

RULE 2
GENERAL PROVISIONS

Authority and Purpose (2.1)
Scope of Rules (2.2)
Number of Members, Salaries (2.3)
Violation of Rules – Employee Notice (2.4)
Amendment and Revision of Rules (2.5)
Related Federal, State Statutes and Local Ordinances (2.6)
Severability Clause (2.7)
Prohibitions and Restrictions (2.8)
Nepotism (2.9)
Veteran’s Preference (2.10)
Temporary Hiring of City Retiree for Special Services (2.11)
Solicitation and Distribution of Literature (2.12)
Personal Property (2.13)
Bulletin Boards (2.14)
Intra/Inter-Departmental Mail (2.15)
Collective Bargaining Agreements-Disclaimer (2.16)
Special Category Employees (2.17)
Prohibition of Sexual Harassment (2.18)
Prohibition of Discrimination (2.19)
Employee Notice Form
Off-Duty Employment Permit Form

RULE 2 – GENERAL PROVISIONS

2.1 Authority and Purpose

These Rules are adopted in pursuance of Chapter 24, Code of the City of Sarasota, Florida, as amended, which states that the City Manager or the City Auditor and Clerk, for their respective employees, with the advice and recommendation of the Civil Service Board and the General Personnel Board, shall promulgate rules and regulations and amendments thereto as he or she deems appropriate for appointment, promotion, discipline and removal of employees of the City. Such rules shall become effective when approved by the City Commission.

2.2 Scope of Rules:

The provisions of these Personnel Rules and Regulations apply to the combined Classified Service of the Civil Service and the General Personnel System of the City of Sarasota, Florida.

2.3 Number of Members, Salaries

The City Commission shall provide by Ordinance the number of the Civil Service members of Police uniform forces and shall fix the compensation of such members according to their respective grades/ranks.

The City Manager or City Auditor and Clerk, for their respective employees shall fix the number and compensation of the employees in the General Personnel System subject to the provisions of Chapter 24 of the Sarasota City Code.

2.4 Violation of Rules, Employee Notice:

Any person violating these Rules shall be subject to the penalties prescribed therein including termination of employment. An Employee Notice Form shall be utilized to help process and record warnings, disciplinary action and the cause of dismissal. A copy of the notice will be given to the employee and the Department of Human Resources after the employee has acknowledged the receipt by signing the form or has been offered the form for his/her signature. (See Page 2-11 for Employee Notice Form.)

2.5 Amendment and Revision of Rules:

Amendments and revisions of these Rules may be initiated by the City Manager or City Auditor and Clerk, for their respective employees, as appropriate, and such amendments shall be adopted according to the provisions of Chapter 24 of the Sarasota City Code.

2.6 Related Federal and State Statutes and Local Ordinances:

These Rules and procedures are to be read in conjunction with related federal and state statutes and local ordinances. Statutes and ordinances in effect at the time of publishing the current Rules are referred to or reflected to the extent that is practicable.

2.7 Severability Clause:

If any section, subsection, sentence, clause or phrase of these Rules and Regulations is found to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Rules and Regulations.

2.8 Prohibitions and Restrictions:

The following and such other acts or activities which are determined by the Department Head with the concurrence of the City Manager or City Auditor and Clerk, for their respective employees to be detrimental to the best interest of the City and which shall be so specified through administrative regulation are prohibited:

A. Political Activity:

- (1) No City employee shall, in any manner, be concerned in soliciting or receiving any assessment or contribution from any other City employee during the working hours of either, for any political party or candidate for public office.
- (2) No City employee shall use his/her City position, equipment, property or supplies to secure contributions of any nature or from any source.
- (3) No employee shall take any active part in political activities during his/her duty hours.
- (4) Nothing herein shall be construed to restrict in off-duty hours the right of the employee to hold membership in, and support a political party, to vote as he or she chooses, to express his or her opinion on all political subjects and candidates, to maintain political neutrality, and to attend political meetings, or to campaign actively during off-duty hours in all areas of political activity.
- (5) Any employee of the City who becomes a candidate for nomination or election to any public office shall be automatically removed from employment with the City, and unless he or she shall have properly resigned prior to becoming a candidate, he or she shall be considered as having resigned from City employment and terminated without the right of appeal in accordance with these Rules and Regulations.

B. **Abuse of Political Influence:** No City employee shall use or promise to use or obtain, either directly or indirectly, any authority or influence in order to secure any employment, with the City, or promotion, compensation or political influence either for himself or herself or any other person, nor shall any City employee by means of threats or coercion, induce or seek to induce anyone in the Service of the City to resign his or her position or waive his or her right to certification, appointment or promotion.

C. **Standards of Conduct and Financial Disclosure:** All officers and employees of the City of Sarasota and its constituent committees shall comply with the standards of conduct and financial disclosure and other provisions set forth in Chapter 112 of the Florida Statutes as same may be amended from time to time.

- D. Residential Requirements: All permanent status members of Civil Service should live within the land area within a radius of fifteen (15) miles from the Sarasota County Court House and Washington Boulevard.
- E. Restrictions on Outside Employment: No full-time employee of the City of Sarasota shall engage in any other employment, unless and until, such employee has been issued a written permit by the Department Head, recommended by the Director of Human Resources and approved by the City Manager or City Auditor and Clerk, for their respective employees, stating and describing the particular employment in which such employee may engage. Such permit shall be of no longer than one (1) year in duration, by September 30th for the following fiscal year's approval. Annual renewal is required, if applicable. Before any such permit shall be issued or renewed by the Department Head, the employee desiring the permit shall make written application stating and describing the particular employment in which the employee desires to engage and shall deliver the same to the Department Head.

The Department Head shall, within seven (7) calendar days thereafter, discuss same with the employee and shall notify the employee within ten (10) calendar days of the date of the request, in writing, of the action taken.

Any employee who shall willfully disregard or violate these Rules and Regulations shall be subject to reprimand, suspension or dismissal, as the circumstances shall require. Any such permit as may be issued shall name the individual and shall state and describe the employment which has been approved for such employee, and shall be placed in that employee's permanent personnel file. (See Off-Duty Employment Form.)

(Revised 10/3/2011)

2.9 Nepotism:

In order to prevent preferential treatment in the employment practices of the City, as well as to avoid creating situations where favoritism may be alleged to be associated with operational decisions within the departments of the City, the following policy on nepotism is hereby established:

A. Definitions: For the purposes of this Rule, except Rule 2.9 F, the following words shall mean:

"Spouse" is a wife or husband depending on gender, as defined in Rule 1 - Definitions.

"Blood Relative" is a father, mother, son, daughter, brother, sister, grandparent or grandchild, natural or by adoption, as defined in Rule 1 - Definitions.

"Relative" A spouse, father-in-law, mother-in-law, brother-in-law, daughter-in-law, sister-in-law, son-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister, uncle, aunt, nephew, niece, first cousin, or a blood relative (see above), as defined in Rule 1- Definitions.

"Public Official" is an officer including Charter Officials, City Manager, City Auditor and Clerk and City Attorney or an employee of the City in whom is vested the authority by law or regulation, or to whom the authority has been delegated, to appoint, employ, promote or

advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment with the City as defined in Rule 1 - Definitions.

- B. Supervision of Relative: No person shall be employed or remain employed in a position which will cause that person to supervise or be supervised by a relative.
- C. Blood Relative; Temporary Appointment: A temporary appointment of a person to a position within the same department as a blood relative of the new employee shall be permitted, subject to the prohibitions of Rule 2.9 F, herein so long as the blood relatives work in a different division or section within that department.
- D. Blood Relative; Permanent Appointment: A permanent appointment to a full-time or a part-time position of a person to a position within the same department as a blood relative of the new employee shall be permitted, subject to the prohibitions of Rule 2.9 F, herein so long as the blood relatives work in a different division or section within that department.
- E. Employment of Spouses: It is the intent of this Rule to promote the maintenance of positive employee morale, to avoid the creation of an environment conducive to inordinate friction between employees, to minimize the potential for internal disciplinary problems between employees, to avoid undue pressure on employees and to prevent operational, job-related difficulties from adversely affecting the work of any division or section of a department of the City. A person may be employed, on either a temporary or permanent basis, within the same department as a spouse, subject to the prohibitions of Rule 2.9 F, herein, so long as the spouses work in a different division or section within that department.

Provided, however, that should a Department Head determine that such employment is not in the best interests of the City, considering the job-related difficulties it is anticipated will be encountered within the division or section, the Department Head may recommend against the same. The recommendation shall be made, in writing, to the City Manager or City Auditor and Clerk, for their respective employees, as appropriate, and shall state, with specificity, the job-related difficulties it is anticipated will be encountered in the specific case as well as such other reasons in support of the recommendation as may apply. The recommendation shall be made to the City Manager or City Auditor and Clerk, for their respective employees who shall review the written recommendation of the Department Head and make a determination as to the sufficiency of the reasons in support of the recommendation. In the event that the City Manager or City Auditor and Clerk, for their respective employees, shall determine that it is not in the best interests of the City to employ spouses within the same division or section of a department, the spouse seeking employment shall be notified of the determination that employment shall not be permitted, under this Rule, to a position within the division or section where employment had been sought.

- (1) Should two (2) permanent employees, within the same division or section of a department, marry, the Department Head shall make a recommendation to the City Manager or City Auditor and Clerk, for their respective employees, as to whether or not the continued employment of both spouses, within the same division or section, is reasonably likely to create job-related difficulties which shall require the implementation of the provisions of this Rule. The recommendation shall be in writing, and shall state with specificity the job-related difficulties it is anticipated will be encountered in the specific case and such other reasons in support of the recommendation as may apply. The City Manager or City Auditor

and Clerk, for their respective employees, shall review the recommendation and make a determination as to the sufficiency of the reasons submitted by the Department Head in support of the recommendation. Should the City Manager or City Auditor and Clerk, for their respective employees, determine that the continued employment of both spouses, within the same division or section of a department, is not in the best interests of the City, the spouses shall be given written notice of such determination. Such notice shall advise that the spouses have thirty (30) days from the date of the notice, within which to determine which spouse shall:

- a. Terminate employment with the City; or,
- b. Apply for appointment to another division or section within the same department or transfer to another department within the City.

(2) In the event that the spouses shall fail to select an alternative, as specified in subparagraph (1), above, within the time given, the Department Head where the spouses are employed shall make a determination as to which spouse shall be appointed to a position within another division or section, within the same department, or whether one spouse shall be transferred to another department within the City.

(3) In the event that a spouse voluntarily elects option (2), above, or in the event that the Department Head is required to make the determination provided for under (2), the appointment or transfer shall be accomplished within sixty (60) days of the election or determination. Should the appointment or transfer not take place, within sixty (60) days, whether the same is occasioned by the non-availability of an employee position to accomplish the appointment or transfer, or for any other reason whatsoever, the head of the department employing the spouses shall lay off the spouse who was to be appointed or transferred to the new employment position. Layoff shall be accomplished in accordance with these Personnel Rules.

F. Relatives of Public Officials: The State of Florida having adopted Section 112.3135, Florida Statutes as part of the Code of Ethics for Public Officers and Employees, serving as a restriction on employment of relatives, the provisions of this paragraph shall serve to incorporate the requirements and definitions of the aforementioned Statute within the Personnel Rules of the City. A public official shall not appoint, employ, promote or advance, or advocate for appointment, employment, promotion or advancement, in or to a position within the City in which the public official is serving or over which the official exercises jurisdiction or control of any individual who is a relative of the public official. An individual may not be appointed, employed, promoted or advanced in or to a position in the City if such appointment, employment, promotion or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the City, who is a relative of the person or if such appointment, promotion, or advancement is made by the City Commission or other collegian body of which a relative of the individual is a member. All provisions of Section 112.3135, Florida Statutes, as part of the Code of Ethics for Public Officers and Employees, as the same may be amended from time to time, shall be deemed incorporated in this Personnel Rule by reference and all interpretations thereof shall be deemed to apply to the implementation of this paragraph. For the purposes of this paragraph, the term "relative" shall mean husband, wife, father, mother, son, daughter, brother, sister, grandparent or grandchild, father-in-law, mother-in-law, brother-in-law, daughter-in-law, sister-in-law, son-in-law, stepfather, stepmother,

stepson, stepdaughter, stepbrother, stepsister, half-brother or half- sister, uncle, aunt, nephew, niece or first cousin.

2.10 Veteran's Preference:

Veteran's preference, as required by Federal and State Laws, shall be afforded those individuals who have served in the Armed Forces of the United States.

- A. **Recruitment:** The Department of Human Resources and the office of Employee Services of the Department of Human Resources shall comply with the veteran's preference provisions of the Federal, State and Local Laws when recruiting eligible candidates for both the Civil Service and the General Personnel System of the City.
- B. **Selection and Reports:** In the employee selection process, Department Heads shall comply with the veteran's preference provisions of the Federal, State and Local Laws. The office of Employee Services of the Department of Human Resources shall receive and consolidate such data from the various departments for the City and make reports of such data to the Federal, State and Local agencies, as may be required.

2.11 Temporary Hiring of City Retiree for Special Services:

The Director of Human Resources or his or her designee shall verify that it is more feasible under the circumstances to employ a City retiree, as may be permitted by applicable law, for specialized services for certain periods of time than to transfer or recruit an individual with the skills, ability or experience required for such work.

Any such employment shall be subject to the prior recommendation of the Department Head and Director of Human Resources or his or her designee and the approval of the City Manager or the City Auditor and Clerk for employees in the City Auditor and Clerk's Office, and shall be limited to the duration of the need for the specialized service.

2.12 Solicitation and Distribution of Literature:

- A. There shall be no solicitation of employees during the working hours of any employee involved in the solicitation.
- B. There shall be no distribution of literature during the working hours in areas where the actual work of public employees is performed, such as offices, warehouses, schools, Police Stations, and similar public installations. This section shall not be construed to prohibit the distribution of literature during the employees' lunch hours or in such areas not specifically devoted to the performance of the employees' official duties.
- C. Each Department Head is to ensure that no non-employee is permitted to trespass for the purpose of illegal solicitation or distribution of literature or otherwise disrupt the work of employees. This does not mean that non-employees are to be discouraged from conducting such normal business with City offices such as inquiring about municipal services, paying municipal bills, or acting as authorized commercial vendors.

2.13 Personal Property:

Personal property of city employees (including such essential work items as shoes, eye glasses, contact lenses, watches and dentures) that is lost, damaged, or destroyed in the line of duty, except where employee negligence is causal, shall be replaced or repaired by the City at no expense to the employee. Claims will be filed and validated pursuant to established departmental policy.

2.14 Bulletin Boards:

An employee who wishes to post a notice on the bulletin board shall sign such notice and shall submit the notice to the Department Head for approval before the time of posting. Under no circumstances shall a notice be tendered for posting containing material which is political in nature.

2.15 Intra/Inter-Departmental Mail:

In the interest of the economic and expeditious handling and delivery of the City's mail, bulletins and notices, the inter-departmental and intra-departmental mail and distribution facilities of the City shall be for the exclusive use of the City.

2.16 Collective Bargaining Agreements - Disclaimer:

Where the express provisions of a negotiated collective bargaining agreement are in conflict with any provision(s) of these Personnel Rules and Regulations, the contract provisions (as ratified or mandated by the City Commission in accordance with Chapter 447, Florida Statutes, as amended) shall prevail, but only to the precise extent of such conflict.

2.17 Special Category Employee:

A department director hired on or after the 5th day of October 1987, shall be classified as a "Special Category Employee" who shall serve at the pleasure of the City Manager. A "Special Category Employee" shall not be considered a "permanent employee", as that term is defined in these Rules. The City Manager or City Auditor and Clerk, for their respective employees may establish, by use of an employment agreement, the terms and conditions of employment pertaining to a Special Category Employee. When an employment agreement is utilized, the terms and conditions of that agreement shall prevail over all Rules and Regulations of the City of Sarasota, pertaining to employment status and employment rights, to the extent of any conflict. In the absence of an employment agreement, or as to all employment matters not specifically treated in an employment agreement with a Special Category Employee, the Rules and Regulations applicable to general employees shall be applied to Special Category Employees, to include provisions establishing fringe benefits and a pension plan. When negotiating an employment agreement, the City Manager shall be restricted, as to pay and fringe benefit items, to the establishment of rates of pay which are within the ranges established by the City Commission annually in the Position Classification Compensation Plan; to the payment of reasonable moving or relocation expenses; to severance pay, limited to a maximum of six (6) months; and to commencing health insurance benefits on a particular date certain.

2.18 Prohibition of Sexual Harassment:

It is the policy of the City of Sarasota that it will not tolerate verbal or physical conduct by any employee which harasses, disrupts or interferes with another work performance or which creates an intimidating, offensive or hostile environment when such conduct constitutes illegal sexual harassment.

- A. While all forms of illegal harassment are prohibited, it is the City's policy to emphasize that sexual harassment in the workplace is specifically prohibited. Each supervisor has a responsibility to maintain the workplace free of any form of sexual harassment. No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development. In addition, no supervisor is to favor in any way any applicant or employee because that person has performed or shown a willingness to perform sexual favors for the supervisor.
- B. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is also prohibited. Such conduct may include, but is not limited to, unwelcome:
 - (1) Sexual advances, touching or propositions;
 - (2) Verbal or physical conduct of a sexual nature;
 - (3) Graphic or suggestive comments about an individual's dress or body;
 - (4) Sexually degrading words to describe an individual; and
 - (5) Display in the workplace of sexually suggestive objects or pictures, including nude photographs.
- C. Any employee who believes that the actions or words of a supervisor or fellow employee constitute unwelcome harassment has a responsibility to report or complain as soon as possible to the appropriate supervisor and/or to the Director of Human Resources, or his or her designee, if the complaint involves the supervisor.
- D. All complaints of harassment must be investigated promptly and in as impartial and confidential a manner as possible by the supervisor, or Director of Human Resources or his or her designee. If an employee is not satisfied with the handling of a complaint or the action taken by the supervisor, then the employee should bring the complaint to the attention of the Director of Human Resources or his or her designee. In all cases, the employee is to be advised of the supervisor's or Director of Human Resources', or his or her designee findings and conclusion.

- E. Any employee, supervisor or manager who is found after appropriate investigation to have engaged in illegal harassment of another employee will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination.

2.19 Prohibition of Discrimination:

It is the policy of the City of Sarasota that it will not tolerate verbal or physical conduct by any employee whose conduct constitutes illegal discrimination pursuant to State or Federal Law.

- A. No employee shall knowingly discriminate against any person at any time because of his or her age, race, religion, national origin, disability, marital status, sex or political opinions in violation of State or Federal Law.

While all forms of illegal discrimination are prohibited, it is the City's policy to emphasize that illegal discrimination in the workplace is specifically prohibited. Each supervisor has a responsibility to maintain the workplace free of any form of illegal discrimination.

- B. No person having a position in the service of the City or seeking admission thereto shall be subject to illegal discrimination because of his or her age, race, religion, national origin, disability, marital status, sex or political opinions in violation of State or Federal Law. No question in any application form, examination or in any other proceedings relative to personnel in the service shall be so worded as to solicit information which may be in violation of State or Federal Law.

- C. An employee who believes that the actions or words of a supervisor or fellow employee constitute illegal discrimination against any person at any time, has the responsibility to report or complain as soon as possible to the appropriate supervisor or the Director of Human Resources, or his or her designee.

- D. All complaints of illegal discrimination must be investigated promptly and in as impartial and confidential a manner as possible by the supervisor, the Director of Human Resources, or his or her designee. If an employee is not satisfied with the handling of a complaint or the action taken by the supervisor, the employee should bring the complaint to the attention of the Director of Human Resources, or his or her designee.

In all cases, the employee is to be advised of the findings and conclusion of the supervisor or Director of Human Resources, or his or her designee.

- E. Any employee, supervisor or manager who is found, after appropriate investigation, to have knowingly engaged in illegal discrimination of any person shall be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination.



EMPLOYEE NOTICE
(Reference Personnel Rule 5.7)

NAME:	DATE:
POSITION:	DEPARTMENT:

This notice is given to remind you to be more careful in your work and conduct and to help you avoid disciplinary action.

NATURE OF INFRACTION	COMMENTS
<input type="checkbox"/> ATTENDANCE	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> SAFETY	
<input type="checkbox"/> DEPARTMENT RULES	
<input type="checkbox"/> CONDUCT	
<input type="checkbox"/> WORK QUALITY	
<input type="checkbox"/> WORK PERFORMANCE	
<input type="checkbox"/> OTHER	

ACTION TAKEN:

RECORD SECTION

Has employee been warned before about this offense? <input type="radio"/> Yes <input type="radio"/> No	How? <input type="radio"/> Oral <input type="radio"/> Written	When?
---	--	-------

REMARKS:

ROUTING: <input type="radio"/> Employee <input type="radio"/> Department of Human Resources	Prepared By (Supervisor)	Approved By (Div. Head)
	Approved (Dept. Head)	Date
	Signature of Employee Acknowledging Receipt	Date



OFF-DUTY EMPLOYMENT PERMIT

(Reference Personnel Rule 2.8.E)

In accordance with the City of Sarasota Personnel Rules and Regulations, the undersigned hereby requests permission to accept additional employment with the company or business activity as described below. (Note: No law enforcement duties to be performed.)

Please Print:

- 1. Employee Name: _____ Dept. Name: _____
- 2. Name of Company/Business and Address: _____

- 3. Description of Duties: _____

- 4. Effective Date of Employment: _____
- 5. Number of Hours Per Week: _____ Work Days Per Week: _____

Such additional employment does not interfere with my regular City responsibilities and duties, and it is understood that, once approved, this permit is valid for up to one (1) year and expires on September 30 of the current fiscal year. Upon approval/disapproval, this form shall be filed in the Department of Human Resources.

Employee Signature

Date of Request

Chain of Command Approval or Disapproval (Circle One):

Approved/Disapproved:

Approved/Disapproved:

Date

Date

Approved/Disapproved:

Approved/Disapproved:

Date

Date

Approved/Disapproved:

Approved/Disapproved:

Date

Date

Approved/Disapproved: _____
City Manager or City Auditor and Clerk Date
for their respective employees