

Utilities Commission, City of New Smyrna Beach

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Manual for Human Resources Management



Employee Handbook
Policies, Procedures, and Guidelines

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Utilities Commission, City of New Smyrna Beach

Manual for Human Resources Management

Prepared by:

Human Resources Department, April, 2015

The content of this manual does not constitute nor should it be construed as a promise of employment or as a contract between the Utilities Commission, City of New Smyrna Beach and any of its employees.

The Utilities Commission at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time, without prior notice.

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INTRODUCTION

This document has been developed by the Human Resources Department in order to familiarize employees with the Utilities Commission and to provide information about working conditions, key policies, procedures, and benefits affecting employment at the Utilities Commission.

This manual, and all policies, procedures, and benefits outlined within, apply to all positions within the U.C., except those filled by direct Commission appointment. For positions which are deemed represented by the IBEW Local 2088 (such positions are outlined in the Collective Bargaining Agreement), where there is a discrepancy between a practice in this manual and an article in the Collective Bargaining Agreement (CBA), the CBA shall prevail only with respect to specific provisions relating to an employee represented through such an agreement.

WELCOME

Welcome to the Utilities Commission, City of New Smyrna Beach! We are happy to have you as a new member of our family! Please take the time to familiarize yourself with the company's strategic initiatives (directly below). This is what we are all about and now that you have been selected as a member of our team, understanding our values and objectives will help you help us achieve our goals and bring value to our community.

Vision

Improving the quality of life for our customers by being the best utility service provider

Strategies

- ❖ To effectively achieve the planned strategies using traditional and new methodologies
- ❖ To develop operating and values-based platforms with complementary goals and systems
- ❖ To develop an organization which emphasizes learning, value, respect, and efficiency
- ❖ To optimize the return on financial, physical, and human resources

Mission

To benefit our community by providing timely, cost effective, and high-quality products and services to our customers with sound economy and good management

Objectives

- ❖ To gain and retain satisfied customers
- ❖ To optimize competitive performance
- ❖ To achieve our established goals and measures
- ❖ To add value to our community
- ❖ To enhance the quality of life of our employees
- ❖ To be grounded in our strategic planning
- ❖ To promote awareness of our value-added services

Premise

Our initiatives to achieve our vision and mission will develop our character and the effective means to be successful

Going Forward Values

- ❖ We measure our success through our customers
- ❖ We represent integrity
- ❖ We are responsible, not just accountable
- ❖ We understand that good values promote positive consequences
- ❖ We promote learning, innovation, and effectiveness
- ❖ We sell solutions
- ❖ We support each other by listening, understanding, and developing ourselves and our organization to achieve our goals
- ❖ We encourage continuous improvement and consensus development of processes, standards, and work practices
- ❖ We increase the worth of everything we do

CHANGES IN POLICY

This manual supersedes all previous employee manuals and memorandums.

While every effort is made to keep the contents of this document current, the Utilities Commission reserves the right to modify, suspend, or terminate any of the policies, procedures, and/or benefits described in the manual with or without prior notice to employees.

EFFECT OF LAW

It is understood and agreed that the terms and provisions of this Manual for Human Resources Management (HRM) are subject to the laws of the United States government and the laws of the State of Florida. In the event any of the terms and provisions of the HRM are, or become in violation of said laws, only such provisions in violation shall become void and of no effect.

MANAGEMENT RIGHTS

The Utilities Commission reserves all rights, powers, and authority customarily exercised by management, and shall exercise at its sole discretion, but not confined only to the following matters as they may affect U.C. employees, whenever the U.C. may determine it advisable to do any or all of the following:

- ❖ Manage its business
- ❖ Hire, terminate, layoff, assign, demote, and promote employees

- ❖ Determine the qualifications of employees
- ❖ Determine and re-determine position content, qualifications, and competencies
- ❖ Determine the schedule of work and to assign work
- ❖ Determine the number and time of shifts
- ❖ Establish new positions, abolish, or change existing positions
- ❖ Increase or decrease the number of positions
- ❖ Regulate or change services, materials, processes, products, or equipment
- ❖ Subcontract any of its operations; and
- ❖ Decrease or increase the number of working hours per day or per week

INTERPRETATION

The General Manager/CEO and the Human Resources Manager have authority to interpret the contents, intent, and meaning of the Human Resources Manual. Additionally, it is the objectives of the HR Manager to provide strategic support to all U.C. staff, and to interpret and resolve on behalf of the U.C. questions of policy and procedure concerning employee relations, labor relations, wage and hour laws, and human resource administration.

1.1 Employment Classification

***1.2 Probationary Period for
New Employees***

SECTION I

EMPLOYMENT DEFINITION AND STATUS

SECTION I

EMPLOYMENT DEFINITION AND STATUS

An “employee” of the Utilities Commission is a person who regularly works for the U.C. on a wage or salary basis. In accordance with applicable federal and state laws, all persons hired by the U.C. are hired “at will” unless otherwise stipulated by provisions of a formal contract.

“At will” employment means that either the employee or the U.C. may end the employment relationship at any time, for any reason, or for no reason. Nothing in this manual will alter or limit the Utilities Commission’s right to maintain employment at will.

The content of this manual does not constitute nor should it be construed as a promise of employment or as a contract between the Utilities Commission, City of New Smyrna Beach and any of its employees.

1.1 Employment Classification

Employees of the Utilities Commission are classified as either “exempt” or “non-exempt.” This is in accordance with applicable federal laws set forth by the Department of Labor. These laws determine what types of jobs are entitled to overtime pay for hours worked in excess of forty (40) per workweek, and those that are exempt from this entitlement.

In addition to the above overtime classifications, every employee is assigned an employment status classification: regular full-time, regular part-time, temporary full-time or temporary part-time.

Regular Full-time Employment:

An employee filling a position on a regular, continuous basis in accordance with the normal schedule of the particular department, usually forty (40) hours per workweek, and has completed the established probationary period, is considered a regular, full-time employee. Employees in this classification are eligible for the full range of employee benefits.

Regular Part-time Employment:

An employee filling a position on a regular, continuous basis in accordance with the normal schedule of the particular department, less than forty (40) hours per workweek, and has completed the established probationary period, is considered a regular, part-time employee. Employees in this classification are eligible for partial employee benefits determined by the number of hours regularly worked per workweek.

Regular part-time employees who work at least thirty (30) hours per workweek, but less than forty (40) hours are eligible for benefits pro-rated at 75% of those earned in the regular, full-time classification.

Regular part-time employees, who work less than thirty (30) hours per workweek, but not less than twenty (20) hours, are eligible for benefits pro-rated at 50% of those earned in the regular, full-time classification.

***Temporary Full-time Employment:**

An employee hired for a special project, or whose employment is of a seasonal, temporary, or transitory nature, working at least forty (40) hours per week, is considered a temporary, full-time employee. Employees in this classification are required to work on a full-time basis in accordance with the normal schedule of the particular department. Unless the temporary assignment is extended by the department director, the duration of employment will not exceed 180 calendar days.

Temporary full-time employees are ineligible for benefits, except as provided by law, such as the current Patient Protection and Affordable Care Act which is applicable to full-time employees following ninety (90) days consecutive employment with the U.C.

***Temporary Part-time Employment:**

An employee hired for a special project, or whose employment is of a seasonal, temporary, or transitory nature, working less than forty (40) hours per week, is considered a temporary, part-time employee. Unless the temporary assignment is extended by the department director, the duration of employment will not exceed 180 calendar days.

Temporary part-time employees are ineligible for benefits, except as provided by law, such as the current Patient Protection and Affordable Care Act which is applicable to full-time employees following ninety (90) days consecutive employment with the U.C.

*Employees initially hired under a temporary status who are subsequently placed in a regular employment status, shall have their service date established as their original date of employment, provided service has been continuous. For purposes of providing benefits, the date of placement in a regular status will be used to determine the proper eligibility period.

1.2 Probationary Period for New Employees

The Utilities Commission monitors and evaluates every new employee's performance for a 180-day period, known as the probationary period, to determine whether further employment in a specific position or with the U.C. is appropriate. During the probationary period, retention of an employee is solely at the discretion of the U.C. *Successful completion of the probationary period is not a guarantee of future employment.*

If an employee's performance is less than satisfactory during this period, the department director may decide, on a non-precedent setting basis, to extend the probationary period an additional 30, 60, or 90 days, not to exceed 90 calendar days.

Rehired Employees

Employees who have been rehired after a break in service (any period of time after the last day of employment), with the exception of employees recalled from a reduction in force within the prescribed recall period, are considered new employees for all purposes, including the requirement to serve the probationary period.

SECTION II
EMPLOYMENT POLICIES

2.1 Policy Development

2.2 Equal Employment Opportunity (EEO)

2.3 Americans with Disabilities Act (ADA)

2.4 Discrimination Complaint Resolution

2.5 Immigration Law Compliance

2.6 Florida Whistleblower's Act

2.7 Genetic Information Non-Discrimination Act (GINA)

2.8 Personnel Records and Administration

2.9 Public Records

2.10 Visitors in the Workplace

2.11 Employment of Relatives/Anti-Nepotism Policy

2.12 Outside Employment

2.13 Notary Public

2.14 Security Cameras

2.15 Non-Smoking Policy

2.16 Strike and Lockout Policy

2.17 Bulletin Boards and Posting Guidelines

2.18 Company and Personal Cell Phone Usage

SECTION II EMPLOYMENT POLICIES

Policies, Rules, Guidelines, and Regulations Overview

The U.C. may establish policies, rules, guidelines, and regulations pertaining to employees and employee conduct. Such regulations are also subject to applicable laws of the United States Government and applicable laws, statutes, rules, regulations, and ordinances of the State of Florida and its various regulatory agencies, the county of Volusia, and the City of New Smyrna Beach.

By accepting employment with the U.C., all employees agree to abide by all applicable policies, rules, guidelines, and regulations which are or become effective during employment. Additionally, a Code of Ethics is provided to all employees which provides off duty behavioral guidelines relevant to the position held by the employee.

2.1 Policy Development

The developments of U.C. policies are overseen by the CFO, the appropriate department director, the GM/CEO, and the U.C. attorney. All new or revised policies must be presented in a uniform manner, consistent with the U.C. approved format, and must be approved by the Utilities Commission.

2.2 Equal Employment Opportunity

The Utilities Commission is an equal opportunity employer. Employment decisions are based on merit and business needs and not on race, color, citizenship status, national origin, ancestry, gender, age, weight, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law.

2.3 Americans with Disabilities Act

It is the policy of the Utilities Commission to comply with all relevant and applicable provisions of the American with Disabilities Act (ADA) and the Amendment Act (ADAAA). The U.C. will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability.

2.4 Discrimination Complaint Resolution

Complaints of alleged discrimination must be submitted in writing to the Human Resources Manager. Written complaints may be submitted via electronic mail (e-mail), regular postal mail, or through the U.C.'s interoffice mail. Complaints submitted via e-mail should be sent to

bpitcher@ucnsb.org. Complaints submitted via postal mail should be mailed to Post Office Box 689, New Smyrna Beach, FL 32170 – ATTN: HR Manager.

2.5 Immigration Law Compliance

All offers of employment are contingent on verification of the applicant's right to work in the United States. On the first day of employment, every new employee will be asked to provide original documents verifying his or her right to work and, as required by federal law, to sign the Federal Form I-9, Employment Eligibility Verification. Verification of the right to work in the U.S. will be performed in accordance with applicable federal and state laws.

2.6 Florida Whistleblower's Act

The U.C. abides by all regulations within the Florida Whistleblower's Act, F.S. 112.3187.

The Florida Whistleblower's Act was enacted to prevent state and local government agencies and the companies that contract with the agencies from taking retaliatory action against employees who report violations of law by the agency or the contractor. The Florida Whistleblower's Act also prevents agencies and contractors from taking retaliatory action against any person (not just employees) who disclose information alleging improper use of governmental office, gross waste of funds, or any other abuse, or gross neglect of duty on the part of the agency, public officer, or employee.

The Act, however, does not protect employees or persons, who disclose false information, which they know is false.

2.7 Genetic Information Nondiscrimination Act (GINA)

The Genetic Information Nondiscrimination Act (GINA) protects employees and applicants against discrimination based on their genetic information when it comes to healthcare and employment. The U.C. complies with all regulations under this Act.

2.8 Personnel Records and Administration

The task of handling personnel records and related administrative functions at the U.C. has been assigned to the Human Resources Department. Personnel files are subject to public record under Florida Sunshine Law and include some or all of the following documents:

- ❖ Education/Training Records
- ❖ Disciplinary Records
- ❖ Performance Evaluations
- ❖ Non-Confidential, Pre-employment and New Hire Records

All medical records will be kept in a separate, confidential file and are not subject to public record.

2.9 Public Records

In accordance with Florida Statute 119, all records of the U.C. that are deemed public by this statute will be made available for copying and/or inspection. Records may include, but are not limited to e-mails, memorandums, employment records, meeting minutes, and the like. Medical records are not subject to a public records request. All public record requests must be forwarded to the Executive Department for processing by the Records Custodian.

Some employees may be classified as exempt under this statute, which means personal information such as dates of birth, addresses, and telephone numbers must be redacted from records prior to fulfilling a request.

2.10 Visitors in the Workplace

For safety and other business considerations, only authorized visitors are allowed in the workplace. When making arrangements for visitors, employees should request that visitors enter through the main reception area and sign in and sign out with the receptionist.

2.11 Employment of Relatives / Anti-Nepotism Policy

It is the objective of the U.C. to attract and retain employees of the highest caliber. Consistent with this policy, the U.C. is pleased to consider for employment qualified applicants who are related to employees and to permit employment of relatives when, in the judgment of the General Manager/CEO, it is in the best interest of the U.C. to do so.

Anti-Nepotism:

Nepotism is showing favor to a relative simply because of familial status rather than an objective evaluation of ability or suitability.

Although F.S. §112.3135 does not prevent relatives from working in the same department, and applies only to public officials' decisions to appoint, employ, promote, or advance relatives, to prevent claims of nepotism, the U.C. has established the following policy:

When the U.C. employs more than one member of a family, one family member may not be employed within the same department, nor shall one family member supervise another or in any way direct the work or workflow of another employee, or have express influence to impose discipline, promotion, demotion, or discharge on the related employee. The General Manager/CEO, in conjunction with the department director(s) and the Human Resources Manager, must review all such hires.

All employment decisions, such as appointment, employment, promotions, or advancement, will be based solely on merit and fitness and will be conducted in a manner that is non-discriminatory without regard to familial status. In no way will a relative be permitted to serve on an interview panel where he or she has authority to recommend.

Additionally, employment decisions, as well as status changes, such as marriage that could result in conflict of this policy will be reviewed by the department director(s) involved and the Human Resources Manager. If it is determined that a conflict exists, and there is no viable solution, reassignment to another department and/or position may be considered. If a transfer is not feasible for any reason, termination of employment for one employee may be necessary. The affected employees will be given a reasonable time to determine which will terminate employment voluntarily. If no decision is made within the agreed upon timeframe, the decision for termination will be made by the General Manager/CEO with input from the affected department director(s) and the Human Resources Manager. Consideration of qualifications, attendance records, discipline records, performance appraisals, and time served at the U.C. will be part of the decision making process for either a transfer or termination. For purposes of this policy, a transfer may be in the form of a promotion or a demotion. In no way will an employee be transferred to a lesser paying position and receive the same rate of pay received in the position held prior to the transfer.

Definition of Relatives:

For purposes of this policy, the U.C. defines relatives in accordance with F.S. §112.3135 as:

Father, mother	Son-in-law, daughter-in-law
Son, daughter	Brother-in-law, sister-in-law
Brother, sister	Stepfather, stepmother
Uncle, aunt	Stepson, stepdaughter
First cousin, nephew, niece	Stepbrother, stepsister
Husband, wife	Half brother, half sister
Father-in-law, mother-in-law	

2.12 Outside Employment

Outside employment is expected to be in compliance with the U.C.’s Code of Conduct and Conflict of Interest policies. Outside employment with a U.C. customer or vendor may present as a conflict of interest. Any employee accepting outside employment where there might be a conflict of interest as determined by the U.C. must notify the Human Resources Department in writing and must sign the approved Conflict of Interest Notification form. The form will be kept on file within the employee’s personnel file. It is the responsibility of the employee to notify the Human Resources Department when such employment ceases so the file may be documented as such.

The Utilities Commission, City of New Smyrna Beach at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified after approval by the Commission. Any such action shall apply to existing as well as to future employees.

Requests for alterations in working days and/or hours due to outside employment will be at the discretion of the department supervisor and director and shall not incur any additional cost to the U.C., such as overtime, shift differential, or any other premium costs.

Any outside employment that is deemed to be in direct conflict with the U.C. will be reviewed by the General Manager/CEO, the department director, and the Human Resources Manager as it may affect the employee's ability to remain employed with the U.C.

2.13 Notary Public

It is the policy of the U.C. that any Notary Public, whose commission has been secured and paid for by the U.C., shall use his or her authorization for official U.C. business only. This is in adherence to the U.C.'s Ethics and Conflict of Interest policies. Within reason, the Notary Public who is covered under this policy will be available to U.C. staff for the purpose of notarization for U.C. business transactions.

2.14 Security Cameras

The U.C. has the right to install and maintain security cameras in all buildings and outside facilities. Security cameras are intended to deter and prevent theft or destruction of property, other criminal activity, unauthorized entry, and to enhance the safety of employees and customers. Cameras will not be placed in areas where privacy is required, such as a restroom. Cameras will not be placed in areas where confidentiality is routinely required. Additionally, when installations are for routine surveillance, cameras will not monitor or record sound. Retention of recorded video shall comply with F.S. Chapter 119 and shall be deemed exempt from inspection or copying under §119.071(3).

2.15 Non-Smoking Policy

In accordance with the Florida Clean Indoor Air Act, F.S. §386.204 smoking in an indoor workspace is prohibited.

An indoor workspace does not only refer to the apparent office spaces and indoor areas, but also includes any place that is predominantly bounded by physical barriers. A space is predominantly bounded by physical barriers if it is:

- ❖ More than 50 percent covered from above by a physical barrier that excludes rain; and
- ❖ More than 50 percent of the combined surface area of its sides is covered by closed physical barriers

Furthermore, included in this prohibition are common areas. These include hallways, entryways, corridors, stairwells, lobbies, aisles, water fountain areas, and restrooms.

All U.C. property is designated as a non-smoking area. For specific clarification, this includes vehicles and indoor areas, including loading docks, warehouses, garages, covered corridors, all entryways, and any other area that is more than 50 percent covered.

Moreover, employees must not smoke near an entryway or a common area where other people, including employees, customers, and vendors gather or travel through.

Employees who decide to smoke should utilize an area that is at least 25 feet away from a non-smoking area. Employees must not smoke near any ventilation system that would draw the smoke into an indoor or common area.

Included in this prohibition are e-cigarettes. The use of e-cigarettes is not permitted indoors or in or around any common areas as described above.

2.16 Strike and Lockout Policy

It is the intent of the U.C. to settle any and all disputes that may arise between an employee and the U.C. As part of any dispute resolution process, strikes are expressly prohibited. Employees are expected to remain in compliance with Florida Statute §447.505 which states that “no public employee or employee organization may participate in a strike against a public employer by instigating or supporting, in any manner, a strike” (F.S. §447.505, 2011). Violations of this section shall subject the violator to penalties under F.S. §447.507.

Additionally, if the Public Employees Relations Commission, hereinafter referred to as PERC, determines, in accordance with §447.507, that an employee has violated §447.505, PERC may order the termination of the violators’ employment with the U.C.

Employees of the U.C. agree upon employment that they will not strike, boycott, work stop, slowdown, walkout, picket, or initiate any cessation of work, including honoring any picket line or any other interference or stoppage at the U.C.’s place of business or elsewhere, total or partial, for any reason whatsoever. In addition, the U.C. agrees that it will not lockout any employee during the term of the provisions of this manual.

Violation of this provision will result in discipline and may include termination of employment.

2.17 Bulletin Boards and Posting Guidelines

Bulletin boards are provided at various work locations throughout the U.C.'s facilities for the purpose of official communications to employees. Any other materials to be posted on such boards must be approved by the appropriate department director/manager prior to posting.

General distribution or posting of non-work related pamphlets, advertising, political matters, notices, or any other type of literature is not permitted on a U.C. board, except as provided herein.

In some instances, communications to be posted may need additional approval from the Executive Office. This approval must be obtained by the appropriate department director/manager.

2.18 Company and Personal Cell Phone Usage

The U.C. provides cellular ("cell") phones for work usage only. Only work-related calls should be made from the company cell phone.

It is understood that personal emergencies may occur, in the event the employee does not have a personal cell phone and uses the U.C. cell phone for personal calls, the employee must indicate on the U.C. bill all itemized costs incurred by the employee and must reimburse the U.C. for these calls. Excessive personal calls from a U.C. or personal cell phone is discouraged and is not an accepted practice. Abuse of personal cell phone usage may be grounds for corrective action.

Additionally, it is against Florida law to text and drive. Employees are expected to adhere to all Florida laws, including the ban on texting while driving. Furthermore, employees should not use cell phones or other wireless devices, either personal or company issued, to engage in sending, reading, or responding to e-mails while driving a company vehicle or a personal vehicle while in the scope of employment.

SECTION III
STANDARDS OF CONDUCT

3.1 Code of Ethics Policy

3.2 Anti-Harassment Policy

***3.3 Workplace Violence
Prevention***

***3.4 Confidential Information
and Nondisclosure***

3.5 Medical Privacy Policy

***3.6 Internet Code of Conduct
Policy***

3.7 E-Mail Policy

3.8 Dress Code

3.9 Company Property

***3.10 Complaint Procedure –
Job-Related Issues***

SECTION III STANDARDS OF CONDUCT

3.1 Code of Ethics Policy

Statement of Purpose

The purpose of this policy is to ensure that all employees adhere to proper legal and ethical standards in their business relationships and to reaffirm the strong commitment of the Utilities Commission (“Commission”) to the highest standards of legal and ethical conduct in its business practices, and to consolidate the various policies concerning this commitment into a single document.

It has been longstanding policy of the Commission to maintain the highest ethical standards in the conduct of Company affairs and in its relationship with customers, suppliers, employees, advisors, and the communities in which our operations are located.

Statement of Ethics

As an integral member of the Commission, its Employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that in both business and personal life, Employees refrain from any behavior that might be harmful or that might be viewed unfavorably by current or potential customers, or by the public at large. Whether on duty or off, the Employee’s conduct reflects on the Commission, Employees of the Commission, as providers of public service and in order to inspire confidence and trust, are committed to the highest standards of personal and professional integrity.

Policy on Use of Good Judgment

It would be virtually impossible to cite examples of every type of activity which might give rise to a question of unethical conduct. Therefore, it is important that each Employee rely on its own good judgment in the performance of its duties and responsibilities. When those situations occur where the proper course of action is unclear, request advice and counsel from your department head. The reputation and good name of the Commission depends entirely upon the honesty and integrity of each one of us.

Employees must avoid any behavior or relationship which might reflect negatively on the Commission, whether the result of personal conduct, a possible conflict of interest, or other activity detrimental to this image. As a municipal-owned utility, the Commission is held accountable to the citizens of the City and as such, operates under public scrutiny.

The Commission is an association of individuals who come together to provide an important public service. Employees must conduct themselves in such a way that acknowledges that mission. Established business ethics are in place for each employee and thorough adherence to those ethics will ultimately determine the success of the Commission. How employees do their job is equally as important as what they do.

In furtherance of this commitment, the Employees of the Commission shall:

- (a) Provide open and accessible government, giving, courteous responsive service to all citizens equally;
- (b) Accept only authorized compensation for the performance of their duties and respectfully decline any offers of gifts or gratuities from those with whom they do business;
- (c) Disclose or report any actual or perceived conflicts of interest;
- (d) Comply with all laws and regulations applicable to the Commission and impartially apply them to everyone;
- (e) Neither apply nor accept improper influence, favoritism, and personal bias;
- (f) Use Commission funds and resources efficiently, including materials, equipment, and time; and
- (g) Ensure that no Commission resources of any kind are ever used solely for personal gain without also benefiting the U.C. and with appropriate approvals.

Recognizing that a public agency must serve the best interest of its citizens, the U.C. employees are expected to promote public confidence in themselves and the Utilities Commission.

In addition to the foregoing, the employees of the Utilities Commission shall at all times strictly adhere to all applicable provisions of the Code of Ethics for U.C. Commissioners and Employees (Part III, Chapter 112, Florida Statutes), as amended from time to time.

Employees must be familiar with this policy and abide by its terms. Employees are expected to report violations first in a report to his or her supervisor, who will then report it through the chain of command. If employees are not comfortable with this reporting procedure, or if employees believe their concern is improperly or inadequately considered, they may report it to the U.C.'s Legal Counsel, Chief Executive Officer, or the U.C.'s external Auditor. This Statement of Ethics does not replace any other policy or procedure and should be considered an addition to those procedures.

The Commission will not retaliate against any employee for good faith reports of ethical violations or misconduct of others. Employees who violate this Code of Ethics will be subject to corrective action, up to and including termination.

Statement of Conflict of Interest

Every employee is prohibited from partaking in any activity or association that creates or appears to create a conflict between the employee's personal interests and the Commission's business interests. In addition, an employee must not allow any situation or personal interests to interfere with the exercise of independent judgment or with that employee's ability to act in the best interests of the Commission.

No employee shall:

- (a) While acting as a purchasing agent of the U.C. in the employee's official capacity, purchase, rent, or lease any realty, goods, or services for the U.C. from any business entity of which the employee, the employee's spouse, the employee's child, or the employee's spouse's child is an officer, partner, director, proprietor, or in which the employee, the employee's spouse, the employee's child, or the employee's spouse's child has a material interest;
- (b) Rent, lease, or sell any realty, goods, or services to the U.C.;
- (c) Purchase any surplus realty or goods from the U.C. if the employee had any role in the decision-making process by which such property was originally acquired or declared to be surplus which was not required by law, ordinance, or regulation;
- (d) Accept any compensation, payment, or thing of value when the employee knows, or with the exercise of reasonable care should know, that it was given to influence action in which the Employee was expected to participate in his capacity as a U.C. Employee;
- (e) Corruptly use or attempt to use his position or any property or resource which is within his trust, or perform his duties, to secure a special privilege, benefit, or exemption for the Employee or others;
- (f) Have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or is doing business with, the U.C.
- (g) Have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between the private interests of the Employee and the performance of the Employee's public duties or that would impede the full and faithful discharge of the Employee's public duties;
- (h) Disclose or use information not available to members of the general public, and gained by reason of the Employee's position, for the Employee's personal gain or benefit or for the personal gain or benefit of any other person or business entity;
- (i) All memoranda, notes, lists, records, and other documents (and all copies thereof) made or compiled by the employee or made available to the employee concerning the business of the Commission shall be the Commission's property and shall be delivered to the Commission promptly upon the termination of the employee's employment with the Commission or at any other time on request.

- (j) Employees are forbidden to use, directly or indirectly, corporate funds and assets for any unlawful purpose or to accomplish any unlawful goal. The Commission also prohibits the establishment or maintenance of undisclosed or unrecorded funds and assets. All reporting of information should be accurate and timely. Employees may not make any false or misleading entries in any books and records.

This Statement of Conflict of Interest subsection shall be applied and construed in a manner consistent with the Code of Ethics for U.C. Commissioners and Employees (Part II, Chapter 112, Florida Statutes), as amended from time to time.

Policy Listing General Ethical Requirements

Employees should read the code of ethics with the following in mind:

- ❖ The Commission requires every employee to comply with these standards.
- ❖ This list is not comprehensive. The Commission encourages employees who have questions about these standards and their application to employee conduct to discuss them with their manager, the general counsel, or with the manager in charge of human resources.
- ❖ Each employee will be given a copy of these standards and be asked to sign an Employee Acknowledgment Form.

3.2 Anti-Harassment Policy

The Utilities Commission has a zero tolerance policy for any workplace harassment. The U.C. defines harassment as any disrespectful or unprofessional conduct based on a protected characteristic, such as sex, race, national origin, or religion.

All U.C. employees, vendors, customers, and contractors are subject to the anti-harassment policy.

Any and all harassment is a violation of the U.C.'s policy and subjects the employee to immediate corrective action, up to and including termination.

Examples of harassment include, but are not limited to: unwanted sexual advances, demands for sexual favors in exchange for favorable treatment or continued employment, repeated offensive jokes about a protected class or of a sexual nature, intimidation, physical assault or contact, advances or propositions, verbal abuse, violence, obscene comments or gestures, or the display in the workplace of sexually suggestive objects or pictures or other disrespectful or unprofessional objects or pictures based on a protected class.

Complaint Procedure

All employees are encouraged to bring forward any and all complaints arising from a violation of this policy, no matter how frivolous it may seem. This includes inappropriate conduct displayed by customers, vendors, contractors, coworkers, supervisors, managers, or directors.

The U.C. provides alternate avenues to report claims of harassment, so that the complainant may avoid the alleged harasser. Employees have the option to make known their complaint to either: their department supervisor, manager, director, or the HR Manager. To protect the privacy of the persons involved, all complaints will be held as confidential information. Confidentiality will be maintained throughout the investigatory process to the extent possible and appropriate under the circumstances.

Investigation Procedure:

Once a member of management has been informed of the harassment, the claim will be promptly and thoroughly investigated, in as confidential a manner as possible. The complainant will be kept informed as to the status of the investigation and its outcome.

Employees found to have engaged in misconduct constituting harassment will receive appropriate corrective action, up to and including termination.

Nothing in this policy prevents the U.C. from placing the accused harasser on administrative leave pending investigation.

Appeals Process:

If the complainant is dissatisfied with the outcome or resolution of his or her complaint, that individual has the right to appeal the decision to either the HR Manager or the General Manager/CEO, whichever is appropriate under the circumstances.

Retaliation:

The U.C., or any of its employees, shall not in any way retaliate against any individual who makes a report of harassment. Any person found to have retaliated against another individual for reporting harassment will be subject to appropriate corrective action, up to and including termination.

False Accusations:

If an investigation results in a finding that the complainant knowingly made a false harassment complaint, the complainant will receive appropriate corrective action, up to and including termination.

3.3 Workplace Violence Prevention

The Utilities Commission is committed to preventing workplace violence and to maintaining a safe work environment. The U.C. has adopted a zero tolerance policy when dealing with intimidation, harassment, or other threats of or actual violence that may occur on-site or off-site during work-related activities.

For purposes of this policy, the workplace may be any location either permanent or temporary where an employee performs any work-related activity. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, customers' homes, and traveling to and from work assignments.

This policy applies to all U.C. employees, regardless of status.

All employees, customers, vendors, and business associates must be treated with respect at all times. Employees are expected to refrain from conduct that may be harmful to others, including but not limited to fighting and "horseplay."

Conduct that threatens or intimidates, or other acts of verbal or physical aggression or assault will not be tolerated. U.C. property/resources shall not be used to threaten, stalk, or harass anyone at the workplace or outside the workplace. Additionally, personal property or resources shall not be used to threaten, stalk, or harass anyone at the workplace or outside the workplace.

Failure to comply with this policy will result in corrective action, up to and including termination.

Employees are encouraged to bring their disputes to the attention of their supervisor, manager, director, or the HR Manager before the situation escalates. The U.C. will not discipline or retaliate against employees for raising such concerns, so long as there has not been a violation of this policy.

Reporting Procedure

Employees are encouraged to report any indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities as soon as possible. The U.C. provides alternate avenues to report threats or claims of violence, so that the complainant may avoid the alleged abuser. Employees have the option to make known their complaint to either their department supervisor, manager, director, or the HR Manager. To protect the privacy of the persons involved, all complaints will be held as confidential information. Confidentiality will be maintained throughout the investigatory process to the extent possible and appropriate under the circumstances.

When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Additionally, employees should promptly inform the HR department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to domestic violence. The U.C. is committed to supporting victims of domestic violence by providing referrals to the U.C.'s confidential Employee Assistance Program and community resources and providing time off for reasons related to domestic violence, in accordance with both the law and the U.C.'s leave policies.

Investigation Procedure:

Once a member of management has been informed of the threat or incidence of violence, the claim will be promptly and thoroughly investigated, in as confidential a manner as possible. The complainant will be kept informed as to the status of the investigation and its outcome as much as is permitted by law or legal strategy.

Employees found to have engaged in misconduct constituting violence will receive appropriate corrective action, up to and including termination.

Nothing in this policy prevents the U.C. from placing the accused on administrative leave pending investigation.

Appeals Process:

If the complainant is dissatisfied with the outcome or resolution of his or her complaint, that individual has the right to appeal the decision to either the HR Manager or the General Manager/CEO, whichever is appropriate under the circumstances.

Retaliation:

The U.C., or any of its employees, shall not in any way retaliate against any individual who makes a report of violence. Any person found to have retaliated against another individual for reporting a threat or incidence of violence will be subject to appropriate corrective action, up to and including termination.

False Accusations:

If an investigation results in a finding that the complainant knowingly made a false complaint, the complainant will receive appropriate corrective action, up to and including termination.

3.4 Confidential Information and Nondisclosure

By continuing employment with the Utilities Commission, employees agree that they will not disclose or use any of the U.C.'s confidential information, either during or after their employment. The U.C. sincerely hopes that its relationship with its employees will be long-term and mutually rewarding. However, employment with the U.C. assumes an obligation to maintain confidentiality, even after the employment relationship ends.

3.5 Medical Privacy Policy

The U.C. takes the handling of Protected Health Information (PHI) very seriously and thus has voluntarily adopted the rules of the Health Insurance Portability and Accountability Act's (HIPAA) Privacy Rule as it relates to the privacy and security provisions that apply to employees' PHI, including health information through electronic submission.

The Privacy Rule protects all "individually identifiable health information" held or transmitted in any form or media, whether electronic, paper, or oral. PHI is information, including demographic data, that relates to:

- ❖ The employee's past, present, or future physical or mental health or condition;
- ❖ The provision of health care to the employee; or
- ❖ The past, present, or future payment for the provision of health care to the employee

and that identifies the employee or for which there is a reasonable basis to believe it can be used to identify the employee.

For purposes of the U.C., employees' PHI must not be shared with anyone for any reason, except to provide notification to the Human Resources/Benefits Manager when the information is directly related to business necessity (i.e., related absence, FMLA requests, ADA requested accommodations, workplace safety).

- ❖ Employees shall refrain from sharing and discussing, both orally and in writing, other employees' medical information;
- ❖ Management shall not inform, discuss, or provide employees with other employees' medical information, including reasons why an employee is absent;
- ❖ Human Resources personnel shall abide by the Department of Human Resources Confidentiality Statement at all times

The U.C. will consider any and all breaches in privacy and confidentiality of PHI to be serious and thus will invoke corrective action at the crisis suspension stage as described in Section 4.2 of this manual.

3.6 Internet Code of Conduct Policy

The Utilities Commission provides Internet access to its employees for the benefit of the company and its customers. Employees who have access to the Internet are expected to use good judgment and proper time management when using Internet services. In addition, employees are responsible for using the Internet in a manner that is ethical and lawful. To ensure that all employees are responsible, productive Internet users, and are protecting the company's public image, the following guidelines have been established.

Internet chat channels may only be used to conduct official company business, or to gain technical or analytical advice. Databases may be accessed for information, as needed. The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-company business, or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the company network or the networks of other users. It must not interfere with productivity.

To prevent computer viruses from being transmitted through the system, downloading of software is prohibited without express authorization. Any and all software programs should be reviewed by the IT department staff.

Copyright laws should be observed at all times when using information for research or other U.C. related projects.

All messages, sent or received, over the Internet are the property of the U.C. and are subject to Florida Sunshine law provisions. Additionally, the U.C. reserves the right to access and monitor all messages and files on the company's network, as deemed necessary and appropriate.

The following guidelines apply to use of the Internet for U.C. business, as well as standards of conduct for use of social media and blogging.

Keep confidential information confidential. Company information should not be shared outside the company. Similarly, any activities that occur at the U.C.'s facilities should not be shared outside the company. Do not post pictures of U.C. events or of the interior of the U.C.'s facilities without express authorization. Do not share any information about customers, vendors, or contractors and do not identify any customers, vendors, or contractors by name or otherwise.

Be respectful. Do not post derogatory, defamatory, or inflammatory content about others for any reason. Disagreeing with another person's opinions or actions is a legitimate form of expression. However, you should express your disagreement in an intellectual and rational way supported by facts and references and free of any overt or underlying maliciousness or hostility. Stay calm even if others post information about you or the U.C. that is untrue.

Do not break the law. Do not engage in illegal or unlawful activities –at work or at any time. Do not publish pictures or other information about your participation in illegal activities. Similarly, do not publish anything that infers or implies that you are engaging in illegal conduct.

Protect privacy rights (of yourself and others). Be very cautious about the ways in which you share personal or private information about yourself with others online. Assume that your coworkers and customers wish to maintain their privacy, as well. Do not post pictures of coworkers without their express permission. Do not share details of others’ personal lives online unless they’ve expressly authorized you to do so. Assume that anything and everything you post online will stay online forever, for anyone to see. If that makes you think twice about posting the information, then don’t.

Standards of conduct still apply. Any conduct that would be grounds for dismissal if performed at work will be grounds for dismissal if performed online. Just as the U.C. does not tolerate use of race, religion, or gender based slurs in the workplace, an employee’s use of such slurs in cyberspace will be grounds for immediate termination. Similarly, just as workplace harassment will not be tolerated, harassing behavior that is conducted online will not be tolerated. Threats of violence toward others, like hate-based language and harassment, is grounds for termination.

Violation of this policy will be grounds for corrective action, up to and including termination.

3.7 Email Policy

All employees of the Utilities Commission are provided a business electronic mail (e-mail) address for the sole purpose of assisting the employee in the performance of job duties. It is expected that all employees will use this system for appropriate purposes.

The U.C. has established the following policy with regard to access and disclosure of electronic mail messages created, sent, or received by U.C. employees using the Commission’s electronic mail system.

All messages composed, sent, or received using the U.C.’s e-mail system are and remain the property of the Commission, and as such are considered public information, as defined by the Florida Sunshine laws.

The use of the U.C.’s e-mail system is reserved solely for the conduct of U.C. business and may not be used for personal business or gain. Additionally, the U.C.’s e-mail system shall not be used to solicit commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.

The U.C.'s e-mail system does not replace other forms of communications. Urgent needs/requests should be handled first via phone or in person, and may then be followed by an e-mail. The e-mail system should not be used as a "call-in" mechanism.

The U.C.'s e-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

Messages should only be opened and read by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them without express consent from the recipient. Any exception to this policy must receive prior approval from the Information Technology Director.

Employees shall not use a code, access file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without that person's permission or the approval of the Information Technology Director. All computer pass codes must be provided to U.C. management upon request.

As with all other U.C. standards of conduct, any conduct that would be grounds for dismissal if performed at work will be grounds for dismissal if performed via e-mail. Just as the U.C. does not tolerate use of race, religion, or gender based slurs in the workplace, an employee's use of such slurs via e-mail will be grounds for immediate termination. Similarly, just as workplace harassment will not be tolerated, harassing behavior that is conducted via e-mail will not be tolerated. Threats of violence toward others, like hate-based language and harassment, is grounds for termination.

Any violation of this policy will be grounds for corrective action, up to and including termination.

3.8 Dress Code

Employees of the U.C. are expected to present a clean and professional appearance while conducting business, in or outside of the office. Dressing in a fashion that is clearly unprofessional, that is deemed unsafe, or that negatively affects the U.C.'s reputation or image is not acceptable.

Employees who are issued U.C. uniforms, refer to Section X, Safety.

3.9 Company Property

(a) Use of Equipment

The U.C. will provide employees with the equipment needed to do their job. None of this equipment should be used for personal use, nor removed from the physical confines of the U.C. – unless it is approved for a job that specifically requires use of company equipment outside the physical facility.

(b) Use of Computer Software

The U.C. does not condone the illegal duplication of software. The copyright law is clear. The copyright holder is given certain exclusive rights, including the right to make and distribute copies. Title 17 of the U.S. Code states that “it is illegal to make or distribute copies of copyrighted material without authorization” (Section 106). The only exception is the user’s right to make a backup copy for archival purposes (Section 117).

3.10 Complaint Procedure – Job-Related Issues

Employees who have a job-related issue, question, or complaint should first discuss it with their immediate supervisor. If the issue cannot be resolved at this level, employees should contact their department director/manager. If the issue again cannot be resolved at this level, the U.C. encourages employees to contact the HR Manager.

Employees who observe, learn of, or in good faith suspect a violation of the Standards of Conduct of the U.C. should immediately report the violation to the HR Manager.

4.1 Corrective Procedure

4.2 Crisis Suspension

4.3 Employment Termination

SECTION IV

CORRECTIVE ACTION

SECTION IV CORRECTIVE ACTION

4.1 Corrective Procedure

Violation of U.C. policies will result in corrective action, up to and including termination.

Although it is not possible to list every type of behavior that could result in corrective action, behavior deemed unacceptable by the U.C. that does not lead to immediate dismissal may be dealt with in any of the following manners:

- ❖ Oral Reminder
- ❖ Written Warning
- ❖ Decision-Making Leave*/Counseling Session
- ❖ Termination

**Decision-making leave may be paid or unpaid depending upon the employee's personal leave time benefit availability.*

Management has the ability to determine which type of corrective action is appropriate for the behavior, with the counsel of the HR Manager and/or the General Manager/CEO, as appropriate.

The U.C. considers insubordination as severe, unacceptable behavior and as such will support corrective action at the Decision-Making Leave/Counseling Session level for a first offense and termination for a second offense.

4.2 Crisis Suspension

An employee who commits any serious violation of U.C. policies, at minimum will be suspended without pay pending an investigation of the situation. Following the investigation, the employee may be terminated without any previous corrective action having been taken.

4.3 Employment Termination

After the application of corrective action, if it is deemed by management that an employee's performance does not improve, or if the employee is again in violation of U.C. practices, rules, or standards of conduct, following a Decision-Making Leave, employment with the U.C. will be terminated.

SECTION V

COMPENSATION POLICIES

5.1 Wage Rates

5.2 Wage Advancement

*5.3 Pay Rates in Promotion,
Demotion, or Transfer*

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5.5 Workweek Defined

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SECTION V COMPENSATION POLICIES

5.1 Wage Rates

It is the U.C.'s desire to pay all employees wages or salaries that are competitive with other employers in the industry and in a way that will be motivational, fair, and equitable. Compensation may vary based on roles and responsibilities, individual and company performance, and in compliance with all applicable laws.

5.2 Wage Advancement

The U.C. utilizes a Grade/Step salary schedule. Within this type of schedule an employee has the opportunity to advance in pay each year, to a maximum of Step D, providing that performance is at least satisfactory. Yearly wage advancements are based on anniversary date of placement in the position or placement in the new step. All wage advancements require final approval by the General Manager/CEO.

5.3 Pay Rates in Promotion, Demotion, or Transfer

When an employee is promoted, and the new position is in a higher classification (pay grade), the rate of pay shall be advanced to provide at least a 5% increase, not to exceed Step D.

When an employee is demoted, the employee will be paid at a rate which is within the approved range for the lower position.

When an employee is transferred, there shall be no change in the rate of pay if the new position is within the same classification as the previous position. If an employee is transferred to a position in a higher classification, such change shall be deemed a promotion. If the transfer is to a position in a lower classification, such change shall be subject to the same provisions as a demotion.

5.4 Temporary Work in a Different Class

In an effort to continuously compensate our employees fairly and equitably, any hourly employee temporarily performing the work of a higher classification (pay grade) for at least four hours in a workday, shall be paid at the corresponding rate of either Step A of the higher classification or 5% above the current rate of pay, whichever is higher. This rate of pay shall be for all hours worked in the higher classification only.

Conversely, when an employee temporarily performs the work of a lower classification, the employee shall continue to receive the rate of pay of the employee's own classification.

5.5 Workweek Defined

The U.C. defines the workweek as a seven day period beginning on Sunday and ending on Saturday. The regular workweek may be a combination of days and hours established separately by each department, indicative of the needs of each department, but typically consist of 8 hour days, 5 days per week or 10 hour days, 4 days per week, with 40-hours being a normal workweek. As a business that operates continuously, it may be necessary for certain departments to schedule irregular working patterns, such as 12-hour days, 3 days during the first week and 4 days during the second week, resulting in a rotating 36/48-hour week.

5.6 Workday Defined

A workday is one that is scheduled in advance and consists of either 8, 10, or 12 hours during a 24-hour period, exclusive of meal periods. Once the workday is established, it shall remain fixed unless changed upon 72-hours advance notice to the employee(s) affected. In emergent circumstances, the 72-hour notice is not applicable. Additionally, a change in working days and/or hours shall not be used to avoid the payment of overtime.

Exempt employees generally work the same hours as stated above, but may be required to work more hours as the work dictates. While U.C. employees are generally expected to work the number of hours stated above, the U.C. does not guarantee that you will actually work that many hours in a given day or week (or to be paid for such hours if not actually worked).

5.7 Premium Payments

The U.C. recognizes that some working periods are less than desirable, and as such concedes to compensate employees a premium above the base pay.

Employees scheduled to an 8-hour workday that commences on or after 3:00 p.m. but before 11:00 p.m. will receive a \$0.75 per hour premium for all hours worked during the scheduled period.

Employees scheduled to a 10 or 12-hour workday that commences on or after 2:00 p.m. but before 9:00 p.m. will receive a \$0.75 per hour premium for all hours worked during the scheduled period.

Employees scheduled to an 8-hour workday that commences on or after 11:00 p.m. but before 7:00 a.m. will receive a \$1.00 per hour premium for all hours worked during the scheduled period.

Employees scheduled to a 10 or 12-hour workday that commences on or after 9:00 p.m. but before 7:00 a.m. will receive a \$1.00 per hour premium for all hours worked during the scheduled period.

All premium payments will be paid for leave and holidays, provided the employee is on an established workday pattern that qualifies for such payments.

For purposes of determining the workday, a workday in which midnight occurs shall be regarded as falling entirely within the calendar day during which a majority of the hours are worked.

Management reserves the right to assign premium periods based on the employees' entire record, including work performance, absences, discipline, experience, and tenure with the company.

5.8 Overtime Compensation

Overtime work is performed when necessary and approved in advance by the department supervisor. Employees are expected to work necessary overtime when requested to do so. Hourly employees will receive time and one half pay for time worked in excess of 40-hours in any given work week. Exempt employees are not entitled to overtime pay.

At times, overtime work may be required during the employees' designated "weekend." Any overtime worked on a weekend will be paid at time and one half pay. However, the U.C. understands that employees' time off is valuable and agrees to compensate employees at two times pay for time worked during the second day off, if the employee has also worked the first day. This applies only to employees' weekends and not to scheduled personal leave time, or other absences. In the event an employee has more than a two day weekend, the same rule applies. Two times pay will only be applicable if the employee has worked two or more days during the scheduled weekend, and only for the second or subsequent days actually worked.

Reference the chart below for examples:

Employee's designated weekend is Saturday and Sunday. The employee works on Sunday only. Time worked is paid at time and one half pay.
Employee's designated weekend is Saturday and Sunday. The employee works on Saturday and Sunday. Time worked on Saturday is paid at time and one half pay; time worked on Sunday is paid at two times pay.
Employee's designated weekend is Saturday, Sunday, and Monday. The employee works on Sunday and Monday. Time worked on Sunday is paid at time and one half pay; time worked on Monday is paid at two times pay.

Employee's designated weekend is Saturday, Sunday, and Monday. The employee works on Monday. Time worked is paid at time and one half pay.

Hourly employees will receive two times pay for time worked on a U.C. designated holiday, provided such employee does not have unscheduled personal leave time (PLT) the day before or the day after the holiday. This is in addition to the straight time holiday pay. If the employee has unscheduled personal leave time the day before or the day after the holiday, time worked will be paid at time and one half pay only. The employee will not receive straight time holiday pay.

All overtime rates, whether at time and one half or two times, will be based on the working rate, in accordance with federal and state law. When an employee works at two or more working rates during a work week, time and one half rates will be calculated from an average hourly base rate, in accordance with federal and state law.

For example, if an employee works 8 hours at \$10 per hour and 40 hours at \$9.00 per hour (with the overtime accrued at \$9.00 per hour), the overtime rate will be calculated by averaging the hourly rate to find the new overtime premium (half time) and adding that to the base rate.

8 hours x \$10/hour = \$80	\$360 + \$80 = \$440
40 hours x \$9/hour = \$360	\$440 / 48 hours = \$9.17/hour
	\$9.17 x 0.5 (overtime premium) = \$4.59
	\$9.00 + \$4.59 = \$13.59 overtime rate

The newly calculated overtime rate will only be applied to the overtime worked at the lower base/working rate. All overtime earned at the higher working rate will be paid at the higher rate.

Overtime pay shall not be pyramided, compounded, or paid twice for the same hours worked. Time on standby shall not be considered as time worked for the purpose of computing overtime pay.

5.9 Holiday Pay

All regular full-time and part-time employees will be paid for U.C. designated holidays at the straight time rate. If the employee has unscheduled personal leave time either the day before or the day after a designated holiday, the employee forfeits holiday pay.

At times, a U.C. designated holiday may fall on an employee's regularly scheduled day off ("weekend"). When this happens, the employee may choose one of the following options:

- ❖ Receive the straight time holiday pay
- ❖ Schedule a different day off as the holiday, within the same pay period*
- ❖ Convert the holiday pay into personal leave time

The Utilities Commission, City of New Smyrna Beach at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified after approval by the Commission. Any such action shall apply to existing as well as to future employees.

*When the employee decides to schedule another day off, within the same pay period, selection of the alternate day must be requested three days prior to the substitute day.

For odd work week employees, the legal holiday and the U.C. designated holiday may fall on both the employees' regularly scheduled days off ("weekend"). When this happens, the employee must first designate, in advance, which day will be the designated holiday for overtime purposes should the employee be required to work. The employee will not be paid holiday double-time for both days, if both days are worked. The employee may then select from the same options stated above for the straight time holiday pay.

Reference Section 8.1 for a list of U.C. designated holidays.

5.10 Call-out Pay

Definition: call-out is when an employee is off duty, whether it is before or after a scheduled workday or during the employees' regularly scheduled days off ("weekend"), and is called, without notice, to come in and work.

Employees whose positions are subject to call-out are required to respond. This is directly related to job performance and job requirements as outlined in the U.C.'s job descriptions.

Employees who are called-out will receive overtime pay for all hours worked, at the corresponding rate. The U.C. understands that call-out may be less than desirable at times and so agrees to compensate employees a minimum of 3-hours of pay, regardless of the time actually worked. However, if the employee is called-out and within the initial 3-hours receives another call, there will not be an additional 3-hour minimum paid. If the total time worked is more than 3-hours, the time will be calculated from the beginning of the first call to the end of the second call (when work ceases). If the total time worked is less than 3-hours, only 3-hours will be paid.

In the event, an employee is called and the call is cancelled within 30-minutes, there will be no call-out pay, provided the employee has not already begun work. The employee has 40-minutes to respond to a call-out. For purposes of this statement, responding does not mean answering the call, responding is defined as traveling to the applicable job site and beginning work.

5.11 Standby Pay

Definition: for purposes of the U.C., standby is when an employee is paid to be "on-call," ready to work, at all hours during the times and days when the employee would normally be off duty.

Employees on standby are required to be prepared to work at any given time. Standby is voluntary; however, should there be less than 70% of standby volunteers, standby will be made mandatory. Standby schedules are generated by department supervisors.

Standby pay shall be at the straight time base rate as follows:

- ❖ 3-hours per day each Monday, Tuesday, Wednesday, Thursday, and Friday
- ❖ 4.5-hours per day each Saturday and Sunday
- ❖ 5-hours on U.C. designated holidays

5.12 Meal Periods

All U.C. employees are entitled to an unpaid meal period during their workday, as their scheduled working hours permit. During the specified meal period, the employee will be relieved from all duty and not required to work. Employees should not be required to work more than 6.5 hours without being provided a meal period. Meal periods for each employee may be established by each department supervisor, director, or manager, indicative of the needs of each department. Meal periods may be flexible at the discretion and approval of the department supervisor, director, or manager.

In the event the employee is required to work through a meal period, or is not relieved of all job requirements, duties, and responsibilities, the employee will be compensated, as applicable, for the time worked.

5.13 Meal Allowances

The U.C. will pay meal allowances for work performed outside an hourly employee's regular or irregular workday, as follows:

- ❖ When an employee's workday is extended two or more hours immediately preceding or following regular working hours, and the employee has not been provided at least 12-hours advance notice, and the employee has worked at least half the specified meal time.
- ❖ When an employee is assigned scheduled overtime, and has not been given at least 12-hours advance notice, and the employee has worked at least half the specified meal time.
- ❖ When an employee is called out for a period of two or more hours, and the employee has worked at least half the specified meal time.

Meal times in conjunction with meal allowances are as follows:

	Meal Time	Meal Allowance
Breakfast	6:00 a.m. to 7:00 a.m.	\$7.00
Lunch	12:00 p.m. to 1:00 p.m.	\$8.00
Dinner	6:00 p.m. to 7:00 p.m.	\$12.00
Midnight	12:00 a.m. to 1:00 a.m.	\$8.00

Payment of meal allowances will be processed through payroll and are considered a fringe benefit subject to income taxes.

In the event the U.C. provides a paid meal to the employee, the applicable meal allowance will not be paid.

5.14 Emergency Work Conditions Pay

Emergencies will be declared by the General Manager/CEO and may include disasters such as, but not limited to, hurricanes, tropical storms, tornadoes, floods, earthquakes, or any other catastrophic disaster that impacts, in an extreme manner, the ability to work.

Employees may be designated as essential or non-essential during an emergency, as the General Manager/CEO declares. If the U.C. has determined it will be closed, non-essential employees may be released from duty, by the department director, and will be paid the base wage for the balance of the normal workweek, not to exceed 20-hours per week. Additional time remaining above the 20-hour maximum may be paid or unpaid, determined by the employees' available personal leave time.

Employees who have approved, scheduled leave of a non-medical nature, may be required to cancel such leave and report to work.

Employees who are on approved leave with the use of personal leave time during the declaration of the emergency, will still be required to use personal leave time as the method of payment. Likewise, employees who are on approved leave without pay will remain on leave without pay.

In the event an employee is required to work beyond their normally scheduled working hours, on a regular workday, during the emergency, he or she will be provided the following:

- ❖ The employee will be released from duty during normal working hours for a “reasonable” time, up to 4 hours, to return to his or her residence to ensure the safety of his or her family and/or property. This time off, during normal working hours, will be paid by the U.C. If there is remaining time, it will be unpaid per usual. The employee will be required to report back to work within the 4-hour timeframe.
- ❖ For the first 11 hours of emergency work in this category, the employee will be compensated at time and one half pay. All subsequent hours will be compensated at double-time. This pay will remain in effect until there is a break of 8-hours or more. If emergency work continues after the 8-hour break, this same compensation method will begin again.

In the event an employee is required to work on a regularly scheduled day off (“weekend”), the employee will be compensated at double-time for all hours worked during the declared emergency.

5.15 Voluntary Closing Pay

If ever the U.C. is closed, as declared by the General Manager/CEO, for any other reason not specifically indicated in this manual, employees will be paid for the corresponding working hours at the straight time rate.

If employees are required to work on a day in which the U.C. is declared to be closed, the employees will be given the opportunity to take a different day off within the same pay period. Unless otherwise required by law, the employee will not be paid at an overtime rate for the hours worked during the day the U.C. is declared to be closed.

5.16 Furloughs

Should budgetary issues arise, the General Manager/CEO reserves the right to declare a mandatory, unpaid furlough.

5.17 Pay Frequency

Wages for all U.C. employees are paid bi-weekly, on or by the Thursday following the end of the pay week.

5.18 Timekeeping Requirements

The U.C. complies with all federal and state laws, including those pertaining to the recordkeeping of time worked by hourly employees. Although, the U.C. is not required by law to maintain time records for exempt employees, it is the U.C.’s practice and prerogative to also require exempt employees to maintain and submit records of time worked for each week.

Non-exempt Employees:

If an employee is classified as non-exempt, he or she is an hourly employee and must maintain a record of all hours worked each day. These hours must be accurately recorded on a timesheet. The timesheet must accurately reflect all regular and overtime hours worked. Personal leave days, holidays, and absences such as jury duty, bereavement leave, or military training, must be specifically noted on the time cards for days on which they occur. All time cards must be approved and signed by the department supervisor and department director/manager prior to being submitted to Human Resources for processing. Employees are prohibited from performing “off-the-clock” work. “Off-the-clock” work means work performed but not reported.

Exempt Employees:

If an employee is classified as exempt, he or she is considered a salaried employee. This salary will be established at the time of hire or when an employee moves to a position that is classified as exempt. Under the Fair Labor Standards Act (FLSA), employees who are exempt from overtime compensation generally may not have their pay reduced for variations in the quantity or quality of work performed. Employees who believe their pay has been improperly reduced should promptly report their concern pursuant to the reporting procedures outlined in Section 5.20, Safe Harbor Policy.

Under certain circumstances, the U.C. may make reductions in pay of employees who are exempt. Listed below is a non-exhaustive list of some of the more common deductions that are permissible in accordance with the FLSA.

- ❖ When an employee is absent from work for one or more full days.
- ❖ Penalties imposed by infractions of safety rules of major significance
- ❖ Unpaid disciplinary suspensions of one or more full days for serious workplace conduct violations in accordance with the U.C.'s corrective action policy.
- ❖ Deductions for unpaid leave taken in accordance with a certified absence under the Family Medical Leave Act (FMLA).

The U.C. may not make reductions in pay of exempt employees for:

- ❖ Partial day absences for personal reasons, sickness, or disability
- ❖ Absence because the facility is closed on a scheduled workday
- ❖ Absences for jury duty, attendance as a witness, or military leave in any week which work has been performed
- ❖ Any other deduction prohibited by federal or state law

Note: it is not an improper deduction to reduce an employee's accrued or banked personal leave time for full or partial day absences for personal reasons, sickness, or disability. This means, the U.C. may require use of personal leave time to pay for absences, whether for partial or full days.

Falsification of Timekeeping Records:

The FLSA requires employers to keep accurate records of time worked for employees. In an effort to remain in compliance, U.C. employees are expressly prohibited from falsifying timekeeping records (e.g., time cards, daily work records). This extends to supervisors, directors, and managers as well; management employees are prohibited from falsifying time records of employees.

If any manager instructs an employee to 1) incorrectly, or falsely under or over report hours worked; or 2) alter another employee's timesheet records to inaccurately or falsely report that employee's hours worked, that employee should immediately report this to the HR Manager.

Falsification of timekeeping records will be considered time and attendance fraud and will subject the employee to corrective action, up to and including termination.

5.19 Safe Harbor Policy

It is the policy and practice of the U.C. to accurately compensate employees and to do so in compliance with the applicable federal and state laws, including the Fair Labor Standards Act (FLSA). The U.C. makes every effort to pay its employees correctly. Occasionally, however, mistakes may happen. When mistakes do happen and are called to the U.C.'s attention, the U.C. will promptly make any corrections necessary. Employees are encouraged to review their pay statements when they are received to ensure its accuracy. If an employee believes a mistake has occurred, or if there are any questions, the reporting procedures outlined in this section should be followed.

Reporting Procedure:

When an employee, supervisor, manager, or director believes that an improper deduction in pay has been made, or believes a time record has been tampered with, or that his or her pay has been incorrectly processed, the employee must promptly report the concern pursuant to the following procedure. However, complaints under this policy should not impact or act as a substitute for an employee's right and responsibility to also timely file a grievance or administrative appeal, where otherwise applicable.

1. Employees who believe there is a discrepancy in their pay should immediately contact the Human Resources Department at extension 3060 or cfox@ucnsb.org to formally report the concern.
2. If necessary, the employee will be asked to specify in writing, the specific circumstances of the concern and whether it has occurred on other occasions.
3. The HR Department will investigate the claim by reviewing the pay records and if necessary interview other employees, supervisors, and managers, to determine the nature and scope of the employee's complaint.
4. If pursuant to this review a compensation error is found, the U.C. will provide corrective action as expeditiously as possible, but in no case longer than two pay periods from the identification of the error.
5. If a compensation error is found, the supervisor or manager will further determine if this was an isolated incident or a pattern of conduct that requires further action on the part of

the company. If warranted, the HR Department may make retroactive corrections to assure that compensation processes are completed in compliance with the FLSA.

6. The resolution of the situation will be documented, including the confirmation on the part of the employee that the situation has been resolved, and placed with the employee's records.

Employees who utilize this reporting procedure will not be retaliated against.

- 6.1 Benefit Summaries and Eligibility***
- 6.2 Section 125 Cafeteria Plan***
- 6.3 Medical Coverage***
- 6.4 Group Life Insurance***
- 6.5 Group Disability Insurance***
- 6.6 Other Coverage***
- 6.7 Insurance Carriers***
- 6.8 Continuation Coverage***
- 6.9 Retirement Plans***
- 6.10 Employee Assistance Program***
- 6.11 Workers' Compensation***
- 6.12 Unemployment Compensation***

SECTION VI

GROUP HEALTH AND RELATED BENEFITS

SECTION VI GROUP HEALTH AND RELATED BENEFITS

6.1 Benefit Summaries and Eligibility

The U.C. sponsors a comprehensive benefits program for eligible employees. The benefits are summarized in separate books called “summary plan descriptions,” which are provided to all eligible employees. The details of each benefit are contained in separate legal documents known as “plan documents,” which take precedence over anything contradictory in the summaries.

All regular full-time and part-time employees will enjoy all of the benefits described in this policy and the individual plan summaries as soon as they meet the eligibility requirements for each particular benefit.

Unless specifically noted, the benefit eligibility period is 60-days. Eligible employees’ benefits will take effect the first of the month after 60-days of employment.

6.2 Section 125 Cafeteria Plan

The U.C. operates under a Section 125 Cafeteria Plan for benefits. Cafeteria Plans are employer sponsored employee benefit plans that allow employees to elect eligible benefits on a pre-tax basis. This means the premiums paid by employees for qualifying health coverage is not subject to federal taxes. However, to be exempt from federal taxes for the corresponding amounts, there are rules for when changes may be made to coverage. This plan is in accordance with IRS Code 125.

Coverage changes are only permitted once a year during the employer’s designated open enrollment period. However, the IRS does provide exceptions for events that occur during the plan year; these are called qualifying events, and include:

- ❖ Changes in the employee’s legal marital status
- ❖ Changes in the number of dependents
- ❖ Changes in employment status that affect benefit eligibility
- ❖ Dependent ceases to satisfy dependent eligibility requirements
- ❖ Gain or loss of coverage
- ❖ Legal judgments, decrees, or orders
- ❖ Entitlement to Medicare or Medicaid
- ❖ Separation from service
- ❖ FMLA leave when the employee is unable to pay the employee’s premium portion

When a qualifying event occurs, the employee has a 30 day timeframe to report the event and make the necessary changes to the benefit plans. The employee must provide proof of the event (e.g., marriage certificate, divorce decree, birth record).

6.3 Medical Insurance

All eligible U.C. employees may choose to participate in the U.C.'s medical insurance plan after meeting the eligibility period stated in Section 6.1, Benefits Summaries and Eligibility. Election is voluntary; however, in the event less than 75% of employees elect to participate, the U.C. may require all employees to participate in the U.C.'s medical insurance plan.

Premiums:

The U.C. will contribute to the regular full-time employees' medical insurance plan premiums at 100%. The U.C. will contribute to the regular full-time employees' dependents' medical insurance plan premiums based on the following schedule:

Tenure with the U.C.	Premium Coverage
0 – 5 years	50%
6 – 15 years	65%
16 – 25 years	80%
25+ years	100%

Part-time employees will receive a reduced benefit. For regular part-time employees working at least 30 hours per week, the U.C. will contribute 75% of the benefit for regular full-time employees. For regular part-time employees working at least 20 hours per week, the U.C. will contribute 50% of the benefit for regular full-time employees.

The employees' premium portion for dependent coverage, if applicable, is paid by the employee through payroll deduction and is eligible for pre-tax treatment under Section 125.

Declining Coverage:

If the employee declines the U.C.'s medical insurance plan, and can provide proof of outside medical coverage, the U.C. will contribute \$150 per month to the employee as an alternate health coverage allowance.

Part-time employees will receive a reduced benefit. For regular part-time employees working at least 30 hours per week, the U.C. will contribute 75% of the benefit for regular full-time employees. For regular part-time employees working at least 20 hours per week, the U.C. will contribute 50% of the benefit for regular full-time employees.

Proof of coverage will be required annually during the U.C.'s open enrollment period.

This alternate health coverage allowance will be considered taxable income and subject to appropriate income taxes, as required by law.

**The U.C. at its option, may change, delete, suspend, or discontinue the contribution schedule and/or the alternate health plan allowance at any time without prior notice.*

6.4 Group Life Insurance

The U.C. provides all eligible employees with group life insurance coverage. This insurance, basic life, is payable in the event of the employee's death, in accordance with the policy, while the employee is insured. Accidental Death and Dismemberment (AD&D) Insurance is in the same amount as and in addition to the employee's basic life insurance coverage. The summary plan description provided by the insurance carrier includes details on employee basic life insurance and AD&D coverage.

Basic life and AD&D will be provided to eligible employees at no cost. The employee will have the option to elect additional, supplemental life insurance coverage per the summary plan description. Premiums for supplemental life are paid for in full by the employee through payroll deduction and are not eligible for pre-tax treatment under Section 125.

6.5 Group Disability Insurance

Disability insurance is designed to assist an employee with income should the employee become partially or totally disabled and unable to perform the essential functions of his or her job. Eligible employees are automatically covered by the U.C.'s short term disability plan once they meet the eligibility period. The eligibility period for disability coverage is 180 days. The employee will automatically be enrolled in the U.C.'s short term disability plan the first of the month following 180 days of employment.

Employees have the option to elect long term disability if they meet the eligibility requirements outlined in the summary plan description. Premiums for long-term disability are paid in full by the employee through payroll deduction and are not eligible for pre-tax treatment under Section 125.

Employees are required to use personal leave time to supplement disability payments, not to exceed 100% of the normal pay.

The summary plan description explains long-term and short-term disability benefits.

6.6 Other Voluntary Coverage

The U.C. provides employees the option to obtain other types of coverage for themselves and their dependents. Types of coverage include dental, vision, and supplemental products (e.g., accident, cancer, hospital confinement). Participation in these plans is voluntary and premiums are covered in full by the employee through payroll deduction. Most of the coverage stated in this section is eligible to be considered as pre-tax under Section 125, but not all.

Refer to the summary plan descriptions for additional details on all other types of health coverage options.

6.7 Insurance Carriers

The U.C. will maintain high quality health coverage for its employees. The U.C., however, maintains the right to review the marketplace and ascertain the best suited plan for its employees as it determines the need. At a minimum, the U.C. will evaluate current plans and carriers, and will assess the benefits offered by other carriers throughout the marketplace, annually.

6.8 Continuation Coverage

According to the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, in the event of your termination of employment with the U.C., whether voluntary or involuntary (with the exception of termination for misconduct), or loss of eligibility to remain covered under the U.C.'s group health insurance plans, employees and their eligible dependents may have the right to continued coverage under the U.C.'s group health insurance plans for a limited period of time, at their own expense -102% of the cost. Consult the HR Department for details.

Retiree Continuation Coverage:

In the event an employee meets the definition of retirement, refer to Section 12.3 Retirement, and becomes a U.C. Retiree, the retiree will be provided the opportunity to remain on the U.C.'s group health insurance plans until such time as he or she 1) becomes entitled to Medicare, or 2) becomes covered under another health plan separate from the U.C. Retirees will be required to cover premium payments at 100% of the cost. Consult the HR Department for details.

Additionally, retirees will have the option to elect life insurance at a reduced benefit. Refer to the plan summary description for details.

Coverage During Unpaid Leave:

In the case of extended medical leave not covered by FMLA, or other approved leaves of absence, where the employee is no longer receiving compensation, the employee may continue coverage where permissible, but only if premium payments are continued within the determined

timeframes. Premium payments are due the first of the month with a 30-day grace period. Non-payment of premiums will result in a lapse of coverage.

6.9 Retirement Plans

The U.C. supports employee retirement preparation and investment by providing government-approved and regulated plans for qualifying employees. The details regarding participation, contributions, vesting, administration, and investments are provided in the summary plan description.

6.10 Employee Assistance Program

The U.C. offers all employees and their dependents access to an Employee Assistance Program (EAP) at no cost. The EAP is designed to provide confidential assistance for all work and personal related challenges. Refer to the summary plan description for benefit details.

Management has the right, as part of the corrective action process, to mandate use of the U.C.'s EAP.

6.11 Workers' Compensation

All employees are entitled to Workers' Compensation benefits paid by the U.C. This coverage is automatic and immediate and protects employees in the event of a work-related injury and/or illness. If an employee is unable to work due to a work-related injury or illness, Workers' Compensation insurance pays his or her medical bills and provides a portion of his or her income until the employee can return to work. *All claims are different and will be reviewed by the U.C.'s contracted Workers' Compensation insurance carrier on a case by case basis.*

Employees who sustain a work related injury or illness should contact the department supervisor immediately, who will then contact the Risk Manager. Authorization must be obtained prior to receiving medical treatment. If an employee is not satisfied with the treatment received, the Risk Manager, with the employee, will coordinate the selection of another approved provider. In the event of an emergency, authorization is not required prior to receiving lifesaving treatment. The employee should be taken to the closest emergency room or an ambulance should be contacted immediately. Employees who circumvent the notification and authorization process, with the exception of a life threatening emergency, risk denial of coverage by the Workers' Compensation carrier.

Employees on Workers' Comp leave must remain in contact with the Risk Manager in regard to the progress of recovery and the anticipated return to work.

Employees have the option to use available personal leave time to supplement Workers' Compensation payments, not to exceed 100% of normal pay.

Impact on Employment:

Employees on Workers' Comp leave may be terminated consistent with applicable federal and state laws. An employee who is unable to return to full duty after reaching maximum medical improvement (with or without reasonable accommodations, as appropriate) 12 months from the date of injury may be subject to termination. If the treating provider determines the employee is permanently disabled prior to the one year cap, the employee may be terminated at the time of determination. Under these circumstances, the following conditions must be met:

- ❖ No other work within the employee's capabilities, with or without reasonable accommodation, as appropriate, is available at the time of termination.
- ❖ An employee on restricted duty will continue to fall under the Maximum Medical Improvement (MMI) guidelines and must be able to return to full duty within one year from the date of injury. Based on the return to work date, the employee will be allowed at least 90 days at a restricted duty classification and then must be reevaluated by the treating provider. This will continue in 90-day increments until the employee has been on restricted duty for a full year, at which time the employee may be subject to termination.

Restricted Duty:

When an employee is released to return to work with restrictions, the department supervisor and department director will determine, in conjunction with the Risk Manager or HR Manager, if the employee's current position can be performed on a restricted basis. If not, the employee will not be permitted to return to work. If there is another position in the U.C. for which the employee is qualified, the position is vacant, and the position may be performed with restrictions, the employee may be placed in that position until released to full duty, at the discretion of the department supervisor and director and the Risk Manager or HR Manager.

Reemployment:

Any employee who is terminated due to the above circumstances may be reemployed in the position previously held, if within 12-months from the date of termination the employee is released to return to full duty –with no restrictions– and if the former position is available. If the former position is not available, but another position in which the employee is qualified becomes available, the employee may be reemployed and placed in the open position.

6.12 Unemployment Compensation

Unemployment compensation is designed to provide a temporary income for those who are out of work through no fault of their own. Depending upon the circumstances, employees may be

eligible for unemployment compensation upon termination of employment with the U.C. The Division of Unemployment Insurance of the State Department of Labor determines eligibility for unemployment compensation. The U.C. pays the entire cost of this insurance program, in compliance with federal and state laws.

7.1 Education Assistance

***7.2 Vehicle Allowance
Program***

7.3 Longevity Awards

SECTION VII

ADDITIONAL EMPLOYMENT BENEFITS

SECTION VII ADDITIONAL EMPLOYMENT BENEFITS

7.1 Educational Assistance

The U.C. believes that education leads to self-improvement and recognizes that the skills and knowledge of its employees are critical to the success of the organization. In that vein, the U.C. encourages higher education and is willing to reimburse for courses which are directly related to an employee's present job or which will help an employee prepare for more responsibilities or promotions within the organization.

Regular full-time employees may request reimbursement by submitting the request on the appropriate form, which may be obtained from the HR Department. The employee must provide supporting documentation including receipts for tuition and books and final grades.

Listed below are additional requirements the employee must meet to be eligible for reimbursement:

- ❖ Courses taken must be from an accredited college, university, or trade school.
- ❖ Grades must be a C or above. The U.C. will reimburse 100%, up to the maximum, for final grades of an A or B, and 50%, up to the maximum, for final grades of a C.
- ❖ Employees are responsible for advance payment. This is a reimbursement program.
- ❖ For degree programs: the employee agrees to continue employment with the U.C. for one full year upon completion of the degree achieved.*
- ❖ Other programs: the employee agrees to continue employment with the U.C. for one full semester after each reimbursement.* For purposes of this section, a semester is 15 weeks.

**Employees who do not comply with this requirement will be required to repay the U.C. for all educational expenses paid to the employee during the previous academic period (year if a degree program, semester if other).*

Program Maximum Limits:

The U.C. will reimburse eligible employees for qualifying expenses, up to the following maximums:

Tuition: \$1,000 per semester, inclusive of lab and other course-related fees

Course Materials: \$200 per semester

Reimbursements will be made using the Accounts Payable process and will not be assessed income taxes, as long as total reimbursements do not exceed IRS maximums currently in effect.

Licensing, Certifications, and Continuing Education Units:

Any licenses, certifications, and/or continuing education units (CEUs) the U.C. requires an employee to obtain and maintain will be paid for by the U.C. in full and in advance. This section is not subject to reimbursement if directly related to the employee’s current position and required by the U.C.

7.2 Vehicle Allowance Program [Non-Accountable Plan]

The U.C. offers employees who meet eligibility requirements, the opportunity to participate in a Vehicle Allowance Program. This program provides eligible employees with a weekly allowance to cover expenses incurred from using a personal vehicle to conduct U.C. business.

Refer to Appendix A, Vehicle Allowance Program Policy.

7.3 Longevity Awards

The U.C. recognizes its employees as its most valuable asset and is committed to retaining its employees. As part of this objective the U.C. rewards employees for longevity with the company. These rewards are in the form of cash paid to the applicable employees in December of each year. Cash rewards are paid as follows:

Length of Employment	Reward Amount
Completion of 5 years	\$25.00
Completion of 10 years	\$50.00
Completion of 15 years	\$75.00
Completion of 20 years	\$100.00
Completion of 25 years	\$125.00
Completion of 30 years	\$150.00
<i>An additional \$25 is added for each subsequent 5-year tenure.</i>	

Cash rewards are considered a taxable fringe benefit by the Internal Revenue Service and as such subject to applicable income taxes. These taxes will be processed through the payroll system.

The Utilities Commission, City of New Smyrna Beach at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified after approval by the Commission. Any such action shall apply to existing as well as to future employees.

8.1 Holidays

8.2 Birthday Holiday

8.3 Bereavement Leave

8.4 Jury Duty

*8.5 Military Reserves or
National Guard Leaves of
Absence*

8.6 Family Medical Leave

*8.7 Extended Medical Leaves
of Absence*

*8.8 Personal Leaves of
Absence*

8.9 Personal Leave Time

SECTION VIII
TIME-OFF BENEFITS

SECTION VIII

TIME-OFF BENEFITS

8.1 Holidays

The U.C. recognizes the following holidays each year:

New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve, and Christmas Day.

The U.C. is closed for business and provides all employees with time off on the day in which the legal holiday falls. However, should the legal holiday fall on a Saturday, the U.C. observes the preceding Friday; if the legal holiday falls on Sunday, the U.C. observes the following Monday.

Reference Section 5.9 Holiday Pay for compensation details.

8.2 Birthday Holiday

The U.C. would like to wish all employees a Happy Birthday by providing every regular full-time and part-time employee with an additional day off each year. This additional day may be used anytime during the year it was received, but must be used prior to the employee's next birthday. Unused Birthday Holidays will not be transferred to the following year.

To request use of the Birthday Holiday, employees must submit a written request providing at least a five day notice to their supervisor. This request must be submitted on the approved Leave Time Request Form which may be obtained from every department supervisor or assistant.

8.3 Bereavement Leave

In the unfortunate event that an employee's family member passes, the U.C. will provide the employee with appropriate, paid bereavement leave, not to exceed four days.

In the event it is necessary for the employee to take more than four days, the employee may use available personal leave time. Additional time off for this purpose will not be subject to the five day notice requirement.

Covered family members:

Spouse, children, step-children, foster children, parents, step-parents, parents-in-law, siblings, step-siblings, siblings-in-law, grandparents, grandchildren, grandparents-in-law, grandchildren-in-law, aunts, uncles, nieces, and nephews.

8.4 Jury Duty

The U.C. is committed to supporting the communities in which the U.C. operates, including supporting U.C. employees in fulfilling their responsibilities to serve as jurors whenever it is possible. When an employee receives notification regarding upcoming jury duty, it is their responsibility to notify their direct supervisor within one business day of receiving the notice.

Employees who are summoned for jury duty will be paid for all work time lost while fulfilling their responsibilities to serve.

8.5 Military Reserves or National Guard Leaves of Absence

Military Training Periods

In accordance with F.S. §115.07 employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty. Leaves of absence granted as a matter of legal right under the provisions of this section may not exceed 240 working hours in any one annual period. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay or the employee may utilize personal leave time.

Active Duty

In accordance with F.S. §115.14 employees who are called to active military service shall be granted a leave of absence to perform active military service and will receive the first 30 days of any such leave of absence with full pay. The U.C. will supplement the military pay of its employees who are reservists called to active military service after the first 30 days in an amount necessary to bring the total salary, inclusive of the base military pay, to the level earned at the time he or she was called to active military duty. The U.C. shall continue to provide all health insurance and other existing benefits to such officials and employees.

Uniformed Services Employment and Reemployment:

As an Equal Opportunity Employer, the U.C. is committed to providing the basic employment and reemployment services and support as set forth in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

8.6 Family Medical Leave

The U.C. follows all requirements for providing employees with applicable leave in accordance with the Family Medical Leave Act (FMLA). To be eligible for FMLA, employees must meet certain requirements. FMLA extends to the employee as well as the employee's covered family members (spouse, son, daughter, or parent).

Any employee, who believes he or she, or a covered family member, may have a qualifying medical condition, should contact the Human Resources Department immediately.

Employees are required to use all available personal leave time while on FMLA only, but may at their option retain at the most 80 hours for future use. Be advised that using personal leave time does not add to the length of FMLA leave. *This requirement does not apply when an employee is concurrently on Workers' Compensation leave.*

All benefits are protected, as applicable, while an employee is on FMLA.

Employees are expected to follow all participant requirements of FMLA, including providing adequate notice prior to and while on leave. Employees will receive a copy of their rights and responsibilities within five days after they 1) request FMLA, or 2) the U.C. is notified that the employee may have a qualifying event.

Contact the Human Resources Department for additional information.

8.7 Extended Medical Leave of Absence

The U.C. follows all legal requirements for providing employees with accommodations under the American with Disabilities Act, including additional time off, if necessary. If a period of disability continues beyond the 12-weeks provided for within the Family Medical Leave Act, an employee may apply in writing for an extended medical leave of absence.

The U.C. requires the employee returning from medical leave to furnish a medical release from the attending physician stating the employee is fit to return to work. The medical release should indicate whether the employee has or does not have restrictions, and what those restrictions, if any, are and for how long.

Employees will be required to use available personal leave time while on an extended medical leave of absence. If there is no available personal leave time, the employee will be unpaid.

Benefits are not protected during extended medical leave. The employee must follow all requirements in Section 6.8, Continuation of Coverage, to maintain medical insurance. All other

benefits, including accrual of personal leave time, will cease while the employee is on an unpaid status.

8.8 Personal Leaves of Absence

In special circumstances, the U.C. may grant a leave of absence for a personal reason, but never for taking employment elsewhere or becoming self-employed. Personal leaves of absence must be requested in writing at least 30 days in advance of the leave, if possible. If the leave is due to an emergency and it is not possible to provide 30 days advance notice, the request for leave must be provided as soon as practicable. Personal Leave of Absence approvals are subject to the discretion of management and the Human Resources Department. An approved Personal Leave of Absence will only be for a maximum period of 180 calendar days per occurrence.

Eligibility

To be eligible for a Personal Leave of Absence, the employee must have completed at least 12 months of service with the U.C. and must have worked at least 1,240 hours in the 12 months immediately preceding the request for leave. Additionally, the employee being considered for Personal Leave of Absence must use all accrued and banked Personal Leave Time afforded below (Sec. 8.9) before being eligible for Personal Leave of Absence.

Requests

Personal Leave of Absence requests must be in writing and must include the beginning date of leave, the expected date of return from leave, and the reason for the leave. The following criteria will be evaluated to determine approval or denial of the request:

- ❖ Purpose of the leave
- ❖ Length of the employee's service, both current and expected upon return from leave
- ❖ The employee's performance, current discipline, and attendance record
- ❖ The Company's or the Department's ability to cover the duties during the leave period
- ❖ The total length of the requested leave

Benefits

If Personal Leave of Absence is granted, the employee will be unpaid and without all benefits afforded to the employee during the period of the Leave of Absence, including Personal Leave Time accruals and payment of holidays.

With regard to health insurance benefits, the employee's health coverage will continue through the end of the month the Personal Leave of Absence begins. At the start of the following month, in order to continue coverage, the employee will be responsible for full premium payments, including the portion covered by the U.C. during regular employment status. Failure to make the required payments each month will result in cancellation of coverage.

Life and disability coverage will cease while the employee is on an approved Personal Leave of Absence, in accordance with the provider contract.

At the beginning of the month following the employee’s return from a Personal Leave of Absence, all benefits, including insurance coverage will be reinstated.

Return to Work

At the end of the approved Personal Leave of Absence period, the U.C. will make every reasonable effort to return the employee to the same or an equivalent position, depending on the needs of the U.C. and so long as there is a vacancy at the time of the employee’s return.

If the employee is unable to return to work at the completion of the period, continued employment may not be guaranteed. If the employee’s initial leave period was less than the maximum allowable (180 days), the employee may request an extension of leave by submitting a written request to the Human Resources Department at least two weeks prior to the expected return date. The same criteria used to determine approval of the initial request will be reviewed to determine approval or denial of the request for extension. The request for extension should include the expected return to work date and the reason for the extension.

The employee requesting and subsequently taking an approved Personal Leave of Absence does so with the understanding that the U.C. cannot guarantee reinstatement at the end of the leave period in all cases.

Any employee who gives a false reason for leave or works for another employer during the approved leave will be subject to corrective action, up to and including termination.

8.9 Personal Leave Time

All regular full-time and part-time* employees are eligible to accrue Personal Leave Time (PLT) upon successful completion of the established probationary period. Once the employee has successfully completed the probationary period, a lump sum of 79.95 hours (*see below * for part-time employees*) will be added to the employee’s PLT account. PLT hours will thereafter accrue on a bi-weekly basis. Accruals are based on tenure with the company as follows:

Schedule of Accrual	*Hours Accrued (bi-weekly)	Yearly Amount
0 – 6 years	6.15	159.90
7 – 8 years	6.46	167.96
9 – 10 years	6.77	176.02
11 – 12 years	7.08	184.08
13 – 14 years	7.38	191.88
15 – 16 years	7.69	199.94

The Utilities Commission, City of New Smyrna Beach at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified after approval by the Commission. Any such action shall apply to existing as well as to future employees.

17 – 18 years	8.00	208.00
19 – 20 years	8.31	216.06
21 – 22 years	8.62	224.12
23 – 24 years	8.92	231.92
25+ years	9.23	239.98

Accrual changes are based on the year of service the employee is beginning. Example: once the employee completes 6 years of service and begins the 7th year, the employee's accrual will increase from 6.15 hours to 6.46 hours each pay period.

*Part-time employees working at least 30-hours per week will earn PLT at the rate of 75% of that earned by full-time employees. Part-time employees working less than 30-hours per week are not eligible to earn PLT.

Use of PLT:

Employees must successfully complete the established probationary period before they are eligible to use Personal Leave Time.

To use Personal Leave Time, the employee must submit a written request, using the approved Leave Time Request Form, to his or her supervisor at least five days in advance of the requested leave. The request will be approved or denied at the discretion of the supervisor.

Employees should use at least 50% of the PLT earned during the anniversary year and may retain the balance for use in succeeding years. Employees have the option to pay out leave time at their request. Such pay outs will be processed through payroll and will be subject to applicable federal and employment taxes.

Employees may retain a maximum PLT balance of 480 hours (non-exempt employees) and 600 hours (exempt employees). Hours over the maximum may not be retained and will be paid out to the employee on the pay date that corresponds to the employee's anniversary date.

Unscheduled Leave:

Non-exempt employees who do not provide at least a five day notice when requesting or taking personal leave will be charged with an occurrence. Up to five occurrences per anniversary year can be charged to the employee. Upon issue of the sixth occurrence, the employee will be terminated.

Occurrences are charged in increments of 30-minutes and only one occurrence will be charged to the employee per day. If the unscheduled leave is consecutive, the employee will receive one occurrence for days one through three. On the fourth and subsequent days, an additional occurrence will be charged each day.

Employees who are unable to provide notice due to extenuating circumstances will not receive an occurrence for all time related to the event. This change must be validated by providing appropriate documentation (e.g., medical note, school note, airline information for delays or cancelled flights, police report, etc.).

Employees who have initially provided appropriate notice, but then must change the date due to circumstances beyond their control, will not receive an occurrence for the time relating to the event. Employees may be required to provide supporting documentation.

Employees who are sent home by management due to an illness will not receive an occurrence for the time relating to the event and no substantiating documentation will be required. *This does not apply to employees who request to leave work.*

Although exempt employees do not incur occurrences, abuse of this privilege may result in corrective action.

Occurrences generally do not apply to employees who are on FMLA. However, employees on FMLA leave are still required to abide by the company's leave time notice requirement, when possible. Deliberate violation of this policy may result in corrective action.

Excused Time Off (ETO):

All non-exempt employees are provided the benefit of excusing the first three issued occurrences within their anniversary year. ETOs will be applied automatically by the Human Resources Department. After three ETOs are used, the employee will begin to accrue occurrences.

***9.1 Performance
Measurement***

***9.2 Employee Training and
Professional Development***

***9.3 Opportunities for
Advancement – Progression
and Promotion***

SECTION IX

***PERFORMANCE MEASUREMENT AND
EMPLOYEE TRAINING AND PROFESSIONAL
DEVELOPMENT***

SECTION IX

PERFORMANCE MEASUREMENT AND EMPLOYEE TRAINING AND PROFESSIONAL DEVELOPMENT

9.1 Performance Measurement

The U.C. wants to help employees succeed in their current positions and grow. In an effort to support this growth and success, the U.C. has an annual review process for providing formal performance feedback. Performance appraisals identify employee strengths and help employees recognize areas of needed improvement. Additionally, these appraisals clarify employee position objectives, provide constructive feedback, and help build stronger working relations by assuring periodic communication between management and employees.

Performance measurement results are considered when determining advancement opportunities.

Annual performance measurement reviews are conducted on the employee's anniversary date of hire. An initial post-probationary period review will be conducted upon completion of the 180-day probationary period for new employees.

Management Responsibility:

Performance reviews are conducted by the employee's direct supervisor, manager, or director and subsequently reviewed and supported by the corresponding department head. Reviews are then forwarded to the Human Resources Department for review and processing and will remain in the employee's personnel file in accordance with applicable federal and state laws. The General Manager/CEO may, at his discretion, review completed performance reviews for any or all U.C. personnel.

Employees who are given marginal ratings will be provided with guidance regarding position competencies, further training as indicated, coaching, conflict resolution assistance, and additional supervision to encourage performance improvement.

9.2 Employee Training and Professional Development

Supplemental Training for Current Position:

The U.C. actively pursues employee training to better prepare employees for their present position and to provide maximum preparation for promotional opportunities. Employees will be permitted to cross-train within their department as long as there is no detriment to the operation or an over-expenditure of overtime dollars. Selection of employees to receive supplemental training will be based on quality of work, safe work record, superior attendance records, and satisfactory performance appraisals. The employee will not receive an increase in pay during the supplemental training period.

Job Shadowing:

Job shadowing is designed to provide the link between the employee's current work experience and potential position opportunities within the U.C. Employees may be provided the opportunity to perform in a position other than their own, if the employee expresses an interest in the position and the position is vacant. The employee is selected by the appropriate management personnel and may receive a limited amount of exposure to the position. Selection of employees for job shadowing will be based on quality of work, safe work records, superior attendance records, and satisfactory performance appraisals. Job shadowing is not a guarantee of receiving the position and is a temporary opportunity. The employee will not receive an increase in pay during this experience.

Employees temporarily performing the duties of a classification for the benefit of the U.C., will not be classified as having participated in job shadowing to avoid an increase in pay. *Refer to Section 5.4, Temporary Work in a Higher Classification.*

Leadership Training:

Employees who assume the role of supervisor, manager, or director will be provided the opportunity to receive specialized leadership training to assist them in performing management competencies within their positions.

90-day Proficiency Period:

When an employee moves to a new position, the employee may be granted a 90-day period to demonstrate proficiency in the new position. If at any time during the 90-day period, in the opinion of management, the employee does not demonstrate proficiency in the position, the employee may be returned to the prior position, as long as the position remains vacant and there are no disciplinary or safety issues involved. Completion of the 90-day training period does not guarantee further employment.

Succession Planning:

The U.C. utilizes succession planning to identify capable employees for future, higher level positions. Part of succession planning is to provide educational and developmental opportunities for such employees. In doing so, the appropriate management team will informally recruit and develop key talent within the U.C., relying on coaching, job shadowing, and development to enrich an employee's advancement opportunities within the U.C. Employees selected for succession planning will be selected based on current qualifications and experience, quality of work, safe work records, superior attendance records, satisfactory performance appraisals, and the ability or willingness to enhance qualifications through forms of education and/or additional training.

When and if the position operating in a succession plan becomes available, the U.C. does not have any obligation to promote the employee recruited for the succession planning program. The U.C. has the right to consider other candidates both inside and outside the U.C.

Career Path:

Employees who are interested in career paths at the U.C. are encouraged to contact the Human Resources Department. The HR Department can provide information relating to position requirements (experience/education) to aid employees in personal development.

9.3 Opportunities for Advancement – Progression and Promotion

The U.C. would like to provide employees with every opportunity for advancement to other positions within the company. For represented employees, progression moves and promotions will be in compliance with the current Collective Bargaining Agreement.

For non-represented employees, the U.C. may, at the discretion of the department head, post the vacancy internally providing all employees with the opportunity to apply. The U.C. reserves the right to withdraw any position posting before it is filled. Approval of progression moves or promotions depends largely upon training, experience, work record (performance appraisals, attendance, safe work records, and discipline), and business need. However, the U.C. reserves the right to review and select external candidates.

The General Manager/CEO reserves the right to provide final approval or denial of all progression moves and promotions.

Voluntary Demotion:

At times, an employee may desire to move to a position that is in a lesser classification than the current position – a voluntary demotion. Any employee who accepts a position in a lesser classification will be paid at the corresponding pay grade and rate.

10.1 Safety - Accident Prevention

10.2 Safety Committee

10.3 Departmental Safety Meetings

10.4 Safety Violations

10.5 Safety Equipment

10.6 Pandemic Event

SECTION X

SAFETY

SECTION X SAFETY

10.1 Safety – Accident Prevention

The safety and health of employees is a priority. The U.C. makes every effort to comply with all federal and state workplace safety requirements. The first step in keeping our employees safe is prevention.

The U.C. is comprised of positions with inherent hazards that are encountered in day-to-day work, such as working with live electricity, dealing with the elements of the weather, regularly driving vehicles that require specialized licensing, operating heavy machinery, and working with the public. U.C. employees should:

- ❖ Never be required to take any undue risk in the performance of his or her assigned duties.
- ❖ Promptly avoid and report safety hazards and unsafe acts or unsafe working conditions to their supervisor, manager, director, or the Risk Manager.
- ❖ Cease work activity whenever such unsafe acts or conditions are perceived until such work activity can be performed safely.

The U.C.'s Risk Manager will ensure that all U.C. safety regulations and rules are up-to-date and are communicated to departments and adhered to at all times. Supervisors, managers, and directors are required to enforce safe work practices and working conditions. U.C. employees are required to comply with all U.C. safety rules and regulations.

10.2 Safety Committee

In an effort to maintain a safe workforce, the Risk Manager will chair a joint Union-Management Safety Committee. The Safety Committee will meet quarterly to communicate and discuss safety-related matters of mutual interest and concern. The Committee will discuss work-related incidents and make recommendations for improving the health and safety of the workplace. Minutes of the safety meeting will be provided to all attendees and departments and will be posted on the U.C.'s intranet site.

Safety Committee Authority:

The Safety Committee will not be involved in disciplinary action other than to provide reports or investigatory information, as appropriate. Authority for enforcement of safety regulations rests with the U.C. management team.

The Safety Committee may make recommendations for improving the health and safety of the workplace, however, authority for implementing recommendations rests with the department head, with final authority by the General Manager/CEO.

Safety Committee Restrictions:

Guidelines may be established within the Safety Committee to promote a safe work environment and to comply with all federal and state laws; however, the Safety Committee will not be used for the purpose of creating work rules that govern hours of work and conditions of employment.

10.3 Departmental Safety Meetings

Departments with employees in hazardous classifications will hold monthly departmental safety meetings. These meetings will be conducted by the department head, or the department head's designee, with assistance from the Risk Manager. Minutes of the safety meeting will be provided to all attendees and a copy will be forwarded to the Risk Manager.

10.4 Safety Violations

Violations of established U.C. safety rules may result in corrective action. Willful violations of safety rules will result in correction action, up to and including termination.

10.5 Safety Equipment

The U.C. will provide employees with all tools, including personal protection equipment (PPE), required to safely perform the functions of the job. All PPEs that require testing will be tested and marked by an approved testing laboratory. PPEs will be replaced as necessary. Unless specified otherwise, all tools are considered property of the U.C. and must be returned upon termination of employment, whether voluntary or involuntary.

Safety Shoes:

The U.C. will reimburse employees, after completion of the probationary period, up to \$125 per anniversary year for the purchase of safety shoes, if the position requires use of such protective wear.

Protective Clothing:

The U.C. will provide protective clothing to employees if the position requires use of such protective wear. Such protective clothing must be worn by employees as required for the position duties and working conditions.

Prescription Eyewear:

The U.C. will provide employees requiring safety glasses prescription safety eyewear. Lenses may be replaced each year and frames may be replaced every two years. Employees may contact the Human Resources Department for additional information and authorization forms.

10.6 Pandemic Event

In the event of a pandemic event, as declared by the Volusia County Health Department or the Center for Disease Control (CDC), refer to the U.C.'s Emergency Preparedness Plan, the Infectious Disease Preparedness Plan, and Section 5.14, Emergency Work Conditions Pay, as appropriate. These plans may be obtained by contacting the Risk Manager.

***11.1 Authorized Non-routine
Business Travel***

11.2 Expense Reimbursement

11.3 Transportation

***11.4 Personal Vehicle
Insurance Liability***

11.5 Routine Business Travel

***11.6 Florida Drivers' License
Requirement***

***11.7 Commercial Drivers'
License***

SECTION XI

BUSINESS TRAVEL

SECTION XI BUSINESS TRAVEL

11.1 Authorized Non-Routine Business Travel

All business travel, either within or outside of the U.C. service area, overnight or same day, including attendance at conferences, workshops, trainings, schools, seminars, and committee meetings, must be authorized in advance by the appropriate department head. The General Manager/CEO must authorize business travel for department heads.

11.2 Expense Reimbursement

Under ordinary circumstances, it is the policy of the U.C. to reimburse travel expenses on the basis of the M&IE per diem rates, published by the U.S. General Services Administration (GSA). Persons traveling on U.C. business are entitled to transportation, hotel accommodation, meals, and limited incidentals that meet reasonable and adequate standards for convenience, safety, and comfort. When such business involves overnight travel, the employee must submit a preliminary travel expense report and may receive advanced payment. Upon return from all business travel, the employee must submit a finalized travel expense report.

Hotel accommodation expenses are only covered when the overnight travel is 50 miles or more outside of the U.C. service area.

11.3 Transportation

When on business travel, either within or outside the U.C. service area, employees are encouraged to use a U.C. vehicle, if authorized. If unavailable or unauthorized, and the employee uses their personal vehicle, the employee will be reimbursed for all applicable business mileage at the current standard mileage rates set by the Internal Revenue Service.

Authorized Use of U.C. Vehicles:

Use of U.C. vehicles by employees is authorized only as specifically directed by the department head or the General Manager/CEO. The U.C. reserves the right to determine which of its employment positions require the operation of U.C. vehicles. Employees with valid driver's licenses may operate U.C. vehicles for business purposes as directed by the respective department head.

Employees whose position may entail a reasonable expectation of emergency call-out will be permitted to take a U.C. vehicle home, when authorized by the department head. Brief personal errands while on the way to and from work are permitted so long as the privilege is not abused.

Transportation of anyone who is not a U.C. employee is prohibited, except in connection with official U.C. business.

11.4 Personal Vehicle Insurance Liability

Employees who voluntarily use a personal vehicle for U.C. business, whether through mileage reimbursement or even with no reimbursement, must understand that all liability rests on the employee's personal auto insurance.

The U.C.'s auto coverage is neither primary nor secondary should an employee be involved in an automobile accident in his or her own personal vehicle, even though it is being used in the course and scope of employment.

However, should the U.C. be named in any litigation due to the employee's automobile accident while in a personal vehicle in the course and scope of employment, and the employee's coverage is not adequate, the U.C.'s auto policy will provide the additional coverage for liability only. This does not apply for property damage.

In the even an employee is involved in an automobile accident in a personal vehicle while in the course and scope of employment, he or she should notify the Risk Manager immediately to record the incident and follow any subsequent processes, such as Workers' Compensation.

Any employee who uses a personal vehicle for U.C. business must provide proof of insurance coverage annually.

11.5 Routine Business Travel

Due to the essential nature of utilities for maintaining a standard of living and for purposes of recovery to emergency and weather-related events, certain employment positions are regularly required to travel. In these cases, U.C. vehicles will be provided and must be used, unless otherwise exempt under the Vehicle Allowance Program, Appendix A.

11.6 Florida Drivers' License Requirement

Employees who are required to travel as part of their regular job duties are required to maintain a valid Florida drivers' license. In some cases, employees may be required to obtain a Florida Commercial Drivers' License (CDL) in order to operate U.C. Commercial Motor Vehicles (CMVs).

The U.C. reserves the right to determine which employment positions require routine business travel.

Employees are expected to responsibly notify the Department of Motor Vehicles (DMV) of all changes in personal information as required by law.

Driving Record Standards:

Employees required to drive a vehicle for U.C. business, must maintain a valid Florida drivers' license at all times. The employee's driving record must remain as acceptable, per the U.C.'s standards as set forth below:

An acceptable driving records is a record that is free from DUIs, DWIs, DUI/DWIs reduced to any other category, reckless driving with homicide, or points in excess of nine (9). In the following circumstances:

- ❖ The employee is under investigation for a DUI, DWI, open container, or an accident in which the employee is believed to be responsible and a homicide occurred – the employee will be placed on administrative leave pending conviction.
- ❖ The employee has been convicted of a DUI, DWI, open container, or a reckless driving offence in which a homicide occurred – the employee will be subject to immediate termination.
- ❖ The employee has surpassed nine (9) points on the driving record in one calendar year – the employee will be subject to immediate termination.
- ❖ The employee has had his or her driver's license revoked, suspended, or otherwise invalidated for any other reason than those stated above, and the employee is unable to reinstate the driver's license within 60-calendar days – the employee will be subject to termination.

The Human Resources Manager will conduct an annual driver's license record check every calendar year for employees who are required to drive for U.C. business.

Notification of Invalidated Drivers' License:

Should an employee's driver's license become suspended, revoked, or otherwise invalid, the employee must immediately report the status change to the department supervisor who will then report the change to the Human Resources Manager. Unless specified otherwise above under "Driving Record Standards," the employee will be placed on administrative leave until the license returns to a valid status, for a maximum of 60-calendar days. After 60-calendar days, if the employee's driver's license is not validated, the employee will be subject to termination.

If available, the employee may be placed in another position that does not require driving, during or after the 60-day period. Placement will be based on the employee's qualifications, availability

of the position, the employee's work performance history, safety record history, and discipline record. The U.C. is not required to place the employee in an alternate position and placement is at the discretion of the department head for every department affected and the Human Resources Manager.

Failure of the employee to provide such notification will be subject to corrective action, up to and including termination.

Out-of-State Drivers' License:

A new employee who has a valid out-of-state drivers' license will be permitted to operate a personal vehicle for U.C. business, only for the amount of time provided by state law to obtain a Florida drivers' license. However, the employee will not be permitted to operate a U.C. vehicle until a valid Florida drivers' license is obtained.

If the employee does not obtain a valid Florida drivers' license in the time provided by state law, the employee will be subject to termination.

11.7 Commercial Drivers' License

Some U.C. employment positions require the operation of Commercial Motor Vehicles (CMVs). Federal and state law requires operators of CMVs to maintain a valid Commercial Drivers' License endorsement (CDL).

For positions that require a CDL, the U.C. will pay for the cost of obtaining this endorsement if the employee does not have one at the time of hire. The employee will be given a six-month period to obtain the endorsement. The U.C. will pay for the renewal of such license and the renewal of the medical certification, as required. The U.C. will not pay for the replacement of a lost, misplaced, or damaged license, or a disqualified CDL endorsement or any cost relating to reinstatement of a driver's license or a CDL endorsement.

CDL drivers are considered as operating in safety-sensitive functions and are subject to drug and alcohol testing in accordance with federal and state law.

Employees who maintain a CDL are required to abide by the same "Driving Record Standards" as outlined in Section 11.6. In addition, CDL holders are held to more stringent terms and conditions which may require CDL drivers to lose the CMV driving privilege for 60-days or more, depending on the offense. Employees who lose the CMV driving privilege but still have a valid Florida drivers' license will not be permitted to operate a CMV for the period of suspension. If the suspension is longer than 60-days, the employee is subject to the repercussions as outlined in Section 11.6, "Notification of Invalidated Drivers' License."

A hardship license will not be acceptable when a CDL endorsement is required for the position.

Voluntary Maintenance of CDL:

Employees who are hired in positions that do not require CDLs, but who already maintain a CDL are not subject to repercussions if the CDL endorsement is lost, as long as the drivers' license is still valid. The U.C. is not responsible for the maintenance of the CDL.

12.1 Voluntary Termination

12.2 Involuntary Termination

12.3 Retirement

12.4 Reduction in Force

SECTION XII

EMPLOYMENT TERMINATION

SECTION XII EMPLOYMENT TERMINATION

U.C. employees who are not covered under a Collective Bargaining Agreement are considered “at will” employees. “At will” employment means that either the employee or the U.C. may end the employment relationship at any time, for any reason, or for no reason. Nothing in this manual will alter or limit the Utilities Commission’s right to maintain employment at will.

Nothing in this section voids or supersedes the U.C.’s right to terminate employment as specified in other sections of this manual.

12.1 Voluntary Termination

Voluntary termination, often referred to as resignation, is when the employee voluntarily makes a decision to end the employer-employee relationship. The U.C. prefers that employees voluntarily terminating the employment relationship provide the company with a minimum two-week notice.

Employees who fail to report to work, and do not notify their supervisor in advance (call-in), for three (3) consecutive days will be regarded as having voluntarily terminated employment.

Voluntary terminations are recognized as permanent unless the employee rescinds the resignation prior to the last day of employment. The U.C. will not accept rescinded resignations after the last day of employment. If the employee wishes to rescind the resignation and reinstate employment with the U.C., the person must follow the proper applicant, interview, and selection process as all other external candidates must. Following this process does not guarantee that the previous employee will be rehired.

In a voluntary separation situation, the U.C. HR Manager would like to conduct an exit interview to discuss the employee’s reasons for leaving and any other impressions that the employee may have about the U.C.

12.2 Involuntary Termination

Involuntary termination, otherwise known as termination or discharge, is when the employer-employee relationship is terminated either with or without cause. Involuntary termination for cause typically follows corrective action, but may be the immediate result of a serious violation of company policies and procedures.

12.3 Retirement

The employee is considered eligible for retirement once he or she has 1) completed 30 years with the U.C., or 2) is age 62 and has completed at least five years with the U.C.

Employees who retire from the U.C. will be eligible for retirement benefits, as well as retiree medical coverage as specified in Section 6.8, Continuation Coverage.

12.4 Reduction in Force

A reduction in force, otherwise known as a layoff, is when the U.C. has declared there to be a surplus in specific employment positions. The department director, in conjunction with the HR Manager and the General Manager/CEO, will make the determination as to the employees affected, who are not represented by a formal contract. This determination will be based on employee qualifications, performance appraisals, discipline records, safety records, and the needs of the U.C.

Two-week Notice:

In a layoff, the U.C. will provide the affected employees with either a two-week notice of the layoff or will provide two-weeks of regular wages, not to exceed 80-hours, at the employee's regular straight time rate. The U.C. may decide to provide the affected employees with a combination of notice and pay.

Severance Pay:

Employees who experience a layoff, who have worked at least one full year with the U.C., will receive severance pay based on tenure, as follows:

Tenure	Severance Amount
1 to 1.99 years	3 days
2 to 4.99 years	10 days
5 to 10.99 years	15 days
11 to 29.99 years	20 days
30+ years	25 days

Severance pay will be paid as indicated above at the employee's regular straight time rate. Severance pay will be processed and paid to the employee within two weeks of the layoff.

Employees who have experienced a layoff due to a fire, flood, explosion, terrorist attack, earthquake, hurricane, war (not to conflict with USERRA), or other uncontrollable natural disaster, that has caused damage to locations where work is performed are not entitled to severance pay.

The Utilities Commission, City of New Smyrna Beach at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified after approval by the Commission. Any such action shall apply to existing as well as to future employees.

Recall:

Recall is at the discretion of the department director, the HR Manager, and the General Manager/CEO. An employee may be recalled to the position held at the time of the layoff, or to a position which the employee previously held in the same department, or to a position which the employee is qualified to fill. The U.C. maintains the selection rights of recall.

If an employee refuses a position based on recall, he or she will forfeit the layoff status with the State Department of Unemployment.

Recall notifications will be made by certified mail to the last known address. Recalled employees must notify the HR Department within 5 calendar days of the receipt of the recall notice, if they desire to return to work. He or she must then return to work within 10 working days from receipt of the recall notice, unless otherwise approved by the U.C.

*(A) Vehicle Allowance
Program Policy*

*(B) Drug-free Workplace
Policy*

*(C) CDL Drug-free Workplace
Policy*

APPENDICES

APPENDIX A

VEHICLE ALLOWANCE PROGRAM POLICY [NON-ACCOUNTABLE PLAN]

1.0 Purpose

The purpose of this policy is to outline the eligibility requirements, participant responsibilities, and benefits of the Utilities Commission's Vehicle Allowance Program.

The Utilities Commission offers employees who meet the eligibility requirements, the opportunity to participate in a Vehicle Allowance Program. This program provides eligible employees with a weekly allowance to cover expenses incurred from using a personal vehicle to conduct U.C. business.

This program allows for a reduction in the total number of vehicles owned and maintained by the U.C.

(Note: Vehicle allowances are contractual for the General Manager/CEO and thus this position is exempt from program eligibility and continued participation requirements.)

2.0 Scope

This policy applies to all employees of the Utilities Commission, City of New Smyrna Beach.

3.0 General Policy

It is the policy of the Utilities Commission, City of New Smyrna Beach that all employees who receive benefits under this program are required to continuously meet program eligibility standards, as well as adhere to personal vehicle standards, mileage reporting requirements, minimum insurance requirements, and all other aspects of this policy. Furthermore, this policy outlines payment amount and frequency, taxing requirements, and provides guidance for when a participant becomes ineligible for any period of time.

4.0 Policy Guidelines and Procedures

(a) Program Eligibility

To qualify, the employee must hold an exempt position within the U.C. that requires routine driving –a minimum of an averaged 75 miles each week- to conduct U.C. business.

The department director/manager must submit a request to the Human Resources Department on behalf of the employee to participate in the Vehicle Allowance Program (VAP). This request must be on the approved VAP Request Form. In addition to the completed request form, the director/manager must attach the following:

1. Detailed mileage reports for the 3-months immediately preceding (and supporting) the request
2. Proof of automobile insurance coverage (see *Minimum Insurance Requirements*)

Request forms may be obtained by contacting the Human Resources Assistant or on the UC Intranet under *Human Resources > Payroll & Benefits > Benefit Forms*.

(b) Personal Vehicle

The employee's vehicle must be appropriate for the position requirements and must be well maintained in appearance and operating performance.

For purposes of this program "appropriate" is defined as a multi-passenger automobile that is capable of transporting U.C. equipment, property, and/or other employees at any given time, as needed. Motorcycles, scooters, or other vehicles of this type are not deemed appropriate under this program.

Additionally, there should not be any noticeable disrepairs or safety hazards on the vehicle.

(c) Benefit Amount

The Vehicle Allowance Program has three benefit tiers. Participants will receive payment from the appropriate tier based on average weekly mileage (See *Mileage Reports* for details).

Tier 1	\$100/week for average weekly mileage of 75 to 115
Tier 2	\$125/week for average weekly mileage of 115 to 150
Tier 3	\$150/week for average weekly mileage of over 150

(d) Payment Frequency

Payment for weekly benefits will be paid on a bi-weekly basis and will be included with the participant's regular salary. Payments will not be made via separate check.

(e) Taxable Income

The U.C.'s Vehicle Allowance Program operates under a non-accountable plan. Employees receiving this benefit are not required to return any unused portions of the benefit each month. Therefore, benefits are considered reportable, taxable income and will be assessed appropriate income taxes at the rate determined by the employee's withholding status and exemptions, filed with the Human Resources Department. Vehicle allowance payments (VAP) will also be assessed FICA taxes (Social Security and Medicare). In addition, vehicle allowance payments will be recorded on the employee's W-2.

VAP payments, however, are not part of the employee's base wages and therefore do not affect life insurance volume or premiums or long-term disability volume or premiums.

Payments will not be included as part of the employee's regular base rate when determining other benefits, such as Personal Leave Time (PLT) value or retirement contributions.

(f) Mileage Reports

Participants must maintain accurate records of mileage driven each day. Mileage should be compiled into a monthly report and submitted to the department director/manager at the end of each month. The department director/manager is responsible for maintaining accurate records for each participant, including him or herself, and is expected to notify the HR Department/Risk Manager at the end of each month should the participant reach an unqualified status (*refer to **Unqualified Payments for details***). Claimed mileage should not include home-to-work, work-to-home travel.

At the end of each calendar year, mileage reports will be utilized to determine ongoing eligibility in the program and may determine that the participant should be moved to a different benefit tier.

Mileage, for purposes of allowance determination, is calculated by using the most recent 12-months of total mileage and averaging a weekly amount. The only exception to this is for beginning participants. The first year will be calculated using the 3-months immediately preceding request of entry into the program.

Mileage forms may be obtained by contacting the Human Resources Assistant or on the UC Intranet under *Human Resources>Payroll & Benefits>Benefit Forms*.

(g) Minimum Insurance Requirements

Minimum liability on the vehicle should meet the following limits:

- \$250,000 combined single limit for bodily injury and property damage; or
- \$100,000 per person, \$300,000 per occurrence bodily injury and \$100,000 property damage

(\$100,000/\$300,000/\$100,000 is preferred)

The Risk Manager must be notified if a policy is cancelled. The employee will not be permitted to drive the vehicle for U.C. business until proof of insurance coverage has been verified. If the participant fails to provide proof of coverage within 30-days from cancellation, VAP benefits will be suspended until such proof is provided.

(h) Continued Participation

Employees who have been approved to participate in the program must maintain eligibility by meeting the following minimum standards:

The employee's average weekly mileage can be no less than 75 miles (reevaluated each calendar year) *(see **Unqualified Payments** for additional details)*.

The employee must provide proof of insurance coverage when the policy is renewed (at least annually) or changed. The policy must comply with the minimum insurance requirements (See **Minimum Insurance Requirements** section).

The employee must maintain a valid State of Florida driver's license.

(i) Extended Leave

In the event the employee experiences an extended leave (excluding approved periods of personal leave) of 30-days or more, receipt of VAP benefits will be suspended until the employee returns to full-time status.

If another employee is relieving the absent employee for at least 30 consecutive calendar days, that employee may request benefits by applying as a program participant, if the relieving employee uses a personal vehicle and is not provided with a temporary work vehicle (the employee's department director/manager must submit the request in the same manner as a regular participant). In this case, the absent employee's mileage records will be used to determine the benefit amount.

If another employee is relieving the absent employee for less than 30-days, and that employee is using a personal vehicle, the employee will receive mileage reimbursement for any miles driven using a personal vehicle during the period of relief (*Refer to the U.C.'s Travel Policy*).

(j) Unqualified Payments

If at any time the department director/manager has reason to believe the participant has become ineligible, or has received, or is receiving unqualified payments, the department director/manager must notify the HR Department. If it is determined the participant has received unqualified payments for any period, the U.C. will reverse and/or suspend VAP payments until reimbursement of unqualified payments is complete.

Unqualified payments are different for each benefit tier and are determined when the participant has fallen below the minimum monthly mileage as follows:

Tier 1 – Mileage shall not fall below 250* miles for any given month

Tier 2 – Mileage shall not fall below 400* miles for any given month

Tier 3 – Mileage shall not fall below 500* miles for any given month

**Mileage amounts are lower than actual weekly minimums and are permitted for averaging purposes and determination of continued participation. Actual mileage will be used in final true-up.*

Prior to reversing payments, the HR Department will review the monthly report(s) immediately preceding the month in question and the monthly report(s) immediately after to determine if, after averaging, the participant has indeed fallen below minimum requirements.

If it is determined the participant has fallen below minimum requirements, but is still eligible for a lower benefit tier, VAP payments will be adjusted to account for the period of time in which benefits were accrued at the lower rate. At no time should a participant receive benefits in excess of eligibility for more than one (1) month.

(k) Incidental Mileage Reimbursement

This program does not affect incidental personal vehicle mileage use for U.C. business. Employees who do not qualify to participate in this program may be permitted, with approval from their Director, to use their personal vehicle to conduct U.C. business, as long as the use is occasional and incidental.

Refer to the U.C.'s Travel Policy for details.

The content of this program does not constitute, nor should it be construed, as a promise of employment or as a contract between the Utilities Commission, City of New Smyrna Beach.

The Utilities Commission, City of New Smyrna Beach at its option, may change, delete, suspend, or discontinue this program in its entirety, at any time without prior notice.

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Personal Vehicle Insurance Liability

Employees who voluntarily use a personal vehicle for U.C. business, through the Vehicle Allowance Program, must understand that all liability rests on the employee's personal auto insurance.

The U.C.'s auto coverage is neither primary nor secondary should an employee be involved in an automobile accident in his or her own personal vehicle, even though it is being used in the course and scope of employment.

However, should the U.C. be named in any litigation due to the employee's automobile accident while in a personal vehicle in the course and scope of employment, and the employee's coverage is not adequate, the U.C.'s auto policy will provide the additional coverage for liability only. This does not apply for property damage.

In the event the employee is involved in an automobile accident in a personal vehicle while in the course and scope of employment, he or she should notify the Risk Manager immediately to record the incident and follow any subsequent processes, such as Workers' Compensation.

Any VAP participant who uses a personal vehicle for U.C. business must have no less than the following auto coverage limits and must provide proof of insurance annually:

Minimum liability on the vehicle should meet the following limits:

\$250,000 combined single limit for bodily injury and property damage; or

\$100,000 per person, \$300,000 per occurrence bodily injury and \$100,000 property damage

(\$100,000/\$300,000/\$100,000 is preferred)

APPENDIX B

DRUG-FREE WORKPLACE POLICY

1.0 Purpose

In a commitment to promote a healthy, safe, and productive workforce and to safeguard our employees and the working environment for employees, contractors, customers, and the like, the Utilities Commission has established a Drug-free Workplace Program. This policy is implemented pursuant to the Drug-free Workplace Program requirements under F.S. §440.102 and the rules of the Department of Labor and Employment Security, Division of Workers' Compensation.

2.0 Scope

This policy applies to all employees and job applicants of the Utilities Commission, City of New Smyrna Beach (U.C.).

3.0 General Policy

The Utilities Commission strictly prohibits the illegal use, possession, sale, manufacture, or distribution of drugs, alcohol, or other controlled substances on its property. It is also a violation of UCNSB policy to report to work or to work under the influence of drugs or alcohol.

4.0 Policy Guidelines and Procedures

(a) General Definitions

“Job applicant” – a person who has applied for a mandatory-testing position with the U.C. and has been offered employment conditioned upon successfully passing a drug and alcohol test. This includes current U.C. employees who transfer to a mandatory-testing position.

“Mandatory-testing position” – for purposes of the U.C., a job assignment that requires the employee to work with heavy or dangerous machinery, to work as a safety inspector, a job that must be performed at dangerous heights, a job that requires the use of dangerous chemicals, a job that requires the regular use of a vehicle, or a job assignment in which a momentary lapse in judgment could result in injury or death to another person.

“Alcohol” – ethyl alcohol (ethanol). References to use of alcohol include use of a beverage, mixture, or preparation containing ethyl alcohol.

“Drug” – alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen;

methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph.

“Drug test” or **“test”** – any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

“Prescription” or **“non-prescription medication”** – a drug or medication obtained pursuant to a prescription or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

“Specimen” – tissue, hair, or a product of the human body capable of revealing the presence of alcohol and/or drugs or their metabolites, as approved by the U.S. Department of Food and Drug Administration or the Agency for Health Care Administration.

“Drug rehabilitation program” – a service provider that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.

“Initial drug test” – a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the U.S. Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

“Confirmed drug test” – a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

“Medical review officer” or **“MRO”** – a licensed physician, employed or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results, and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.

(b) Types of Testing

In accordance with F.S. §440.102, employees and job applicants, after receiving a conditional job offer, will be required to submit to the following types of testing:

Pre-employment – job applicants, after receiving a conditional job offer

Reasonable suspicion – drug and/or alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of drug or alcohol use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his or her employment with the U.C.
5. Information that an employee has caused or contributed to an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on U.C. premises, or while operating U.C. vehicles, machinery, or equipment.

Random Testing – *applies to CDL drivers and mandatory-testing positions only.* Random testing is drug or alcohol tests conducted on employees who are selected through the use of a computer-generated random sample of the U.C.'s eligible employees. The current testing laboratory will generate the selected employee list; U.C. personnel are not involved in the random selection process. *Note: CDL drivers should refer to the U.C.'s Commercial Driver Drug-free Workplace Requirements.*

Routine fitness-for-duty – the U.C. will require an employee to submit to a drug and alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the U.C.'s established policy or that is scheduled routinely for all members of an employment classification or group.

Follow-up testing – if the employee in the course of employment enters an alcohol and/or drug rehabilitation program, the U.C. will require the employee to submit to a drug and/or alcohol test as a follow-up to such program unless the employee voluntarily

enters the program. In that case, the U.C. has the option not to require follow-up testing. If follow-up testing is required, it will be conducted on a quarterly, semiannual, or annual basis for up to two (2) years thereafter. The employee will not receive advance notice of the testing date(s).

(c) Over-the-counter and prescription drugs which could alter or affect drug test results*

The following is a list of the most common medications by brand name or common name, as well as by chemical name, which may alter or affect a drug test. This list is provided by the Agency for Health Care Administration.

Alcohol	All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick’s Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof)
Amphetamines	Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
Cannabinoids	Marinol (Dronabinol, THC)
Cocaine	Cocaine HCl topical solution (Roxanne)
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbituates	Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

**Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive*

(d) Drugs for which a test will be conducted

Alcohol	Booze, drink, beer, wine, liquor, medications containing ethyl alcohol (ethanol), <i>i.e. Vick's Nyquil, Comtrex, Listerine</i>
Amphetamines	Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine, speed
Cannabinoids	Marinol (Dronabinol, THC), marijuana, hashish, hash, hash oil, pot, joint, roach, spliff, grass, weed, reefer, hemp products, hemp oil
Cocaine	Cocaine HCl topical solution (Roxanne), coke, blow, nose candy, snow, flake, crack
Phencyclidine	Not legal by prescription; PCP angel dust, hog
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.; opium, dover's powder, paregoric, parepectolin, heroin, codeine, morphine, expanded opiate panel
Barbituates	Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose, Ecstasy
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

(e) Prescription and Non-prescription Medications

Prescription and non-prescription (over-the-counter) drugs may also affect the safety of the employee, fellow employees, and members of the public. Therefore, any employee who is taking any prescription or non-prescription medication which might reasonably be determined to impair the employee's safety, performance, or any motor functions must advise his or her supervisor before reporting to work under such medication. **Employees should only disclose the actual or possible side-effects of the medication and should not identify the medication(s) being used or the reason for its use. Supervisors are prohibited from inquiring as to the type of medication being used or the reason for its use.** The U.C. may change the employee's job assignment during any period of time where a medical determination has been made that the employee's use of a prescribed medication poses a direct threat to his or her safety or the safety of another employee or a

The Utilities Commission, City of New Smyrna Beach at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified after approval by the Commission. Any such action shall apply to existing as well as to future employees.

member of the public. If there is not an available job reassignment, the employee may be granted leave, paid or unpaid (dependent upon available personal leave time), during the period of treatment.

No prescription drug shall be brought on U.C. premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination, and quantity prescribed. Employees must keep all prescribed medicine in its original container, which identifies the drug, date of prescription, and the prescribing doctor.

(f) Consumption of Hemp Products

The consumption of food and food products containing hemp (cannabis) may cause an employee to test positive. A test result that is positive as a result of an employee's consumption of food or food products containing or made from hemp or hemp products will be reported as a positive test and subject the employee to discipline as described in this policy.

(g) Reporting Procedures

Employee and job applicants may confidentially report to the U.C.'s MRO the use of prescription or non-prescription medications both before and after being tested. Additionally, employees have the right to consult with the testing laboratory on technical information regarding prescription and non-prescription medications and their effect on a drug test result.

(h) Disciplinary Action

In the case of a job applicant, UCNSB will refuse to hire any applicant that fails a pre-hire drug screen or that refuses to submit to a pre-hire drug screening, in accordance with the UCNSB Drug-free Workplace Policy.

Any UCNSB employee who is found to be in violation of this policy, including refusal to submit to a drug screen, a confirmed positive drug test, or is in possession of drugs or alcohol on U.C. property, will be subject to immediate disciplinary action, which may include immediate discharge from employment. The employee may be placed on administrative leave pending investigation.

In the case of a first time confirmed positive test the employee may be referred to the employee assistance program (EAP) for treatment and/or will be required to meet with a Substance Abuse Professional (SAP). An employee who fails to successfully complete EAP/SAP recommendations will be discharged.

An employee who holds a mandatory-testing position who is referred to the EAP and/or the SAP will be moved to a non-mandatory-testing position while participating in the program, if one is available. If such position is not available, the employee will be permitted to use available personal leave time. Once the employee's personal leave time is exhausted, the employee will be placed on leave without pay until the employee is released to return to work.

An employee who is injured in the course and scope of employment and who refuses to submit to a drug test will not only be subject to the consequences listed above, but will also forfeit eligibility for workers' compensation medical and indemnity benefits.

In accordance with F.S. §440.102, employees who are discharged or disciplined, or applicants who have received a refusal to hire in compliance with this section, shall be considered to have been discharged, disciplined, or refused to hire for cause.

(i) Contestability

Any employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the U.C.'s MRO within five (5) working days after written notification of the positive test result is received. If an employee or applicant's explanation or challenge of the positive test result is deemed unsatisfactory by the MRO, the MRO will notify the U.C. The employee or applicant may submit information to the U.C. DER (designated employer representative) explaining or contesting the test results and why the results do not constitute a violation of the Company policy. If the employee or applicant's explanation or challenge is unsatisfactory, the employee/applicant will receive written notification within fifteen (15) days after receipt of the explanation or challenge, explaining as to why the explanation is unsatisfactory. A copy of the drug test report may be requested and will be made available upon request.

Any employee or job applicant whose explanation or challenge was deemed unsatisfactory has the right to appeal by undertaking an administrative challenge by filing a claim for benefits with the judge of compensation pursuant to Chapter 440, Florida Statutes; or if no workplace injury has occurred, the person may challenge the test result in a court of competent jurisdiction.

The employee or job applicant has the responsibility of notifying the drug testing laboratory of any administrative or civil action brought pursuant to Chapter 440, Florida Statutes. The lab will maintain the specimen until the case or administrative appeal is settled.

Contestability – Collective Bargaining Agreement

The UCNSB is comprised of both bargaining unit and non-bargaining unit employees. Employees whose job position falls under the bargaining unit will be held to the standards reflected in the Collective Bargaining Agreement (CBA) and have the right to appeal to the Public Employees Relations Commission (PERC).

(j) Confidentiality

In accordance with F.S. §440.102, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with s. 440.102(8)(a).

(k) Voluntary Notification

All employees are encouraged to seek help for alcohol and drug related problems. The U.C. provides benefits to employees and their families to aid in the rehabilitation of alcohol and drug problems.

Employees who voluntarily seek treatment for a drug-related problem will not be discharged, disciplined, or discriminated against solely on seeking treatment -considering they have not previously tested positive for drug use or previously entered an employee assistance program or alcohol and drug rehabilitation for drug-related problems.

An employee who holds a mandatory-testing position who enters an employee assistance program, either voluntarily or involuntarily, will be assigned to a position other than a mandatory-testing position, if one is available. If there is no such position available, the employee will be placed on leave while participating in the program. The employee will be permitted to use any available personal leave time. Once personal leave time is exhausted, the employee will be placed on leave without pay until participation or treatment is complete and the employee is released to return to work.

(l) Assistance and Rehabilitation

The Utilities Commission offers its employees access to an employee assistance program. For the current plan year, the U.C.'s EAP provider is:

Guardian
(800) 386-7055

www.ibhworklife.com; User Name: **Matters**; Password: **wlm70101**

Additionally, the following is a list of local alcohol and drug rehabilitation programs that are considered in-network with the U.C.'s current major medical provider.

Local Rehabilitation Programs

SMA Behavioral Health Services, Inc.
(800) 539-4228
702 S. Ridgewood Ave.
Daytona Beach, FL. 32114

FHCP Center
(386) 676-7175
1340 N. Ridgewood Ave.
Holly Hill, FL. 32117

National Hotline Numbers

Alcohol and Drug Referral Hotline	1-800-252-6465
Alcoholics Anonymous	1-800-344-2666
Narcotics Anonymous	1-818-780-3951
National Cocaine Hotline	1-800-262-2463
National Institute of Drug Abuses, Drug Information Treatment	1-800-662-4357

(m) Testing Facility, MRO, and DER

Testing Facility: Quest Diagnostics
MRO: Dr. Natalie Hartenbaum
FirstLab
100 Highpoint Dr. Ste 102
Chalfont, PA. 18914
Phone: (215) 396-5500

Testing Facility: EmployMed
MRO: Matthew Hoffman
1455 Dunn Ave
Daytona Beach, FL. 32114
Phone: (386) 425-4038

UCNSB DER: Britney Pitcher, Human Resources/Benefits Manager
P.O. Box 689
New Smyrna Beach, FL. 32170
Phone: (386) 424-3056

(n) Additional Information

For additional information or assistance with this program, please contact the Human Resources/Benefits Manager.

The content of this program does not constitute, nor should it be construed, as a promise of employment or as a contract between the Utilities Commission, City of New Smyrna Beach.

Employees, as a condition of employment, are required to abide by this policy.

Approved Date: 08/18/2014
Version 14-01

APPENDIX C COMMERCIAL DRIVER DRUG-FREE WORKPLACE POLICY

1.0 Purpose

In accordance with Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA) regulations, §382.101, the Utilities Commission has established a drug-free workplace program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. This section applies to every employee who operates a commercial motor vehicle in the course and scope of employment.

2.0 Policy

All employees, including those subject to FMCSA regulations, shall also comply with the U.C.'s Drug-free Workplace Policy (reference Appendix B).

In addition, employees who perform safety-sensitive functions as defined by the Department of Transportation shall comply with Part 382, Controlled Substances and Alcohol Use and Testing, of the FMCSA safety regulations. This includes, but is not limited to the following:

§382.201

It is a violation to report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

§382.207

It is a violation to perform safety-sensitive functions within four hours after using alcohol.

§382.213

- (a) It is a violation to report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drug or substance identified Section IV.
- (b) It is a violation to report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any non-Schedule I drug or substance identified in Section IV, except when the use is pursuant to the instructions of a licensed medical practitioner, who is familiar with the employee's medical history and has advised the employee that the substance will not adversely affect his or her ability to safely operate a commercial motor vehicle.
- (c) Employees are required to notify the U.C.'s DER of any therapeutic drug use. The U.C.'s DER is the HR/Benefits Manager. *Reference reporting procedures in the U.C.'s Drug-free Workplace Policy.*

3.0 Testing Requirements

The U.C. will perform drug and alcohol testing as required and in compliance with FMCSA regulations, Part 382:

- §382.301 – Pre-employment
- §382.303 – Post-accident
- §382.305 – Random
- §382.307 – Reasonable suspicion
- §382.309 – Return-to-duty
- §382.311 – Follow-up

4.0 Types of Drugs Tested

Employees who are tested under FMCSA regulations will be subject to testing for all substances listed in 21 CFR 1308.11 Schedule I. This includes, but is not limited to the following:

Alcohol	Booze, drink, beer, wine, liquor, medications containing ethyl alcohol (ethanol), <i>i.e.</i> <i>Vick's Nyquil, Comtrex, Listerine</i>
Amphetamines	Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine, speed
Cannabinoids	Marinol (Dronabinol, THC), marijuana, hashish, hash, hash oil, pot, joint, roach, spliff, grass, weed, reefer, hemp products, hemp oil
Cocaine	Cocaine HCl topical solution (Roxanne), coke, blow, nose candy, snow, flake, crack
Phencyclidine	Not legal by prescription; PCP angel dust, hog
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.; opium, dover's powder, paregoric, parepectolin, heroin, codeine, morphine, expanded opiate panel
Barbituates	Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose, Ecstasy
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

**Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive.*

5.0 Over-the-counter and Prescription Drugs which could alter or affect drug test results

Reference the U.C.'s Drug-free Workplace Policy.

6.0 Prescription and Non-Prescription Medications

Reference the U.C.'s Drug-free Workplace Policy.

7.0 Reporting Procedures

Reference the U.C.'s Drug-free Workplace Policy.

8.0 Positive Test Results/Violation of Policy

Any employee, who is found to be in violation of this policy, including a confirmed positive drug test or is in possession of drugs or alcohol on Commission property, will be subject to immediate disciplinary action, which may include immediate discharge from employment. The employee shall be placed on administrative leave pending investigation.

In the case of a first time confirmed positive test, the employee will receive a referral for an evaluation from a Substance Abuse Professional (SAP) and must conform to the educational and/or treatment recommendations provided by the SAP. If the employee refuses to accept or fails to complete the recommendations/treatment plan, the employee shall be terminated immediately.

Refusal to test, including an adulterated or diluted specimen or disruption of the testing process, will result in immediate termination.

Additionally, in accordance with §40.285, when an employee has violated FMCSA drug and alcohol regulations, that person cannot again perform any DOT safety-sensitive duties for any employer until and unless a SAP evaluation, referral, and education/treatment process is complete.

9.0 Challenging Results

The employee who has received a positive test result will have the opportunity to speak with the Medical Review Officer (MRO). During the interview, the employee will have the opportunity to provide information and/or medical documentation that explains or supports why the specimen was positive, adulterated, or substituted. Based on the information provided, the MRO will verify the result by determining whether there is or is not a legitimate medical reason for the test result.

The MRO will attempt to reach the employee at a minimum of three attempts spaced reasonably over a 24-hour period. If the MRO is unable to reach the employee, the MRO will contact the DER. The DER will also attempt to contact the employee to have him or her contact the MRO. The employee will only have 72-hours to contact the MRO after speaking with the DER. If after reasonable efforts are made to contact the employee, the DER is unable to reach him or her, the employee will be placed on medical leave pending investigation.

If the employee does not contact the MRO or is unable to be reached after reasonable attempts by both the MRO and the DER, the test will be verified as positive and corrective action will commence.

10.0 Confidentiality

In accordance with §382 Subpart D, all information, reviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential except in accordance with §382.405.

11.0 Voluntary Treatment

All employees are encouraged to seek help for alcohol and drug related problems. The U.C. provides benefits to employees and their families to aid in the rehabilitation of alcohol and drug problems.

Employees who voluntarily admit to alcohol misuse or controlled substances use and seek treatment and:

- The admission is not in an effort to avoid testing under this section;
- The admission is made prior to performing a safety sensitive function (i.e., prior to reporting to work); and
- The employee has not previously tested positive for drug use or previously entered an employee assistance program or alcohol and drug rehabilitation for drug-related problems

The U.C. will allow the employee sufficient opportunity to seek evaluation, education, and treatment. However, the employee will not be permitted to perform a safety sensitive function until he or she has successfully completed education or treatment requirements, as well as other requirements stated in this section.

The U.C. shall not take adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use provided that admission is within the guidelines stated above. The employee will be allowed to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., substance abuse professional). Prior to return to safety sensitive duties, the employee shall submit to a return to duty test. The employee shall also be subject to monitoring and non-DOT follow-up testing for a period determined by the drug and alcohol abuse evaluation expert, generally one year.

Reference the U.C. Drug-free Workplace Policy for a listing of Assistance and Rehabilitation providers.

12.0 Other Requirements

It is a violation of FMCSA regulations, §391.41, for any employee to operate a commercial motor vehicle unless he or she is medically certified as physically qualified to do so. In addition, the employee is required to carry on his or her person, at all times, the original or a copy of the medical examiner's certificate, unless otherwise exempt under (a)(2) of §391.41.

During the physical examination by the U.C.'s Medical Review Officer, the employee shall be truthful at all times. If the employee falsely reports or withholds information that may have an impact on the employee's ability to obtain or maintain a commercial driver's license (CDL), and receives a medical examiner's certificate under false pretenses, he or she will be subject to immediate termination.

The employee is expected to know and understand all requirements for persons holding a commercial driver's license. Employees are encouraged to familiarize themselves with the FMCSA Safety Regulations of the U.S. Department of Transportation, Parts 40, 380, 382, 383, 387, 390-397, 399 Subchapter B, Chapter 3, Title 49 of the Code of Federal Regulations, as contained therein.