided so that employees fully understand the program and the consequences of noncompliance.

1. Employee involvement in the sale, purchase, transfer, manufacture, use or possession of illegal drugs, narcotics or other unlawful substances and materials on the premises or while conducting business for the City is prohibited by law as well as by the rules of employee conduct relating to substance abuse.
2. As a requirement of the Drug-Free Workplace Act of 1988, any employee who performs services for the City must, as a condition of employment, report to the City's Human Resources Department any criminal conviction for drug-related activity in the workplace or while on City business. Such notification must take place within 5 days of conviction.
3. The City's premises shall mean all land, property, buildings, structures, installations, boats, aircraft and vehicles owned by or leased to the City or otherwise being utilized to conduct its business.
4. The City recognizes that drug or alcohol misuse is a serious problem, and supports sound treatment efforts. Employee assistance is available from the City's Employee Assistance Program (EAP) for employees with drug or alcohol problems. When an employee contacts the EAP Coordinator on a voluntary, self-referred basis, any information concerning the employee's condition will not be disclosed by the Coordinator and such information will remain confidential. The availability of assistance should not, however, be construed as condoning any form of substance abuse nor should it be interpreted as constituting a waiver of the City's right to maintain discipline and a safe environment or to respond to unsatisfactory job performance or other problems that may result from substance abuse. Employees should contact Employee Assistance Plus at 1-800-426-4327 for an appointment with our Employee Assistance Coordinator.
5. If an employee violates the DRUG-FREE AWARENESS PROGRAM, he or she will be subject to appropriate disciplinary action, including discharge from City employment and possible referral to law enforcement agencies.

It is not the City's intent to unnecessarily intrude upon the privacy of individuals. The intent is merely to ensure compliance with the law and to discourage potentially dangerous and/or unsafe situations from occurring which could adversely affect job performance and safety or jeopardize the safety of other employees, the public or City property. We also recognize that drug or alcohol misuse may be a serious medical problem, and support sound treatment efforts in some cases. If you have any questions regarding any portion of the Program, please contact your supervisor, or the Human Resources Department.

DRUG AND ALCOHOL MISUSE PREVENTION

POLICY:

It is the intent of the City of Miami Beach to promote and maintain the highest standards for employee safety and health by discouraging the abuse of drugs or alcohol and to encourage those with addictions to seek appropriate treatment so that they may re-enter the workplace free of chemical dependencies. To maintain a work environment free from the adverse effects of drug and alcohol abuse or misuse. To ensure that employees are not impaired in their ability to perform their duties in a safe, productive, and healthy manner. To be in compliance with the Federal Highway Administration (FHWA) regulations as outlined in Title 49 Code of Federal Regulations (CFR) Part 40 which proscribes procedures for workplace drug and alcohol testing programs for "safety sensitive" employees who drive or maintain vehicles requiring Commercial Drivers Licenses (CDL) to operate.

PROCEDURES:

1. All applicants offered employment will be screened for the presence of drugs and alcohol. Applicants testing positive for same, other than legally prescribed or over the counter medications, in the initial screening and confirmation test will not be employed by the City of Miami Beach.
2. Compliance with the City's drug and alcohol testing policy is a condition of employment. Refusal to take required tests or testing positive for same in the initial screening and confirmation test shall result in removal from performing safety sensitive functions as well as any other job duties. Additional disciplinary action up to and including termination may occur.
3. Refusal to take the required tests or lack of cooperation with the testing procedures will be considered a "test positive" and will be handled accordingly.
4. Employees involved in vehicular accidents while driving City of Miami Beach vehicles may be evaluated for the presence of controlled substances and alcohol.
5. Employees for whom there is a reasonable suspicion or belief of alcohol misuse or substance abuse while on the job will be required to go for an evaluation to determine if they are under the influence of either alcohol or drugs.
6. "Safety sensitive employees" will be subject to random drug and alcohol evaluation in accordance with Title 49 Code of Federal, Regulations (CFR), part 40.
7. All employees who test positive to a drug or alcohol test must be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to work. Safety sensitive employees with positive test results will also be subject to a minimum of 6 unannounced tests over a 12 month period, and for up to 5 years. All other employees may be similarly evaluated as deemed appropriate by the SAP.
8. Employees are encouraged to seek professional assistance anytime personal problems, including drug or alcohol use, affect their ability to perform their job duties.
9. The City of Miami Beach affirms the right to protect individual dignity, privacy, and confidentiality throughout the testing process.

DEFINITIONS:

1. **Accident:** Occurrence associated with the operation of a vehicle or equipment in which
 - * there is bodily injury or property damage;
 - * an individual dies; and/or
 - * the employee is cited for a moving violation.
2. **Legal Drugs:** Legally prescribed drugs and over the counter medication.
3. **Medical Review Officer (MRO):** Licensed physician who receives laboratory results of the drug/alcohol testing program. He or she will interpret and evaluate an individual's positive test and any other pertinent information.
4. **Prohibited Drugs or Controlled Substances:** These two terms are used interchangeably. Per 49 CFR, safety sensitive employees will be tested for:
 - o marijuana
 - o cocaine
 - o opiates
 - o phencyclidine (PCP)
 - o amphetamines including methamphetamine

Other controlled substances may be included for City wide purposes in accordance with City policy and contracts of the five bargaining units.

5. **Safety-Sensitive Functions:** Operating, inspecting, repairing or maintaining service vehicles that require drivers to hold a commercial driver's license (CDL). An employee is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive function.
6. **Substance Abuse Professional (SAP):** A licensed physician, or psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
7. **Prohibited Conduct Relative to Alcohol and Controlled Substances:** The following alcohol and controlled substance-related activities are prohibited by the FHWA drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMV) and will be similarly applied to all employees:
 - Reporting for duty or remaining on duty to perform safety sensitive functions or other job duties while having an alcohol concentration of 0.02 or greater; or when testing positive to or using any controlled substance (on or off duty), except when instructed by a physician who has advised the driver that the substance does not adversely affect the employee's ability to safely operate a vehicle or machinery.
 - Performing safety-sensitive functions within four (4) hours of using alcohol.
 - Being on duty or operating a CMV or any city vehicle while the driver is in possession of a controlled substance or alcohol. This includes possession of

medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

- Using a controlled substance/alcohol while performing safety-sensitive functions or other job duties.
- When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident test, whichever comes first.
- Refusing to submit to an alcohol/controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.

PROCEDURES:

1. TESTING

- Pre-Employment
 - All applicants offered employment will undergo urine drug screening prior to employment.
 - Applicants must be evaluated within 48 hours from the time the job offer is made.
 - Applicants unable to be evaluated within 48 hours of a job offer must sign a condition of employment to submit to a random drug/alcohol evaluation within 6 months.
 - Employees in non-safety-sensitive positions must be evaluated prior to assignment to a safety-sensitive position (i.e., promotion, transfer, demotion).
 - All job offers are contingent upon successful completion of required pre-employment physical and drug/alcohol evaluation.
 - Applicants will be informed of the policy prior to the interview through statements on job announcements and through posting in the Human Resources Department.
 - Applicants who test positive for controlled substances/alcohol will not be employed and may not be considered for employment for a period of 13 months. Employees who test positive, may also be subject to disciplinary action and referral to the Employee Assistance Program.
- Post-Accident (CDL drivers. Review each union contract for Drug Testing specifics.)
 - Drug/alcohol evaluation will occur when an employee is involved in a City related accident in which an individual dies or the employee is cited for a moving violation.
 - If, because of the accident, an employee is unable to submit to drug/alcohol evaluation immediately, the employee will authorize the release of any medical reports or documentation to the MRO regarding

the presence of prescribed or non-prescribed controlled substances/alcohol in the employee's body at the time of the accident.

- Reasonable Suspicion or Belief
 - A reasonable suspicion or belief referral for testing will be made when a supervisor or City official observes behavior that is characteristic of substance abuse or alcohol misuse. All employees are subject to a reasonable suspicion or belief evaluation, to include appropriate drug or alcohol testing, when there are reasons to believe that drug or alcohol use is present while just prior to or during the performance of job duties.
 - The supervisor or observer of the suspicious behavior shall contact the Human Resources Department and/or the City's Employee Health Office or Emergency Room at the facility providing these services for the City as soon as possible.
 - The employee must be escorted immediately for medical evaluation, drug or alcohol testing, and appropriate clinical counseling.
 - If, after evaluation, the employee is determined to be impaired, the employee will be sent home by means of safe transportation.
- Random
 - Random drug testing will be conducted in accordance with the Federal Highway Administration (FHWA) regulations as outlined in Title 49 Code of Federal Regulations (CFR) Part 40, for safety-sensitive employees. Random alcohol testing for other employees will be done in accordance with the respective union contracts.
 - Employees will be randomly selected by computer based random selection and, upon notification, will go immediately to the evaluating facility. These unannounced evaluations may be performed just before, during, or after performance of safety sensitive functions or other job duties.
- Return to Duty and Follow up
 - A Return to Duty evaluation is conducted when an individual who has violated the prohibited alcohol/drug prohibitions outlined above returns to work. Employees who test positive to any of the above evaluations must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to work.
 - Safety-sensitive employees with positive test results will be subject to a minimum of 6 unannounced tests over a 12 month period and may be tested for up to 5 years.
- Employee Requested Testing
 - Any employee or applicant who questions the results of a required test may request that an additional test of the split urine sample be conducted. This test must be conducted at a different laboratory certified by the DHHS. All costs for such testing are to be paid by the

employee or applicant unless the second test invalidates the original one.

- The method of collecting, storing and testing the urine sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee/applicant request for a retest must be made to the MRO within 72 clock hours of notice of the original test result.
- Requests after 72 clock hours will only be accepted if the MRO determines that the delay was due to documentable facts that were beyond the employee's or applicant's control.

2. RESULTS OF POSITIVE TESTS

- Safety-sensitive employees, with an alcohol test result of 0.04 or greater must be removed from their job duties, including safety-sensitive functions and cannot return until the employee undergoes evaluation and rehabilitation as determined by the SAP. The employee must undergo a breathalyzer test with a result of less than 0.02 before he/she can return to duty. Other employees will be subject to the same standard.
- An employee with an alcohol concentration of 0.02 or greater but less than 0.04 will not be permitted to perform safety-sensitive functions, or other job duties, for a minimum of 24 hours. A return to duty test will be performed.
- A safety-sensitive employee, with positive results of drug tests will not be permitted to return to safety-sensitive functions or other job duties until: the employee undergoes evaluation and rehabilitation as determined by the SAP. The employee must undergo a return to duty test with a negative result. Other employees will be subject to a similar standard depending on the nature of their functions.
- Safety-sensitive employees with positive test results will also be subject to a minimum of 6 unannounced tests over a 12 month period and may be tested for up to 5 years. All other employees may be similarly evaluated as deemed appropriate by the SAP.

3. EMPLOYEE ASSISTANCE PROGRAM AND REHABILITATION

- Where appropriate, employees who violate these regulations will be assessed by the SAP who shall determine what assistance the employee needs in resolving problems associated with misuse of alcohol and controlled substances. This initial assessment is free, but expenses incurred after the employee has been referred to an appropriate resource are the responsibility of the employee. Employees may use the services of the City's health care plans to cover part or all of the costs. Employees will need to use their leave accruals or take an unpaid leave of absence if program participation requires attendance during normal work hours.
- Any employee who needs assistance in addressing substance abuse or alcohol problems or any personal problem in his/her life may contact the Employee Assistance Program (EAP) at any time.

4. DISCIPLINARY ACTION

- Violation of this policy will result in disciplinary action up to and including termination.

- Employees not able to perform safety-sensitive duties or other functions of their position due to testing positive to a drug or alcohol evaluation, may receive a reduction in pay in accordance with Personnel Rule IX, Section 5a and b.

5. CITY DESIGNEE TO ANSWER DRUG AND ALCOHOL QUESTIONS

- Questions regarding drugs and alcohol may be directed to the Training and Development Coordinator or Affirmative Action Officer in Human Resources.

6. COLLECTIVE BARGAINING CONTRACTS

- If any provision of this policy, other than those mandated by law, is in conflict with a similar provision in a collective bargaining agreement, the collective bargaining agreement shall prevail.

PREVENTION OF WORKPLACE VIOLENCE

POLICY:

To promote and maintain a safe work environment for employees free from aggression, threats and violence, effectively manage critical workplace incidents dealing with actual or potential violence, and provide a coordinated and rapid response to such incidents. The City will provide guidance in the event they encounter a situation they believe could result in a violent reaction. It is the shared obligation of all employees, law enforcement agencies, employee organizations as well as the City administration to individually and jointly act to prevent or defuse actual or implied violent behavior at work. The City prohibits any comments or behavior that could be perceived by a reasonable person as threatening or indicating possible violence.

This may include but is not limited to verbal threats or gestures, abusive language, harassment, intimidation and physical altercation (e.g., shoving or fist fighting). The City also prohibits the possession, use, or threat of use of a deadly weapon, firearm or destructive device in any manner, on one's person, in one's belongings, in any City facility or work area, including City vehicle, or in one's personal vehicle while engaged in City business unless such possession or use of a weapon is a necessary and approved requirement of the job. Exceptions to this policy may be made only by the City Manager. Violence or the threat of violence, by or against any City employee or other person is unacceptable and contrary to City policy, and will subject the perpetrator to disciplinary action, up to and including dismissal and possible criminal charges. The City will work with law enforcement to aid in the prosecution of anyone who commits violent acts against employees.

PROCEDURES:

On-the Job

There are situations where relationships between employees, or between an employee and the supervisor, result in strong negative feelings.

Any person involved in situations where they fear that physical retaliation may take place, or where someone has made verbal threats of physical violence, should immediately discuss it with department management. Employees involved in fighting or making verbal threats will be disciplined up to and including dismissal. No employee acting in good faith, who reports real or implied violent behavior, will be subject to retaliation or harassment based upon their report. If a situation is serious enough that possible termination may be involved and/or the continued presence of the employee at the work-site would not be appropriate given the altercation, or particular circumstances, the employee may be immediately suspended by being placed on paid administrative leave. The employee will be ordered not to return to the work site until further advised. This action is unusual, but may be taken with concurrence from the Department Director. Where time and circumstances permit, consultation with the Human Resources Director should take place as well. Most workplace altercations, including minor ones involving only verbal exchanges, justify appropriate disciplinary action through the use of the City's progressive discipline policy. At any time during the review of an altercation, the Human Resources Director will be available for assistance upon request.

Dealing with the Public

Potentially violent situations may occur in employee contacts with the public. While the City has a strong commitment to customer service, it is not intended that employees be subjected to verbal abuse by a customer. A supervisor should be requested to intervene

when a customer is abusive. If there is a concern over the possibility of physical violence, it should be immediately reported to the department head or the Police Department. The City will provide training to supervisors in appropriate responses to aggressive/violent behavior.

Off-the-Job

An employee may be involved in a personal non-criminal dispute with family members, neighbors or friends. If the situation escalates, a restraining order or similar court order may be issued. If an employee should request such an order, he/she should include the work location as well as place of residence in the order. The employee should inform the supervisor of the issuance of such an order and provide a description of the individual(s) cited in the order. In a situation where an employee has not secured a court order but fears for his/her safety, the employee should notify the Police Department immediately and inform his/her supervisor as soon as practical. When any of the above situations is brought to the attention of department management, an evaluation of the severity of the situations must be made immediately. If it is concluded that there is a likelihood that violence could result, management shall:

1. Discuss the situation with employees who are likely to come in contact with the subject. Provide a description of the subject and instructions on actions to be taken if the subject comes to the work-site.
 2. Provide the same information to the Police Department.
 3. Contact the Police Department to provide information on steps being taken. If the Police Department feels that more security is required, arrangements will be made to provide for it.
4. Any case, if there is an immediate need for Police Department intervention, call 911 (if on the Rolm phone system, otherwise dial 9 for an outside line first, then 911).

Critical Incident Coordination

When a supervisor, manager, or employee observes an act of violence at work; the steps to be taken are simple, even though the underlying issues may not be.

1. IN IMMEDIATE EMERGENCY SITUATIONS---CALL 911.
As with any other emergency involving fire, violence, or medical incidents, the first thought and action is to call 911 and report as many details as possible so that the appropriate emergency response units can be dispatched.
2. NEXT STEP - Immediately contact:
 - o the Department or Division Head involved, and
 - o the Executive Assistant City to the Manager/ Labor Relations.

The Executive Assistant to the City Manager/Labor Relations is the Workplace Critical Incident Coordinator. The Executive Assistant to the City Manager/Labor Relations, or his/her designee, may be contacted at any time and will ensure that resources such as the Employee Assistance Program, Employee Benefits, Human Resources, City Attorney, and others, as needed, are coordinated in their support and response. Other steps following a

critical incident at work will flow from this initial contact, including disciplinary action and help from Employee Assistance for employees involved or witnessing a serious incident.

GUIDELINES FOR MANAGERS AND DIRECTORS

The guidelines below apply to all City employees and are intended to aid managers and directors in dealing with violent or potentially violent situations at work once an immediate emergency situation has been controlled. Altercations between persons at work are rare and usually minor, allowing time for supervisory intervention. An "altercation" as used in these guidelines includes actual workplace violence or threatened violence, including verbal or physical confrontation or assault, or attempts at such assault. In circumstances deemed by the manager or director to be an emergency, call 911 and make the other contacts described previously. It is understood that the actions of a manager, director, or other employees will be dependent on the seriousness of the situation and the nature of an altercation. However, consistent with personal safety, managers, directors, and supervisors have a responsibility to make a good faith effort to defuse violent or potentially violent situations as quickly as possible in order to prevent their escalation and creating a threat to others. In general...

1. Separate employees involved. Do not allow a verbal altercation to escalate into something more serious. If the employees cannot be separated, call 911 and follow the steps previously described.
2. Contact the appropriate Department Director and the Executive Assistant to the City Manager/Labor Relations.
3. Once the situation is controlled, separately interview all persons involved, including any witnesses, in order to obtain an accurate account of the incident. Document the statements of witnesses and others interviewed in written form. Those involved in an altercation - those who are possible subjects of future disciplinary action based on the incident - have the right to be represented during the interviews.

If such representation is denied or if questioning continues after representation has been requested, subsequent disciplinary action could be overturned or modified on appeal. It may be necessary to postpone an interview in such cases for a representative to be available. By contacting Human Resources at 673-7524, or the Executive Assistant to the City Manager/Labor Relations at 673-7000, extension 6511, advice and assistance in this process will be provided.

DIVERSITY MANAGEMENT PROGRAM AND SEXUAL HARASSMENT AWARENESS

POLICY:

It is the policy of the City of Miami Beach to provide equal employment opportunity for all, regardless of race, gender, color, national origin, religion, age, disability, marital status, familial status, citizenship, and/or sexual orientation. It is the policy of the City of Miami Beach to provide an atmosphere and environment to protect and safeguard individuals recruited, selected, hired, and promoted within the City employment system by promoting and maintaining equal employment opportunity by means of affirmative action. As part of its continuing diversity management efforts, in keeping with the guidelines on sexual discrimination issued by the Equal Employment Opportunity Commission, the City of Miami Beach fully supports legislation to protect and safeguard the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to sexual harassment or discrimination of any kind in the work-place. It is the policy of the City of Miami Beach to provide an environment free of sexual harassment.

Sexual Harassment Awareness

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964. As such, each City of Miami Beach employee, male or female, as a condition of employment, and in accordance with the policies of the City, commits to uphold and affirm such Harassment Policy as the City has adopted and in so committing agrees to:

- not making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of any employee's employment;
- not making employment decisions based on submission to or rejection of such conduct; and
- not creating an intimidating, hostile, or offensive working environment by any such conduct.

Definitions

Sexual harassment refers to behavior that is personally offensive, fails to respect the rights of others, lowers morale and, therefore, interferes with work effectiveness. Sexual harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the work-place. Sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the work-place. Sexual harassment may take different forms including:

- **Verbal:** Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats.
- **Non-verbal:** Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
- **Physical:** Unwanted physical contact including touching, pinching, brushing the body, sexual assault.

All employees will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

It is the responsibility of each supervisor to maintain a work environment free of sexual harassment. This responsibility includes but is not limited to informing employees under his or her supervision of the City's Sexual Harassment policy. When a supervisor becomes knowledgeable of an incident of sexual harassment, it is the responsibility of the supervisor to inform the Affirmative Action Officer whether or not the individual subjected to the harassment wishes to seek remedial action. Given the nature of this type of discrimination, the City recognizes that invalid, unfounded, or false accusations of sexual harassment can have serious effects on innocent individuals. A thorough investigation of all the facts in the complaint will be done to determine the most appropriate disposition of the complaint. Counseling and/or appropriate disciplinary action will be taken with any employee who violates this policy. In accordance with the City's policy of progressive discipline and based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination.

PROCEDURES:

Filing a Sexual Harassment Complaint

1. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately to his or her supervisor, department director, or Affirmative Action Officer.
2. If a complaint involves a Department Director, the complaint shall be filed directly with the Affirmative Action Officer.
3. Complaints will be investigated in a confidential and timely manner. Information concerning a complaint will not be released by the City to third parties or to anyone within the City who is not involved with the investigation. The purpose of this provision is to protect the confidentiality of an employee who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.
4. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employees shall be guaranteed impartial and fair treatment. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.
5. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be recommended to the Department Director.
6. If the complaint is found to be false and a deliberate misrepresentation of the facts, and made with malicious intent, the party filing the false complaint shall face disciplinary action.

Filing Other Discrimination Complaints

1. Any employee or applicant for City employment, who believes he or she has been discriminated against when applying for a job, on the job, or in the terms and conditions of employment because of race, color, national origin, gender, sex, religion, disability, age, marital status, familial status, citizenship or sexual

orientation may file a complaint through the Affirmative Action Officer in the Human Resources Department.

2. The Affirmative Action Officer will seek a solution to the complaint either through an informal or formal fact-finding investigation. The completion of the fact-finding inquiry should be handled in a confidential and timely manner. The Department Director will be officially advised as to the nature of the complaint and the fact-finding process.
3. Upon completion of the initial investigation, the Affirmative Action Officer will make a determination if there is "reasonable cause" or "no cause" to believe discrimination has occurred.
4. If a determination is made that "reasonable cause" exists, then the Affirmative Action Officer will reach a conciliated disposition of the complaint. This may include employee counseling, supervisory sensitivity training, or a disciplinary action recommendation. If a determination of "no cause" is made, the Affirmative Action Officer may still recommend employee counseling or supervisory sensitivity training to improve the work environment.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

POLICY:

It is the policy of the City of Miami Beach to ensure that individuals with disabilities are afforded equal employment opportunities and to prohibit employment discrimination based on a qualified individual's disability. This policy extends to the application procedures, hiring, advancement, compensation, benefits, training, and other terms of employment.

Who is covered

This policy covers any qualified individual with a disability, who, with or without a reasonable accommodation, can perform the essential functions of the job.

Disability defined: There are three categories of individuals with disabilities:

1. individuals who have a physical or mental impairment that substantially limits one or more life activities. Major life activities include such activities as caring for one's self, performing manual tasks, walking, seeing, hearing, breathing, speaking, breathing, learning, and working;
2. individuals who have a record of a physical or mental impairment that substantially limited one or more of the individuals' major life activities;
3. individuals who are regarded as having such an impairment, whether they have the impairment or not.

Physical or mental impairments

1. Physical impairments include:
 - o physiological disorders or conditions, including alcoholism and drug addiction;
 - o cosmetic disfigurement; or
 - o anatomical loss of one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin and endocrine.
2. Mental impairments include mental or psychological disorders, such as retardation, organic brain syndrome, emotional or mental illness; and specific learning disabilities.

Current Use of Illegal Drugs

"Current use" is the illegal use of controlled substances that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem. Individuals engaging in the current and illegal use of drugs are not protected by this policy.

Qualified Person with a Disability

In order to be qualified, the individual with a disability must be able to perform the essential functions of the job in question, with or without reasonable accommodations on the part of the City. A person who poses a direct threat to the health or safety of others will not be qualified.

Reasonable Accommodations

The City will make reasonable accommodations to the known physical or mental limitations of otherwise qualified applicants or employees with disabilities, unless it would impose an undue hardship to the operation of the City to do so.

PROCEDURES:

Application process The City shall provide reasonable accommodations at all stages of the hiring process. Applicants and employees are asked to advise the Human Resources Department as soon as possible if they require any accommodations in the application process, testing, or the interview.

Fitness for duty

In accordance with the City's Personnel Rules, the City may require a Fitness for Duty medical evaluation to determine if an employee is able to perform the essential functions of his/her job. This evaluation will be conducted by medical experts who will determine if the employee's condition is adequate and what, if any, reasonable accommodations would be needed in accordance with the essential functions of the current job description.

Permanent disability

An employee who is no longer able to perform the essential functions of the job, with or without reasonable accommodation, may be considered for other positions in the City for which they are qualified. If no such position exists, or the employee declines to accept such a position, and no reasonable accommodation is possible to retain the employee in his/her current position or any other position, termination shall be considered. This would not be dependent on any recourse the employee has through Worker's Compensation Benefits nor disability retirement benefits.

WORKER'S COMPENSATION MANAGED CARE GUIDELINES

The City of Miami Beach and its' Workers' Compensation Administrator, Johns Eastern Company, have combined to provide you with a unique Managed Care Arrangement for work related injury. The current Workers' Compensation Statute (Florida Statute 440.134) makes it mandatory that all medical treatment for work related injuries occurring after December 31, 1996 be furnished to employees through a Managed Care Arrangement. A video recording of managed care specifics along with the Managed Care Arrangement Plan, is located with Risk Management for review during normal business hours.

EMPLOYEE RIGHTS

- You have the right to confidential and accessible medical care.
- You have the right to timely, quality medical treatment.
- You must choose your Primary Care Provider from the Med View Network(s); the Network listing(s) are located in your department. The listing includes the names, addresses and phone numbers of all providers.
- You may change Primary Care Providers/Specialist one time, choosing from the noted Networks by contacting Johns Eastern Co., Workers' Compensation Managed Care Section at 800/749-3044..
- You may afford yourself of the Workers' Compensation Managed Care Grievance Process as established regarding any concerns you may have about the medical care being provided to you.
 - Informal Grievances are called into Johns Eastern Co., 800/749-3044 or Risk Management at 305/673-7524; request to speak with the grievance coordinator. Informal Grievances will be resolved within 7 business days. The employer is subject to fines for not responding within 7 days.
 - Formal Grievances are to be submitted utilizing the Grievance Report form. Forms are available from Johns Eastern Company.
- You have the right to return to your work position when physically able to do so and as soon as released by your Primary Care Provider.

EMPLOYEE RESPONSIBILITIES

- You must report all work related injuries or illnesses promptly.
- You must utilize Network Providers only unless otherwise stated.
- You must cooperate with all treatment established.
- You must comply with attendance at all physician/physical/occupational therapy appointments.
- You must return to work as soon as you are medically released to do so.

For Assistance Contact:

JOHNS EASTERN MANAGED CARE DEPARTMENT
8:30 A.M. to 5:00 P.M. Monday through Friday
1-800-749-3044

In the event of an afterhours, weekend or holiday injury, report your injury to your supervisor if able, and report to the nearest area hospital.

FAMILY AND MEDICAL LEAVE

POLICY

It is the City's intent to provide Family and Medical Leaves (FML) to those City of Miami Beach employees in compliance with the requirements of the Family and Medical Leave Act (FMLA) of 1993, as amended by the federal government as recently as October 2009. Additionally, the City has contracted with Unum to act as its FML Administrator, effective January 1, 2010. This policy will outline the new processes and procedures that will be followed to integrate both the changes in law and the change in Administrator.

PROCEDURE

LEAVE CATEGORIES

Regular and Provisional employees who have been employed by the City for at least twelve (12) months and worked at least 1,250 hours in the 12 months immediately preceding the leave request are eligible to request up to twelve (12) workweeks (480 hours) of leave in a 12 month period, for the following events:

Birth, Adoption, Foster Care

- Birth of the employee's son or daughter or in order to care for the child after birth.
- Placement of a child for adoption or as a precondition to adoption.
- Placement of a child in foster care.

This entitlement expires twelve (12) months after the birth, adoption or placement.

Care of Immediate Family Member

To care for an employee's immediate family member (spouse, registered domestic partner, son, daughter, parent) who has a "serious health condition," including caring for either physical or psychological needs.

Pursuant to Chapter 11A "Discrimination", Article V "Family Leave" of the Miami Dade County Code of Ordinances, an employee may also request FML to care for a grandparent with a serious health condition. In order for this type of leave to be approved, an employee must have assumed primary financial responsibility for the grandparent.

Personal Illness

An employee with a "serious health condition" that renders the employee unable to perform the functions of the position.

Caregiver Leave

To care for an immediate family member (spouse, registered domestic partner, son, daughter, parent) or next of kin who is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of his/her office, grade, rank or rating. This also covers care for veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illnesses that occurred any time during the five (5) years preceding the date of treatment for which leave is requested under this category.

Up to twenty six (26) weeks during a twelve (12) month period can be granted for this type of leave.

Exigency Leave

Leave can be granted due to a qualifying necessity arising out of the fact that an immediate family member (spouse, registered domestic partner, son, daughter or parent) is on active duty (or has been notified of an impending call to order to active duty) in the Armed Forces in support of a contingency operation.

DEFINITIONS

1. A "*serious health condition*" means an illness, injury, impairment, or physical or mental condition that involves inpatient or outpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.
2. "*Continuing Treatment*" is defined by:
 - a period of incapacity of more than three (3) consecutive calendar days plus treatment by a health care provider twice within 30 days of the beginning of the period of incapacity, the first visit of which must take place within seven (7) days of the first day of incapacity;
 - a period of incapacity of more than three (3) consecutive calendar days plus treatment by a health care provider once with a continuing regimen of treatment; which visit must take place within seven days of the beginning of the incapacity;
 - any period of incapacity related to pregnancy or for prenatal care;
 - any period of incapacity or treatment for a chronic condition, which requires at least two (2) visits to a health care provider for the condition per year;
 - a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
 - any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely

result in an incapacity of more than three (3) consecutive calendar days absent medical treatment.

3. "Needed to care for" an immediate family member encompasses both physical and psychological care (e.g., to provide medical, hygienic, nutritional needs, safe transportation, or to provide reassurance to one receiving inpatient care). Regulations also include situations when an employee is needed to fill in for others caring for family member, or making arrangements for a change in care (e.g., transfer to a nursing home).
4. "Immediate family member", for purposes of this policy, is defined as spouse, registered domestic partner, son, daughter or parent.
 - "Spouse" means a husband or wife as recognized by Florida law.
 - "Registered Domestic Partner" means a domestic partner who is registered with the City of Miami Beach and the Human Resources Department.
 - "Son or Daughter" means a biological, adopted or foster child, a stepchild, a legal ward of or a child of a person standing in loco parentis; A child who is either less than 18 years of age, or older with a physical or mental impairment that substantially limits one or more major life activities who requires active assistance or supervision to provide for his/her own grooming, dressing, eating, cooking, cleaning, shopping, etc.
 - "Parent" means the biological parent or guardian, or a person who served as guardian to the employee.
 - "Grandparent" shall mean any grandparent of an employee for whom the employee has assumed primary financial responsibility.
5. "The twelve month period" for determining whether the twelve (12) workweek entitlement has been exhausted is based on a rolling twelve (12) month period measured backward from the first date of leave requested, with the exception of Caregiver Leave, which is based on a twelve (12) month period measured forward from the first date of leave requested.

PROCESSES

Applying For Family Medical Leave:

Effective January 1, 2010, employees shall contact Unum, the City's FML Administrator, when requesting FML by calling 877-217-5495. Employees must provide Unum with all of the required information during the initial intake and comply with all Unum practices and policies in order to obtain and/or maintain FML authorization. Such required information may include, but not be limited to:

- Name, social security number, employee ID number
- Date of birth
- Complete address and phone number
- Company
- Marital status and number of dependents
- Occupation (job title)
- Physician's name, address and phone number
- Brief description of medical condition
- Cause of medical condition (illness or injury) or need for leave
- The last day worked and first day absent from work due to condition
- Date they expect to return to work (if known) or the actual date if already returned to work
- Supervisor's name, title, telephone number, fax number and e-mail address

As applicable, employees will be given a deadline by which to return completed forms, such as the Medical Certification, to Unum. If Unum does not receive complete required forms and information in a timely fashion, FML may be denied.

Employees shall also notify their supervisor, according to their respective reporting procedures, that an application for FML has been submitted.

Employees who receive FML approval will be provided with a Written Designation Notice from Unum once approved. The City, through its Human Resources Department, will be notified of approval designations on a daily basis.

Employees must call Unum at 877-217-5495 each day the employee will be taking intermittent leave and/or as otherwise required by Unum.

For those employees whose FML was requested and approved prior to January 1, 2010, those employees will be required to follow the past FML reporting procedures, by calling the designated personnel in their respective departments pursuant to departmental policies.

Unum will correspond with the employee on a regular basis in order to determine the employee's return to work date. Unum will confirm the employee's return to work with the employee's supervisor.

Employees who do not comply with Unum's requirements, instructions, stated deadlines, etc. (or the City's, for those employees whose FML was requested and approved prior to January 1, 2010), at any point during the FML request/authorization/continued leave process may be denied FML. Employees who do not follow the applicable reporting and/or return to work requirements are subject to progressive discipline, up to and including termination.

POLICY PROVISIONS

Notice Requirements

Employees are required to request leave at least 30 days in advance of the need for FML if it is foreseeable or planned (i.e. for birth, adoption or foster care placement of a child, for planned medical treatment, etc.). Where leave is not foreseeable, the employee shall request leave as soon as the need for leave is known.

Concurrent Use of Leave

Employees are required to use accrued leave while on FML, with the exception of those on approved Short Term Disability (see below).

Accrued leave includes, but is not limited to: annual (vacation), sick, floating holidays, compensatory time (for those eligible to accrue), planning days, Goodwill Ambassador, Cleanliness Index, and Service Shopper. When the employee exhausts their accrued leave, they may request leave donations pursuant to the restrictions in the Classified Employees Leave Ordinance or Unclassified Employees Leave Ordinance, as applicable. Once all accrued and/or donated leave has been exhausted, the employee may be on FML without pay.

Employees who are placed on supplemental injury compensation (ISC) pursuant to the terms of the Classified Employees Leave Ordinance or Unclassified Employees Leave Ordinance, or Workers' Compensation pursuant to state law, as applicable, will be placed on FML concurrently.

However, City recognized holidays shall not count against the FML entitlement if the employee is on approved FML on a City recognized holiday.

Coordination with Short Term Disability

For those employees who have elected to participate in the City's Short Term Disability program, they will be required to use accrued leave while on FML for the first 14 days of being out of work. If the claim is deemed approved under Short Term Disability, the employee will not have to use accrued leave after the 14th day out of work. They may elect to use their accrued leave to make up the difference between their regular bi-weekly base pay and the disability payment, if they so choose. In order to do so, the employee will have to coordinate that option with the Human Resources Department.

Second and Third Opinions

The City reserves the right to request a second opinion with regard to medical certification of an illness or injury. This shall be at the City's expense. If the second opinion conflicts with the original opinion, the City may require, at its expense, that the employee obtain a third opinion, which shall be binding on both parties.

Fitness for Duty

All employees returning to work after FML usage for their own illness or injury shall provide a Fitness for Duty form, completed and signed by the treating physician, stating that the physician has read the employee's job description and that the employee can perform the essential functions of that position. Employees shall return this form to the Human Resources Department prior to being allowed to return to work.

Spouses

Pursuant to the FML regulations, spouses (or registered domestic partners, as applicable) who both work for the same employer may be limited to a combined total of 12 workweeks of leave in the 12 month period for certain leave categories.

Those spouses (or registered domestic partners, as applicable) who both work for the City of Miami Beach, and would otherwise be entitled to 12 workweeks of FML, will be limited to a combined total of 12 workweeks of leave during the 12 month period, for the following leave categories:

- Birth of the employee's son or daughter or in order to care for the child after birth.
- For placement of a child with the employees for adoption or foster care, or to care for the child after placement.
- To care for the employee's parent with a serious health condition.

Scheduling of Intermittent Leave

For those intermittent and/or reduced schedule leaves other than non-medical, the employee must make every reasonable effort to schedule the treatment and/or leave outside of their normal working hours (i.e. before or after work or on weekends), or as least disruptive to the department's operation as possible. A supervisor may require a note from the treating physician.

Intermittent time for Non-Medical Leave

Leave may be taken continuously, intermittently, or on a reduced leave schedule, subject to certain restrictions. Leave for non-medical reasons (i.e. bonding due to birth/adoption/foster care) may be taken on an intermittent or reduced leave schedule only with supervisor approval. Requests must be made at least 24 hours in advance of the starting time of the requested leave.

Employees who request non-medical intermittent FML and are denied that leave by their supervisor will be subject to progressive discipline up to and including termination if the employee calls out sick or uses emergency leave without sufficient documentation as to the sick or emergency circumstances (i.e. note from the treating physician, etc.).

Extension Requests

An extension of FML beyond the federally mandated FML may be granted by the City for up to an additional 12 workweeks (480 hours) with proper documentation and proven medical necessity with the approval of the employee's department director and the Human Resources Department. Extension Requests are subject to the same definitions, processes and provisions as the original 12 workweek entitlement, as outlined herein. Not all extension requests will be granted. The City retains the absolute and sole right to grant or deny such requests.

Non-forfeiture

Accrued benefits (i.e. sick and vacation leave, pension benefits, etc.) will not be forfeited by an employee taking FML. However, employees taking FML in an unpaid status will no longer accrue additional leave, nor will they accrue pension benefits, for that unpaid timeframe.

Benefit Premiums

The City provides all employees with the opportunity of continuing their core insurance coverage(s) while on an unpaid leave of absence. The employee will need to make a monthly payment to cover any unpaid premiums. Payments should be made at the beginning of each month for his/her portion of the premiums due. For any voluntary benefit coverage(s), the employee will have to make arrangements with the benefit provider to continue premium payment and coverage.

If an employee does not continue to contribute towards the core insurance premiums while on an unpaid leave, he/she will have the unpaid balance deducted from subsequent paychecks upon return to work.

If the employee does not return to work and had not been paying for his/her insurance premiums while on leave, the insurance coverage will be cancelled retroactive to the last payment made. The employee will be responsible for all medical costs incurred from the date covered by the last premium payment.

Any questions regarding the City's FML policy should be directed to the Human Resources Department and/or Unum, the City's FML Administrator.

REFERENCE

Family and Medical Leave Act of 1993, as amended

Miami Dade County Code of Ordinances, Chapter 11A "Discrimination", Article V "Family Leave"

City of Miami Beach Code of Ordinances, Chapter 62 "Human Relations", Article III "Domestic Partnerships"

City of Miami Beach Classified Employees Leave Ordinance

City of Miami Beach Unclassified Employees Leave Ordinance

SMOKE-FREE WORKPLACE

PURPOSE:

In keeping with the Florida Clean Indoor Air Act, Florida Statute 386.201-211, the City of Miami Beach is committed to the promotion of a healthy environment. This includes the prevention of disease. Smoking is a major cause of preventable diseases and deaths in this country.

POLICY:

For the above reason and for the health and comfort of City employees, citizens and visitors, City of Miami Beach facilities will be smoke-free. Smoking or possession of a lighted cigarette, cigar, pipe, or any other lighted tobacco product is prohibited in all City buildings, indoor facilities or vehicles or during any public meeting related to City business.

DEFINITION:

1. "City building" means any building or any portion of any building owned by or leased to the City and used for governmental purposes.
2. "City vehicle" means any motor vehicle owned by or leased to the City and used for governmental purposes.
3. "Public meeting" means all meetings open to the public in City buildings.
4. "Smoking area" means any designated area meeting the requirements of this policy.

PROCEDURE:

1. Smoking is prohibited in all City buildings including private offices, lounges, rest rooms, elevators, stairwells, lobbies, reception areas, customer service areas and all City vehicles.
2. Each building or facility may have a designed smoking area outside the building, at least 10 feet from any entry to the building. Committees of employees, managers, smokers and non-smokers may decide the designated smoking areas for each building.
3. Property Maintenance will post signs designating all City facilities as smoke-free areas and signs designating smoking areas for each building.
4. Each Department Head, Division Head, and supervisor is responsible for monitoring the compliance of this policy. Every supervisor is responsible for enforcing this policy among his/her employees.
5. All employees are responsible for politely reminding visitors that their facility is "smoke-free" and advising them of the locations of smoking areas, if appropriate.
6. Employees may report violations of this smoking policy by filing a complaint with their supervisor or the Human Resources Department. All complaints, regardless of where filed, will be forwarded to the respected violator's department director for appropriate handling.

7. Compliance with this policy is expected and will be sought with thoughtfulness, tact, and the exercise of appropriate judgment. Employees who violate this policy will be subject to progressive disciplinary action.

CITY VEHICLES AND EQUIPMENT

POLICY:

To provide general information for the operation and use of City owned vehicles (non-Police) and equipment.

GENERAL:

The City of Miami Beach employee is the City's most visible representative. Directly associated with the employees visibility is his or her vehicle/equipment. The vehicle/equipment appearance and condition should therefore represent a favorable impression of the Department, the profession and the City.

PROCEDURES:

1. **RESTRICTION:** The use of City owned vehicles for personal use is prohibited. Unauthorized passengers are prohibited from riding or operating a City vehicle or equipment. The operator is held responsible for enforcement of this rule.
2. **LICENSES:** All operators of City vehicles must have in their immediate possession a valid Driver's License, issued by the State of Florida, and appropriate for the type of vehicle being driven or operated.
3. **COMMERCIAL DRIVER LICENSES:** Beginning April 1, 1992, any City owned or controlled vehicle which is classified as a commercial Motor Vehicle the operator must have in their immediate possession, a valid Commercial Driver's License (CDL) of the type and Class with all Endorsements that are required by law for the operation of that specific vehicle.
4. **LICENSE SUSPENSION:** Operators of City vehicle/equipment including those who hold a Driver's License, or a Commercial Driver's License (CDL), must notify their immediate supervisor and Risk Management in writing the next business day following a suspension, revocation, cancellation, or other disqualification from driving any motor vehicle.

If driving is considered a minimum requirement of the job, and the license is suspended, canceled, revoked or otherwise restricted to affect job performance the employee must immediately notify, in writing their Department/Division Head and Risk Management.

- The employee may not continue to work in that classification if driving is considered a minimum requirement.
- At the Department's request, depending upon the immediate needs of the Department, the employee may be granted up to a 90 day suspension or until the scheduled court disposition for restoration of the license. If the employee fails to acquire his/her license within this time frame, then they shall report to Human Resources for possible placement in a classification that does not require driving. This will be dependent upon the employee's qualification, City vacancies, availability, interview results and desires and needs of the receiving department.

- If the employee cannot be placed in another Department, or given up to 90 days suspension, then the employee may be terminated for failure to meet the minimum requirements of the classification.
- Disciplinary action: May occur depending upon the reason for the suspension.

If the employee's license is suspended or revoked due to a DUI (driving under the influence) charge, then all above procedures will also occur. However, if the employee is found guilty then:

- The employee will not be allowed to apply for or continue in any position that requires driving for a one year period effective from the date they were found guilty.
- After a year if the employee returns to a job that requires driving and has another DUI conviction, they will be subject to disciplinary action, up to and including termination, and will not be eligible for a job that requires driving for a 5 year period from the date of conviction.

5. **OPERATORS OF CITY VEHICLES/EQUIPMENT** including employees who hold a CDL must notify their immediate supervisor in writing the next business day following any conviction of any traffic violation (except parking). This includes any and all violations regardless of the owner of the vehicle or the location in which the violation occurred.
6. **DRUG AND ALCOHOL SCREENING:** Operators of any City-owned or controlled vehicles are subject to drug testing in accordance with City of Miami Beach Policy, and bargaining unit contracts. Random screenings, which are mandated by the Florida Department of Transportation (FDOT) under Section 382.305, will also be conducted.
7. **DRUG TESTING** procedures are administered by the Human Resources Department, which include compliance with applicable City of Miami Beach Personnel Rules and Polices as well as union contracts. See Human Resources Department Policies and Procedures for additional information.
8. **DRIVER LICENSE/INSPECTION:** The immediate supervisor may request an employee provide proof of a valid Driver's License or (CDL) from any employee prior to the operation of any City vehicle.
 - The immediate supervisor verifies the expiration date of the license, the Class of the license, and insure that the license contains any endorsements which may be required for the operation of a specific City vehicle.
9. **OBTAINING AND MAINTAINING, UPGRADING LICENSES:** For those employees required by the City to secure and maintain a valid Commercial Driver's Licenses, as a condition of employment, the Director of the Department/Division may allow the use of City equipment/vehicle on City time as required for a Commercial Driver's License examination when the employee's duties include driving a City vehicle.
10. **AGE LIMIT:** No person, employee or otherwise, who is under 18 years of age, is permitted to operate a City vehicle or City equipment.

11. **USE APPROVAL:** The City limits vehicle use to the following:
- Only authorized personnel will be allowed to operate City vehicles.
 - Employee on official city business use only; and during an
 - Employee's tour of duty; and
 - Passengers in City vehicles will be confined to City employees and persons on official business with an authorized employee.
12. **EXCEPTIONS:** The City Managers, Department Heads can only approve exceptions and Division Heads are authorized to approve use of City vehicles.
13. **SMOKING AND EATING IS PROHIBITED:** No smoking or eating is permitted in any City of Miami Beach vehicle. Refer to the employee handbook for additional detailed information.
14. **GUIDELINES FOR MAXIMUM EFFICIENCY:**
- When a defect is noted in a City vehicle, bring it to the attention of your supervisor immediately.
 - Return the vehicle promptly to point of issue when not in use. Do not hold a vehicle obtained from the point of issue longer than required by the work for which it was obtained.
 - Always obtain fuel from the City-owned tanks located at Fleet Management (140 MacArthur Causeway) or Fire Station #2 (2300 Pine Tree Drive) unless specifically authorized to do otherwise.
 - Drive safely at all times and observe all traffic laws and rules.
 - Seat belts use is mandatory.
 - Plan trips to conserve fuel.

15. ACCIDENTS

All accidents, no matter how minor or inconsequential or location must be reported and investigated by the City of Miami Beach Police Department. In addition, a city accident reporting form must be completed and as quickly as possible submitted to Risk Management, Fleet Management and your immediate supervisor. All accidents will be reviewed by the City of Miami Beach Police Accident Investigative Unit (AIU) and Risk Management. The finding of the investigation will be submitted to the employees Department/Division Director and Fleet Management. Negligent or willful damage, and waste or theft of City property, may be grounds for disciplinary action according to City policy.

Fleet Management distributes insurance cards and registrations when the vehicle is placed in service. These documents are to be kept with the vehicle at all times as required by Florida law. In the event these documents are missing, it must be reported immediately to Fleet Management.

16. VEHICLE INSPECTION

- When an employee is assigned a vehicle/equipment or is under a "Shared Vehicle/Equipment", a formal inspection will be conducted by the operator of any vehicle/equipment before and at the end of each tour of duty.

- With this process, the operator is required to inspect his/her vehicle/equipment and to document the results of the inspection on a "Vehicle Equipment and Safety Inspection Sheet". The completed form will be turned in to the immediate supervisor at the end of his/her tour.
- When the operator observes any damage to the vehicle/equipment, which is otherwise, unreported (a damage log kept in the department), the operator will notify his/her supervisor who will initiate a comprehensive investigation and notify the appropriate departments as required. The operator will also prepare a City of Miami Beach Found Vehicle/Equipment Damage Report and distribute it prior to the conclusion of his/her shift.
- The Fleet Management Division will conduct a personal inspection during every Preventative Maintenance Service on all vehicles/equipment in every division and department and forward the results to the City Manager and the Departments Directors.
- Employees will inspect the passenger compartment of their assigned vehicles/equipment at both the beginning and the end of their tours to ensure no waste debris or other foreign materials are left inside.
- The employee's supervisor will conduct a formal inspection once a month. The employee will be responsible for forwarding the results of the vehicle/equipment inspection to Fleet Management Department upon request.
- When the supervisor observes any damage to said vehicle/equipment which is otherwise UN-reported, he/she will initiate a comprehensive investigation with documentation to include photographs. This report will be forwarded to the Fleet Management and Risk Management simultaneously. The supervisor will log the damage, case number and date in the vehicle damage log, which is maintained in the Department or Division.

17. VEHICLE MAINTENANCE

- When an employee observes that a vehicle/equipment needs to be shopped for any reason, that employee shall immediately notify his/her supervisor. The employee will be instructed to prepare a Fleet Management Vehicle/Equipment Service Request Form. In addition, the supervisor will sign the employees Vehicle/Equipment Safety Inspection Form. The employee will present the form to the Service Writer in Fleet Management when the vehicle/equipment is shopped.
- When a vehicle/equipment must be left at a location other than Fleet Management, the employee will follow the same procedure as outlined in 17.4. The employee will secure the vehicle/equipment and notify Fleet Management of the location of the vehicle and the reason the vehicle was left unattended.
- Should a vehicle/equipment become disabled while being utilized by an employee, Fleet Management and their supervisor will be notified. The vehicle should not be left unattended in an unsafe manner. Fleet Management will then become responsible for the repair and/or the removal of the vehicle.

- Employees should not utilize non-city towing or garage services without the approval of Fleet Management. Prior to leaving a vehicle/equipment the employee should ensure that all of his/her personal belongings are secure. If a flat tire occurs outside of Miami each City limits, the operator of the vehicle should make every attempt to change the tire. The flat tire should be repaired or replaced as soon as possible.
- Employees shall be responsible for the general maintenance and proper care of their assigned vehicle and shall not:
 - Make minor adjustments or maintenance to the vehicle/equipment.
 - Alter the body, general design, appearance, marking, mechanical or electrical system
 - drill holes in the interior or exterior of the vehicle.
 - affix any unauthorized stickers or signs to the vehicle/equipment.
 - any additional equipment or modifications to the vehicle/equipment unless first approved by Fleet Management.

Any repairs done to said vehicle/equipment will be done by Fleet Management and only after request is properly submitted by the employee and approved by the Supervisor.

This approval shall be requested in writing to Fleet Management and shall contain the following information:

- The type of modification or additional equipment desired.
- the reason or justification for the additional equipment or modification.
- the exact type of equipment/accessory to be installed.

All approved additional equipment or accessory shall be purchased and maintained at the division/departments expense. Fleet Management will arrange installation or modification.

- Vehicles, which are properly maintained, will have a longer life span; therefore proper vehicle/equipment maintenance is important. All vehicles of the City of Miami Beach shall be maintained according to a maintenance schedule as required by the manufacture or appropriate State or Federal Agency.

Fleet Management will assign a preventative maintenance schedule to each vehicle/equipment. All preventative maintenance shall be scheduled with the Fleet Management Service Writer.

Employees who are assigned a leased vehicle are required to have preventative maintenance inspections performed by Fleet Management personnel at the end of the first 30 days of operation or 1000 miles, whichever comes first. Inspections will be required quarterly from that point forward.

Employees who must bring their vehicle/equipment in for preventative maintenance will adhere to the following procedures:

- Employee schedules his/her vehicle/equipment for P.M. with Fleet Management.

- Employee drives vehicle/equipment to the shop.
- Fleet Management will monitor the progress of the vehicle/equipment repairs and/or maintenance and notify the employee when the vehicle/equipment is ready to be picked up.
- Employee will go to Fleet Management upon notification that the vehicle/equipment is ready to be picked up.
- The same procedure will apply in the event that the vehicle is malfunctioning and not safe to operate, except when an appointment is not required.

18. VEHICLE OPERATION

- Any employee operating a City vehicle/equipment is responsible for the care and maintenance of such equipment. Employees shall check fluid levels, lighting, tires (conditions and pressure) on a daily basis to keep the vehicle operating safely.
- While on duty, operators of City vehicles and equipment shall obey all traffic laws, driving in a defensive manner, and setting an example for others. This policy prohibits employees from driving under the influence of drugs or alcohol. Employees who immediately notify their supervisor if the drug(s) effect their driving ability.
- **SEAT BELTS WILL BE WORN.** It is mandatory that seat belts be used by all employees/occupants of a City of Miami Beach vehicle, at all times, without exception. It is the driver's responsibility to ensure that all occupants fasten their seat belts prior to operating the vehicle. Any malfunctioning seat belt should be reported to Fleet Management and brought to Fleet Management for repair or replaced immediately. The City reserves the right to revoke the driving privilege of any driver not complying with this policy.
- Except when on calls for service, City vehicles shall not be parked illegally or in such a manner as to interfere with the free movement of traffic. At all times when a city vehicle is left unattended, it shall be properly secured by removing the keys and locking all doors and windows. The use of all required safety devices such as cones, flares or warning triangles shall be used when vehicle is unattended blocking traffic
- When turning a vehicle in at the end of the tour of duty, the operator shall make sure that the vehicle/equipment is clean, fueled and ready for use by another employee.

19. DAMAGED OR STOLEN VEHICLE/EQUIPMENT

- If your city vehicle/equipment is damaged or stolen, report the theft or damage immediately to the City of Miami Beach Police Department and your supervisor. Obtain a copy of the police report filed. Maintain a copy for your files and submit copies to Risk Management, Fleet Management and your supervisor within 48 hours.
- In cases of damage to a city vehicle, regardless of severity, the employees shall notify his/her supervisor immediately.

20. FAILURE TO COMPLY AND DISCIPLINARY ACTIONS

- The use of a City vehicle is a privilege and a benefit and not an automatic right. Failure to comply with any portion of the City of Miami Beach vehicle/equipment use policy may result in disciplinary action.
- Disciplinary actions imposed may start with a written warning for minor first offenses. Additional violations may result in suspension and/or permanent removal up to and including termination from use of a City vehicle. In addition disciplinary action up to and including termination may be taken against an employee as indicated in the employee personnel rules.
- The methodology used to identify the responsible party for found damage will be based on the last employee who accessed the vehicle or equipment, especially in the absence of missing documentation.
- If an employee requires transportation and is no longer authorized to use a city vehicle, he or she may exercise their option to use their personal vehicle in order to continue meeting the requirements of their employment. Mileage reimbursement can be requested as identified in 20.5.

Employees who elect the option identified in 20.4 will retain appropriate insurance coverage as required by Florida Statutes and will be compensated based on a mileage reimbursement rate established by the City.

Under certain circumstances, the administration reserves the right to impose harsher penalties to replace those imposed in this policy.

Termination, new hires and driver/operator changes shall be reported within 48 hours to Fleet Management in order to keep driver information current and accurate.

DISCRIMINATION COMPLAINT PROCEDURE

FILING A DISCRIMINATION COMPLAINT

All employees or applicants for City employment who believe they have been discriminated against while applying for a job, or on the job, or in the terms and conditions of employment because of race, religion, color, sex, national origin, age, disability, veteran status, sexual orientation or any other non-job related characteristic, may file a complaint through the Affirmative Action Officer, a function of the City Manager's Office, or with their manager or supervisor.

The Affirmative Action Officer, in conjunction with the City's Legal Department, shall review and investigate all complaints and determine whether an act of discrimination has occurred, and recommend an appropriate action.

Each manager and supervisor shall be held accountable for their prompt attention to, and execution of necessary preventative, corrective, and affirmative actions.

PROCEDURE:

1. A complainant (employee or applicant) should contact the Affirmative Action Officer (AAO), or the Department's Affirmative Action Officer (DAAO) if applicable, manager or supervisor, and state the nature of his/her claim. (NOTE: Not all Departments have a DAAO).
2. The Affirmative Action Officer will notify the DAAO, manager or supervisor, of any complaint filed directly with the AAO. Correspondingly, the DAAO, manager or supervisor, will notify the Affirmative Action Officer of any complaint filed directly with the department, so that the Affirmative Action Officer can investigate or monitor the process.
3. If the complaint is filed directly with the department, the DAAO, manager or supervisor, has 10 working days to resolve the complaint internally within the department. If the DAAO, manager or supervisor is unable to resolve the complaint, then the complaint is referred to the Affirmative Action Officer. The Affirmative Action Officer will seek a solution to the complaint either through an informal or formal fact-finding investigation. The completion of the fact-finding inquiry should be completed expeditiously. The Department Director, or designee, will be officially advised as to the nature of the complaint and the fact-finding process. The DAAO, manager or supervisor, is required to participate in the investigative process, unless the DAAO, manager or supervisor is the subject of the investigation.
4. The Affirmative Action Officer will conduct a timely investigation and make a determination if there is "reasonable cause" or "no cause" to believe discrimination has occurred. Opportunity is provided for an informal conciliation of the complaint.
5. If a conclusion is made that "reasonable cause" exists, then the Affirmative Action Officer will reach a conciliated disposition of the complaint. This may include employee counseling, supervisory/sensitivity training or a disciplinary action recommendation. If a determination of "no cause" is made, the Affirmative Action Officer may still recommend employee counseling or supervisory/sensitivity training to improve the work environment.

6. Upon completion of the investigation, the Affirmative Action Officer will notify the Department Director of the conclusions and recommendations.
7. The Department Director shall respond to the conclusions and recommendations.
8. If the department rejects or modifies the recommended decision, and the matter cannot be conciliated between the Department Director and the Affirmative Action Officer, it is referred to the Human Resources Director and then to the City Manager for final resolution.
9. The Affirmative Action Officer notifies the complainant, in writing, of the proposed disposition of the complaint.
10. After the final disposition of the case, the complainant may review and discuss the investigative file.
11. The employee has the right to appeal to the City Manager.

NOTE: The aggrieved person is advised by the Affirmative Action Officer of alternative complaint resolution processes and other redress mechanisms, including Equal Employment Opportunity Commission; the Florida Human Rights Commission; or private attorney.

DISCIPLINARY PROCESS The City of Miami Beach shall maintain fair administration of the disciplinary policy and other disciplinary practices through the training of supervisors and management.

The Affirmative Action Officer, together with the Human Resources Director, shall evaluate and monitor the disciplinary practices of each department and supervisor, to ensure fairness in the administration of the disciplinary process. The purpose of Progressive Performance and Behavior Improvement Process is to encourage communication between the City of Miami Beach's employees and supervisors and to provide guidelines by which employees can be afforded consistent and fair treatment. Our employees are vital to the overall operation of the City and represent a wealth of experience and knowledge.

Lasso, Jennifer

From: Crespo-Tabak, Sylvia
Sent: Monday, July 01, 2013 9:16 AM
To: City Wide
Subject: Outside Employment
Attachments: OUTSIDE EMPLOYMENT.pdf

Importance: High

Good morning to all.

Today is July 1, the perfect date to remind everyone of our obligations to the City of Miami Beach regarding outside employment.

Employees are usually permitted to hold employment secondary to their positions with the City. Those who wish to hold such secondary employment must **first** get permission from their respective supervisors and the City Manager. The forms to request permission for outside employment can be found in the City's Intranet (Fish Tank) under *Forms Central*. A copy is also attached for your information.

Outside employment is permitted only if the following criteria are met:

1. The secondary job does not constitute a conflict of interest with your duties to the City; and
2. The number of hours you plan to work and your schedule will not affect your ability to perform your duties to the City effectively and efficiently.

Once you've secured permission to have a second job or run an independent small business, there are two other requirements you need to meet:

1. By July 1, of each year, which means by today, you must file a *Financial Disclosure* form and an *Outside Employment Statement* with the City Clerk;
2. Each time you plan to make a change in your secondary employment, you must get permission to do so; and
3. Even if there are no changes in your secondary employment, you must get your permission renewed on a yearly basis.

Additional information can be found in the: (1) Personnel Rules for the Classified Service, Rule I, Section 3 (d-1); (2) the City of Miami Beach Code, Article VII Standards of Conduct, Division 2 or (3) Miami-Dade County Code, Section 2-11.1(k)(2). You can always call the Human Resources Department at extension 7524 and ask to speak to someone about the outside employment rules.

To the management team: Each and every single employee has a need to know the information contained in this email. If anyone in your area of responsibility does not have access to a computer at work, please print and provide him/her a hard copy. Don't forget to print the attachment too!

Thanks.

MIAMIBEACH

Sylvia Crespo-Tabak, Human Resources Director

Human Resources Department
1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7524 / Fax: 786-394-4070

sylviacrespo-tabak@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.



MIAMI BEACH

CITY OF MIAMI BEACH REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT

TO BE COMPLETED BY EMPLOYEE – City of Miami Beach employees may accept outside employment as long as the employment is not contrary, detrimental or adverse to the interests of the City, and as long as no City time, equipment or material is used.

This form must be completed and approved prior to beginning any outside employment. Requests for approval of outside employment must be made on a yearly basis (even if for the same outside employment that had been previously approved).

City employees engaging in outside employment must also file an **"Outside Employment Statement"** form with the Office of the City Clerk by July 1st of each year, in accordance with Section 2-11.1(k)(2) of the Miami-Dade County Code.

INFORMATION REGARDING CITY OF MIAMI BEACH EMPLOYEE

EMPLOYEE'S NAME: LAST NAME, FIRST NAME, MIDDLE NAME:	EMPLOYEE ID NUMBER:
JOB TITLE:	HOME TELEPHONE NUMBER:
DEPARTMENT/DIVISION:	WORK TELEPHONE NUMBER:
SUPERVISOR'S NAME:	CELLULAR TELEPHONE NUMBER:
NORMAL WORK DAYS AND TIMES:	

INFORMATION REGARDING OUTSIDE EMPLOYMENT

NAME OF BUSINESS, ORGANIZATION OR INDIVIDUAL HIRING CMB EMPLOYEE:
ADDRESS OF OUTSIDE EMPLOYER :
TELEPHONE NUMBER:
JOB TITLE THAT CMB EMPLOYEE WILL HOLD:
NAME OF OUTSIDE EMPLOYMENT SUPERVISOR:
NORMAL WORK DAYS AND TIMES:
DESCRIPTION OF DUTIES:
WHAT DUTIES MIGHT BE A CONFLICT OF INTEREST WITH YOUR CMB POSITION?
WILL YOUR PROPOSED OUTSIDE EMPLOYER RELEASE YOU IF AND WHEN YOU ARE CALLED FOR EMERGENCY SERVICE BY THE CITY? <input type="checkbox"/> YES <input type="checkbox"/> NO


By signing below, I certify that all of the information given on page one (1) of this document is true, accurate, and complete to the best of my knowledge. I understand that all information is subject to investigation and that falsification, omission, or misrepresentation is sufficient cause for disciplinary action, up to and including termination. I also understand that I am responsible for informing my supervisor in writing if any information about my outside employment changes, especially if there arises any possible conflict of interest. Failure to do so may lead to disciplinary action, including termination of employment with the City of Miami Beach. This request for approval of outside employment will be made on a yearly basis.

EMPLOYEE NAME:	EMPLOYEE ID NUMBER:
EMPLOYEE SIGNATURE:	DATE:

TO BE COMPLETED BY EMPLOYEE'S SUPERVISOR, DIVISION DIRECTOR, DEPARTMENT DIRECTOR, ASSISTANT CITY MANAGER AND CITY MANAGER

NAME OF SUPERVISOR	PLEASE CIRCLE ONE: APPROVED DISAPPROVED	SUPERVISOR SIGNATURE & DATE
NAME OF DIVISION DIRECTOR	PLEASE CIRCLE ONE: APPROVED DISAPPROVED	DIVISION DIRECTOR SIGNATURE & DATE
NAME OF DEPARTMENT DIRECTOR	PLEASE CIRCLE ONE: APPROVED DISAPPROVED	DEPARTMENT DIRECTOR SIGNATURE & DATE
ASSISTANT CITY MANAGER	PLEASE CIRCLE ONE: APPROVED DISAPPROVED	ASSISTANT CITY MANAGER SIGNATURE & DATE
CITY MANAGER	PLEASE CIRCLE ONE: APPROVED DISAPPROVED	CITY MANAGER SIGNATURE & DATE

If you have any questions regarding outside employment, please contact the Human Resources Department at 305.673.7524.

 MIAMI BEACH CITYWIDE POLICY AND PROCEDURE	DATE ISSUED: JANUARY 2013	Page: 1 Of: 3	SEQUENCE NUMBER: HR.18.01
	DATE UPDATED:		
	SUBJECT: REPORTING ARRESTS, INDICTMENTS AND CONVICTIONS		
RESPONSIBLE DEPARTMENT: HUMAN RESOURCES			

PURPOSE:

The City of Miami Beach is committed to protecting the safety, health and well-being of its employees, residents, visitors and customers. To further the commitment to a safe environment, all employees (full-time, part-time, regular, probationary or temporary) shall be required to report all arrests, charges, indictments, convictions, and withholds of adjudication. This requirement also applies to contracted personnel and temporary agency employees assigned to the City.

POLICY:

Once hired, employees arrested or detained and issued a Notice to Appear, or charged with or indicted for a criminal offense (felony or misdemeanor), including driving under the influence (DUI) and/or other criminal traffic offenses, shall provide written notification to the Human Resources Director using the attached Notification of Employee Arrest, Indictment or Criminal Conviction Form (hereinafter referred to as "the Form") within two (2) calendar days. If it is impossible for the employee to make a timely report due to hospitalization or incarceration related to the incident, the Form shall be completed as soon as possible, and in no event more than twenty-four (24) hours after the employee's release. The Human Resources Director shall advise the employees' Department/Division Director of the employee's arrest, detention and issuance of a Notice to Appear, charge or indictment of an applicable criminal offense.


Employees shall report to the Human Resources Director, in writing, using the attached Form, any conviction, finding of guilt, withhold of adjudication, enrollment in a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than minor traffic violations within forty-eight (48) hours after the final judgment. The Human Resources Director shall advise the employee's Department/Division Director of the employee's conviction, finding of guilt, withhold of adjudication, enrollment in a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any applicable criminal offense.

Supervisors who become aware of a subordinate who has been arrested, charged, indicted, given a Notice to Appear, convicted, found guilty, given a withhold of adjudication, enrolled in a pretrial diversion program or entered a plea of guilty or Nolo Contendere for any criminal offense shall immediately notify the Human Resources Director.

VIOLATIONS:

Pursuant to Rule X of the City of Miami Beach Personnel Rules, the City may take disciplinary action against an employee who is arrested or indicted, even if there is no resulting conviction.

Violation of this policy shall result in disciplinary action based on progressive discipline in accordance with the provisions of the applicable collective bargaining agreement and/or Personnel Rules.

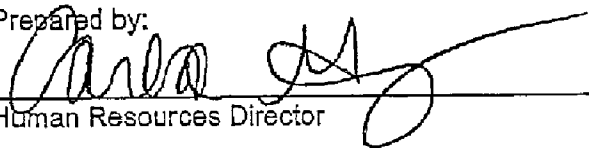
 MIAMI BEACH CITYWIDE POLICY AND PROCEDURE	DATE ISSUED: JANUARY 2013	Page: 2 Of: 3	SEQUENCE NUMBER: HR.18.01
	DATE UPDATED:		
	SUBJECT: REPORTING ARRESTS, INDICTMENTS AND CONVICTIONS		
RESPONSIBLE DEPARTMENT: HUMAN RESOURCES			

DEFINITIONS:

Criminal Traffic Offenses include, but are not limited to:

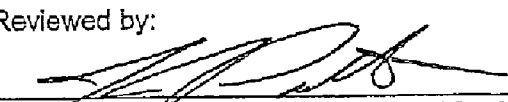
1. Leaving the scene of an accident;
2. False information regarding an accident;
3. Operating a motor vehicle without a license or while license is suspended;
4. Driving while under the influence or with an unlawful blood alcohol level;
5. Failure to sign or accept a summons; and/or
6. Fleeing and eluding police officers or reckless driving.

Prepared by:




 Human Resources Director

Reviewed by:



 Internal Auditor, Office of Budget and Performance Improvement

Approved by:



 City Manager

1-25-13

 Date



MIAMI BEACH
CITYWIDE POLICY AND PROCEDURE

DATE ISSUED:
DECEMBER 2012

Page: 3
Of: 3

SEQUENCE
NUMBER:
HR.18.01

DATE UPDATED:

SUBJECT:
REPORTING ARRESTS, INDICTMENTS
AND CONVICTIONS

RESPONSIBLE DEPARTMENT:
HUMAN RESOURCES

NOTIFICATION OF EMPLOYEE ARREST, INDICTMENT OR CRIMINAL CONVICTION FORM

Date: _____

Employee Name: _____ ID Number: _____

Department/Division: _____ Title: _____

Type of Incident (check one):

Arrest: _____ Indictment: _____ Conviction: _____ Withhold of Adjudication: _____

Other: _____

Name of Jurisdiction/Authority: _____

Case Number(s): _____

Nature of Alleged Offense: _____

Date and Time of Arrest, Indictment, Conviction, or Withhold of Adjudication: _____

Release Status: _____

Date of future court appearance if known: _____

I acknowledge the above information is factual. In addition, I shall provide written update information to my supervisor no later than two (2) calendar days after a change in the status of this matter occurs.

Employee's Signature: _____ Date: _____

ATTACH ADDITIONAL SHEETS IF NECESSARY

Lasso, Jennifer

From: Bello, Barbie
Sent: Thursday, August 22, 2013 8:49 AM
To: Lasso, Jennifer
Subject: FW: IMPORTANT POLICY INFORMATION - Providing Notifications of Traffic or Parking Citations
Attachments: LTC 261-2013 Parking Citation Dismissals.pdf; Reporting Arrests, Indictments and Convictions.pdf
Importance: High

From: Crespo-Tabak, Sylvia
Sent: Wednesday, July 31, 2013 7:26 PM
To: City Wide
Cc: Phillips, Evette; Richard McKinnon (cwa3178.president@gmail.com); gsafgreg@bellsouth.net; Bello, Alejandro; adoniscgarcia@gmail.com
Subject: IMPORTANT POLICY INFORMATION - Providing Notifications of Traffic or Parking Citations
Importance: High

Good evening, everyone. I have attached the Letter to Commission (LTC) regarding parking citation dismissals because there is a policy statement on the third page of interest of each and every City of Miami Beach employee.

Under the subhead, **Court Proceedings**, the first bullet reads as follows:

- City employees who receive a uniform traffic citation and/or parking citation, on or off-duty, by either an officer of the City's parking enforcement unit or police department must provide written notification of the citation to the Human Resources Director or her designee, no later than 72 hours after issuance (*emphasis mine*).

Since the LTC was issued yesterday and we have not developed a formal reporting procedure, should you be issued a citation as mentioned above, you should take action as follows.

- Email me at sylviacrespo-tabak@miamibeachfl.gov with the following information:
 - a. Name;
 - b. Classification;
 - c. Department/Division where you work;
 - d. Telephone number or email address where you may be contacted;
 - e. Citation number;
 - f. Citation date;
 - g. Name of person who issue the citation; and
 - h. Reason for the citation.
- If you prefer, you may email the information to Carla Gomez, Assistant Human Resources Director or Robin Porter, Employee Relations Manager. They are the two HR representatives who have been delegated authority to accept this information.
- If you do not have access to a computer and do not have an email address, you are expected to mail or deliver the information to the Human Resources Department within the established time frame (72 hours).

Providing this information to the Human Resources Department is similar to the requirement to self-report arrests, indictments and convictions(policy also attached as a reminder and for your reference).

Managerial and supervisory personnel who know they have employees in their respective areas of responsibility who do not have City email addresses or access to a computer at work , are to provide each with a printed copy of this email.

If anyone has any questions please call me. You may also call Ms. Gomez at extension 6713 or Ms. Porter at extension 6591.

As always, I sincerely appreciate your cooperation.

MIAMIBEACH

Sylvia Crespo-Tabak, Human Resources Director

Human Resources Department

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7524 / Fax: 786-394-4070

sylviacrespo-tabak@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

CONFIDENTIALITY NOTICE: *This message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information that may be exempt from public disclosures. Any unauthorized review, use, disclosure or distribution is prohibited. If you received this message in error, please contact the sender (via email, fax or phone) and then destroy all copies of the original message.*



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 261-2013

LETTER TO COMMISSION

RECEIVED
2013 JUL 31 PM 4:19
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and
Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 30, 2013

SUBJECT: **PARKING CITATION DISMISSALS**

As you may know, WPLG – Channel 10 recently issued a report regarding parking citation dismissals. The report references parking citations that were dismissed for residents, visitors/tourists, and public sector employees, including some city employees.

Parking citations may be contested either through an administrative review process at the department level or through the County's Clerk of Courts. The setting of a court hearing to contest a parking citation must be done in person at the County Clerk of Courts Office resulting in two visits (one to request the court date and one to attend the hearing). A common complaint is that it is a bureaucratic process that leads many to just pay the citation because it not worth the time, effort, and resources to contest a low level fine.

The Administrative Review process provides an expedient manner for any citizen (resident, visitor, tourist, or public sector employee) to contest a parking citation. Certainly, those wishing to contest their case through the court system may avail themselves of that process.

There were 163,987 parking citations issued between January 1st and June 30th of this year and there were 767 dismissals for this period. This equates to 0.004% or less than one-half of one percent. The news report failed to mention that the dismissals that were processed contained reasonable justifications, including meter/iPark malfunctions, missed valid permits or receipts displayed on the vehicle, tourists who are unfamiliar with local regulations, and others. In some cases the word "courtesy" appears on the request; however, a reasonable justification for the dismissal is referenced on the request form and/or supporting documentation, including photographs, is provided.

The following is a listing of the respective dismissal categories, their quantity, and a brief description of each:

Categories:	No.	%
1. Customer presented valid permit or pay station receipt:	402	52%
2. Officer input error:	160	21%
3. Meter or iPark malfunction:	63	9%
4. Tourists unfamiliar with local regulations:	48	6%
5. Obstruction of license plate (frame):	31	4%
6. Loading activities (passenger/commercial):	27	3%
7. Public sector employees	26	3%
8. No sign posted:	5	1%
9. Victims of Crimes	5	1%
Total:	767	100%

*** Notes:**

1. Over half of all dismissals are permit or pay station receipts that were valid. This includes municipal, residential, and citywide permits, including disabled hang-tags. Dismissals for valid pay stations receipts include customers who were at the pay station attaining a receipt when the citation was issued or a valid receipt was purchased but was inadvertently not displayed. Moving forward, the pay by license plate initiative will address this issue as a receipt will no longer be required to be displayed and payment confirmation will take place electronically, online in real time. 2. Officer input error includes data entry input errors on the handheld citation issuing device. These input errors include license plates, violation codes, vehicle descriptions, and locations. Also, a replacement citation is issued with the corrected information.

3. From time to time, single space meters, multi-space pay stations, and iPark devices malfunction. A review and/or inspection are conducted to confirm the malfunction in each case.

4. Tourists who visit our city are, at times, unfamiliar with our local parking regulations. Proof of their tourist status is required (airline and/or hotel receipt).

5. Obstruction of license plate dismissals is provided upon proof (photo) that the obstruction was removed.

6. Loading activity dismissals include passenger or commercial loading is underway and the officer becomes aware of the loading activity after the citation has been issued.

7. The following is a detail of the 26 public sector employee requests for administrative dismissals:

U. S. Postal Service employees with valid permit:	2
City employees with valid permit (multiple departments):	19
Police undercover vehicles:	5
Total:	26

8. No sign posted dismissals occur when a sign is missing and/or has an obstructed view.

9. Victims of crime dismissals include vehicles that are cited during the course of a crime, including the issuance of a police report.

The dismissal referenced in the news report that was related to the City of Coral Gables employee occurred in October 2012 and it is not included above. This circumstance, along with other potential issues, is addressed below. Moreover, the following additional safeguards are being implemented prospectively to maintain the public trust by promoting transparency; and further strengthening the integrity of both the request for administrative dismissal process and court proceedings:

Requests for Administrative Dismissal

In regards to the circumstances related to the City of Coral Gables employee, the request for dismissal states "courtesy" with no other reference. The dismissal may have been related to one of the aforementioned categories; however, there is no confirmation of the specific category. This is addressed prospectively by requiring public sector employees, including municipal, state, or federal employees, who request an administrative dismissal, to submit their request through their agency's department head, including the justification and their department head's written approval. This also includes City of Miami Beach employees. Requests are reviewed through the chain of command with the written approval of the Assistant Parking Director and Parking Director, as a dual control.

Court Proceedings

Truthful and accurate testimony is critical in upholding any enforcement action. Parking enforcement specialists shall be evaluated and scored on their annual performance with regard to court proceedings, including their demeanor. The following will be required of city employees and it will be transmitted to all employees in the form of a policy

- City employees who receive a uniform traffic citation and/or parking citation, on or off-duty, by either an officer of the City's parking enforcement unit or police department must provide written notification of the citation to the Human Resources Director or her designee, no later than 72 hours after issuance.
- City employees who wish to contest a uniform traffic citation or parking citation must maintain the highest ethical standards and shall neither attempt to nor exert any influence or coercion to the issuing officer or agency to influence, gain favor, and/or perjure the testimony of the issuing officer.
- City employees contesting citation(s) must provide the Parking Director and/or Police Chief with written notification of the date, time, and location of the hearing. This notification must take place 72 hours prior to the hearing (not including weekends or holidays).
- A city employee who has issued a violation to a fellow employee, friend, or family member, and is called upon to provide testimony in a court of competent jurisdiction, shall report any attempts to be influenced, gain favor, and/or perjure their testimony, to the Human Resources Director.
- City employees who act as officers of the court shall not provide testimony in any court proceedings that intentionally and purposefully provides undue favor to friends, family members, or employees of the City.

City employees violating this policy shall be subject to disciplinary action, up to and including termination of their employment with the City.

These safeguards are just another step towards restoring the public trust and addressing any real or perceived conflicts.

- C: Patricia Walker, Chief Financial Officer
Kathie Brooks, Assistant City Manager
Mark Taxis, Assistant City Manager
Joe Jimenez, Assistant City Manager
Marcia Monserrat, Special Projects Coordinator
Ray Martinez, Police Chief
Sylvia Crespo-Tabak, Human Resources Director
Saul Frances, Parking Director
Rocio Alba, Assistant Parking Director

JLM/KGB/PDW/SCT/SF
F:\ping\all\cmo\ParkingCitationDismissals.ltc



