

Before the  
State of Florida  
Commission on Ethics

Complaint No. 20-054

IN RE: Milissa Holland,  
  
Respondent.

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**Response to Report of Investigation**

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Milissa Holland, through undersigned counsel, submits this response to the Report of Investigation, pursuant to Rule 34-5.006(2), Florida Administrative Code.

The Report of Investigation in this case is incomplete, fails to confirm or verify statements made by witnesses, including statements made by Ms. Holland that would tend to disprove the allegations, includes ranks speculation as fact, and evidences a lack of impartiality in the conduct of the preliminary investigation. As such, the Report of Investigation should not be relied on as a fair or accurate presentation of the pertinent facts relating to allegations set forth in the complaint.

## **Summary of the Complaint**

The complaint was filed by James Maher. (ROI ¶1). The Report of Investigation states that Mr. Maher “was employed as the Compliance Manager for the City of Palm Coast and, as such, he investigated matters of fraud, waste, and abuse, and managed a whistleblower hotline for the City.” (ROI ¶9). The report of Investigation fails to note was fired from his job as Compliance Manager for the City of Palm Coast and has indicated an intent to sue the City over his dismissal.<sup>1</sup>

The Determination of Investigative Jurisdiction and Order to Investigate summarizes the allegations in the Complaint and the focus of the investigation:

3. The complaint alleges that, on an unknown date after the Respondent's election in 2016, the Respondent became the director of a software company, Coastal Cloud. Shortly after joining Coastal Cloud, the City and Coastal Cloud allegedly entered into an agreement allowing Coastal Cloud access to certain City resources. This

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<sup>1</sup><https://www.news-journalonline.com/story/news/politics/government/2020/10/10/palm-coast-worker-who-fired-after-retiring-said-he-sue-city-jay-maher/5936010002/>

indicates possible violation of Sections 112.313(3) and 112.313(7)(a), Florida Statutes.

4. The complaint alleges that on or around February 1, 2017, the Respondent sent emails from her public email address to officials of the City of Orlando promoting Coastal Cloud and another company partnered with Coastal Cloud: Salesforce. The complaint alleges that the Respondent requested in these emails to meet with the Orlando officials to discuss matters pertaining to Coastal Cloud. The complaint alleges that the Respondent identified herself in both emails as the Mayor of the City of Palm Coast. This indicates possible violation of Sections 112.313(6) and 112.313(7)(a), Florida Statutes.

5. The complaint alleges that on October 24, 2017, the Respondent sent two emails from an email account associated with Coastal Cloud to two members of the City Council of the City of Palm Coast, in which she identified herself as the mayor and invited the council members to view a webinar presentation of Coastal Cloud. This indicates possible violation of Sections 112.313(6) and 112.313(7)(a), Florida Statutes.

6. The complaint alleges that the City commissioned a third-party company to draft a report on its software needs and that the report recommended a course of action different than what Coastal Cloud was recommending for the City. The complaint alleges that the Respondent directed City staff to ignore the third-party report. This indicates possible violation of Sections 112.313(6) and 112.313(7)(a), Florida Statutes.

7. The complaint alleges that the City hosted an event called a hackathon and that the City paid Coastal Cloud for services rendered during the event. This indicates possible violation of Sections 112.313(3) and 112.313(7)(a), Florida Statutes.

8. The complaint alleges that the Respondent directed staff to write letters of recommendation for the children of the owner of Coastal Cloud and that members of the City's Communications staff did write the letters. This indicates violation of Section 112.313(6), Florida Statutes.

Statements in the Report of Investigation with respect to these allegations will be addressed in this Response. Attached to this response are three exhibits:

- Exhibit 1: Affidavit of Matt Morton.
- Exhibit 2: Statement of Matt Hauck, Director of Marketing for Coastal Cloud.
- Exhibit 3: Affidavit of Councilman Nick Klufas.

### **Innovation Partnership Agreement**

The Report of Investigation presents as fact the statement of Laura Bukolt, former Palm Coast Compensation Analyst, that Ms. Holland “halted the City's software updates and purchases until Coastal Cloud had an opportunity to review all of the City's current software usage.” (ROI ¶23.) The Report of Investigation, however, fails to note that Ms. Buckholt was fired by the City of Palm Coast, following an independent outside investigation, for issuing checks to

her close friend, Debbie Streicher, without authorization by City Manager Matt Morton.<sup>2</sup>

As explained in the attached affidavit by Mr. Morton, Laura Bukolt was employed by the City of Palm Coast as a Compensation Analyst. Ms. Bukolt's essential duties as a Compensation Analyst included limited functional areas including recruiting and staffing, employee relations, compensation and benefits processing and training initiatives. [**See “Compensation Analyst Job Description” attached to the Morton Affidavit as Exhibit No.1**]. Ms. Bukolt was not qualified nor in a position to state “*the Respondent halted the City’s software updates and purchases until Coastal Cloud had an opportunity to review all of the City’s current software usage.*”

With respect to this statement the Report of Investigation fails to confirm or verify statements made by Ms. Bukolt. As explained in the attached affidavit or Mr. Morton, the City spent approximately

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<sup>2</sup> <https://www.news-journalonline.com/story/news/local/flagler/2020/08/20/ex-palm-coast-compensation-analyst-accused-mishandling-money/3397624001/>

\$1.2 Million on IT renewals, extensions, and upgrades in the last two years. [**See Exhibit No.2 attached to the Morton affidavit**].

In addition, Mr. Morton notes in his affidavit that the City of Palm Coast operates under the Manager-Council form of government and the Mayor has no power to direct any staff. In fact, the City Council for the City of Palm Coast, as a collegial body and at a duly noticed City Council Business Meeting, first passed and adopted on April 17, 2018, the Strategic Action Plan Priority for city staff to begin a process of modernizing the City's software. [**See Exhibit No. 1-A attached to the Morton affidavit**]. The Council similarly discussed and expressed their concern that entering long-term contracts for software during the analysis and study phase might "lock the city in" and encumber good decision-making or result in costly contract terminations. Finally, Mr. Morton notes that the Human Resources Department has been operating continuously and without disruption without the "updates" Ms. Bukolt, who has no expertise, knowledge or training to do so, deemed "critical."

The Report of Investigation presents as fact another statement by Laura Bukolt that "the City spent over \$100,000, for the Salesforce license, which was paid directly to Salesforce." (ROI ¶24.) Mr. Morton

notes in his affidavit that this statement “is incorrect in at least two areas. The payment invoice was paid to Carahsoft Technology Corp.” and the payment is for multiple user licenses and not a “license.” [See Exhibit No. 3 attached to the Morton affidavit].

### **Emails to City of Orlando Officials**

In summarizing the City of Palm Coast email policy, the Report of Investigation fails to note that it does not apply to the Mayor or members of the City Council. (ROI ¶32.) Mr. Morton notes in his affidavit that the “email policy” referenced is a subsection of the City of Palm Coast Personnel and Procedures Manual revised on April 23, 2021. Section 1.02(A) specifically excepts the “Mayor and Members of the City Council” from any provision of the Personnel and Procedures Manual. [See Exhibit No. 4 attached to the Morton affidavit].

The Report of Investigation states that Ms. Bukolt stated that she and Mr. Maher investigated a public records request from Brian McMillian, a news reporter, and determined that emails he requested from the Respondent were not included in his public records request. (ROI ¶36.)

Mr. Morton reiterates in his affidavit that Ms. Bukolt was employed by the City of Palm Coast as a Compensation Analyst. Ms. Bukolt's essential duties included limited functional areas including recruiting and staffing, employee relations, compensation and benefits processing and training initiatives. He states that records of the City of Palm Coast reveal that Ms. Bukolt received no training nor do training records exist on the City's "Target Solutions" training database that would have qualified her to be an investigator in any capacity. [**See Training records attached as Exhibit No. 1-B to the Morton affidavit**].

The "Investigation" conducted by the complainant and Ms. Bukolt was evaluated in an independent external investigation performed by Jeffrey E. Mandel, Esquire, of Fisher Phillips [**Attached as Exhibit No. 5 to the Morton affidavit**] and which, among other things, found: the "investigation" conducted by the complainant and Ms. Bukolt excluded the City Manager's Office from the process, proceeded without "any processes or procedures for conducting investigations," and the complainant and Ms. Bukolt (ICE Team) "decide[d] whether to inform employees that they [were] under investigation, and whether to take the steps necessary to ensure that



employees' statutory and constitutional rights [were] being protected".

As noted by Mr. Moron, equally troubling the report found that the actions of the complainant and Ms. Bukolt (ICE Team) allowed "allegations of wrongdoing against city employees are in the public record without any specific findings as to the validity of the allegations or any evidence that the employees involved were ever made aware of the allegations against them." The independent external investigation concluded that the process "was seriously flawed in its application," and the process allowed ICE Team members, led by Mr. Maher, "to make determinations that employees have violated the law regardless of whether they have any expertise in interpreting or applying the law at issue" and "allow[ed] investigations to be conducted without due process protections or without fundamental fairness."

### **Emails to City of Palm Coast Councilmembers**

The Report of Investigation fails to follow-up to either confirm or refute the statement by Ms. Holland that the emails in question were sent from Coastal Cloud's marketing team; she was not aware the email was sent at the time it was mailed and that it was part of a

mass mailing; and that she was not aware her name and title was going in the template as the sender. (ROI ¶42)

Included in this response is a statement from Matt Hauck, Coastal Cloud's Director of Marketing attesting to the fact that the emails of October 24, 2017 were part of an automated marketing promotion created and sent at that time by our marketing staff based in the Coastal Cloud Kentucky office.

### **Gartner Study**

The Report of Investigation repeats the allegation that Ms. Holland and her employer, Mr. Hale, directed the City's Information Technology staff to ignore the findings of the study because Gartner Technology was a "pay-for-play" organization. (ROI ¶44.)

In his affidavit, Mr. Morton states "neither the respondent nor Mr. Hale directed me or any staff to ignore findings related to the study undertaken by Gartner." A City document created on about August 2020 [**Attached as Exhibit No. 6 to the Morton affidavit**] details the reasons the Gartner process was terminated, including an acknowledgement by then Chief Information Officer Don Kewley that the Gartner study lacked any contemplation of project management, had no business process analysis, and had no change management

guidelines. These reasons were acknowledged by Mr. Kelwey in an email to Mr. Morton dated July 30, 2020 as referenced in Exhibit No. 6. At time Mr. Morton cancelled the Gartner process no report had been produced by Gartner or delivered to the City of Palm Coast, and the deliverables promised by Gartner, including an exhaustive cost optimization exercise, an ERP assessment, an IT strategic plan, an on-site workshop and a benchmark assessment, had never occurred.

Furthermore, the claims and allegations brought by the Mr. Maher and Ms. Bukolt were the subject of an external independent investigation conducted by Richard V. Blystone, Esquire, of Cotney Construction Law [**See Exhibit No. 7 attached to the Morton affidavit**], which concluded “the allegations directed toward the Mayor seemingly espoused by former employees, and political adversaries, as tracked by the media, simply do not add up...”

The Report of Investigation recounts statements by Ms. Bukolt regarding the City’s software needs. (ROI ¶46.) As noted in Mr. Morton’s affidavit, “Ms. Buckolt was not involved in either hiring, review or selection of Gartner for the City of Palm Coast. Gartner was selected by Information Technology Director Chuck Burkhart based on past interactions with them and hired through a ‘piggyback

contract' approved by the City Council of Palm Coast, Florida.” [**See Exhibit No. 8 attached to the Morton affidavit.**]

Ms. Bukolt’s statements reported as fact reflect her lack of knowledge regarding the City’s IT issues in at least two respects. As noted by Mr. Morton in his affidavit: First “[s]he advised the City has approximately 30 different software systems, but none of them communicate with each other.” In fact, the City has more than 60 software systems [**See Exhibit No. 9 attached to the Morton affidavit**]. Furthermore, the information technology term is not “communicate” as Ms. Buckolt uses but rather *interoperability*, and several of the City’s systems had (and were) interoperable to some level, such as the platforms CD Plus, MUNIS, OnBase and Kronos, all contrary to her claim.

Ms. Bukolt’s statements regarding the Gartner study similarly reflects her lack of knowledge regarding this issue. As indicated in Mr. Morton’s affidavit, the approved cost of the Gartner contract was not \$100k as claimed, but \$71,471. [**Attached as Exhibit No. 10 to the Morton affidavit**]. Included as part of the Cotney Construction Law investigation [**Attached as Exhibit No. 7 to the Morton affidavit**] are interviews with the former IT Director Chuck Burkhart

and the Current IT Director Doug Akins. Mr. Cotney found in reference to the Tim Hale/Coastal Cloud Allegation: “Mayor’s association with Coastal Cloud has been well-documented, and referenced by political adversaries, and prior employees of the City who appeared to be motivated to discredit Mayor Holland, and to some degree, the City Manager...” and that “to the extent that the investigator reviewed information and/or documents relevant to what may be aptly described as conspiracy theories, the greater weight of evidence DOES NOT support any wrongdoing occurred.” Furthermore, IT Director Doug Akins stated he “did not ever feel like he was being inappropriately directed or influenced by the Mayor in respect to the ERP.”

### **Hackathon**

The Report of Investigation asserts former Palm Coast Innovation and Economic Growth Manager, Wynn Newingham, met with the City Attorney William Reischmann regarding concerns relating to the Hackathon, of which he informed the City Manager and that she resigned from the City's employ due to ethical concerns relating to the Respondent being employed with Coastal Cloud, which she complained about, but was ignored. (ROI ¶52.)

Contrary to Ms. Newingham's assertions, her concerns were not ignored, but were addressed by City Attorney William Reischmann. (ROI ¶59.) Mr. Morton states in his affidavit that Ms. Newingham resigned in lieu of termination because of continued poor performance. Mr. Morton stated that he met with Ms. Newingham and spoke specifically with her about her lack of progress on assigned initiatives and her inability to meet deadlines or apply feedback for improvement. Ms. Newingham's only response both verbal and in writing as to the reasons for her resignation are reflected in her own voluntary letter of resignation. **[Attached as Exhibit No. 11 to the Morton affidavit]**.

The Report of Investigation cites additional statements of Ms. Newingham regarding Mayor Holland's role in the planning of the Hackathon. (ROI ¶¶ 53-54). In his affidavit, Mr. Morton discusses the background behind the Hackathon. He states that the Hackathon theme of healthcare and the decision to use Salesforce as a "no-code" environment to promote accessibility to all problem solvers and not just programmers was first discussed by the Palm Coast Innovation District Advisory Council (IDAC). The IDAC was a representative group of business leaders,

educators, innovators and professionals. Mayor Holland did not decide on the theme or platform.

Mr. Morton relates that the Tech Beach Hackathon was that subject of an independent external investigation conducted by Cotney Construction Law. [**Attached as Exhibit No. 12 to the Morton affidavit**]. The investigative report found, among other things, that the “use of Salesforce as the technology platform for the Hackathon was not conceived by the Mayor. Rather, multiple companies that participate in the IDAC were already utilizing Salesforce as a technology platform when the Hackathon was conceived. This included Coastal Cloud, but it also included (perhaps among others) Intracoastal Bank, Advent Health System, and ACI. These companies’ utilization of Salesforce had/has nothing to do with Mayor Holland. The utilization of Salesforce by other contributors to the IDAC appears to have begun well before Mayor Holland was elected, and prior to the City’s use of Salesforce. Blake Kershaw, Head of Research and Development of IT at the City, agreed. Don Kewley, then Chief Innovation Officer at the City, originally questioned the use of Salesforce as opposed to additional platforms,

but later acknowledged in a July 30, 2020 email that the Hackathon was a signature achievement, and that he was proud of it.”

The Report of Investigation repeats as if fact the assertion of Michael Schottey, the former Palm Coast Communications Director, that “he served as second in charge with the planning of the Hackathon.” (ROI ¶60.) However, the Report of Investigation fails to note that Mr. Schottey resigned his position with the City on January 28, 2020, and subsequently ran for mayor against Mayor Holland.<sup>3</sup>

In his affidavit, Mr. Morton states that Mr. Schottey did not serve as a “second in charge” for planning of the Hackathon and in fact a professional and independent company, BeMyApp Agency, was contracted to provide a robust scope of services including: Organization and facilitation of the Hackathon, preparing the sample outline and schedule of events, setup and preparation, event design, event planning, logistics coordination, and stakeholder management. **[See Exhibit No. 13 to the Morton affidavit].**

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<sup>3</sup> <https://flaglerlive.com/155486/michael-schottey-palm-coast-mayor-2020/>



Mr. Morton's affidavit continues that Mr. Schottey served as a communications liaison, choosing to delegate most of that work to his subordinate, Palm Coast Digital Medea Associate Tyler Jarnigan. Mr. Morton realizes that, to his knowledge, Mr. Schottey did not engage most of the sponsors, nor was he there for the entire event weekend. Having several prior commitments to his family and to a local flag football group known as "Mad Dogs Flag Football," of which he was a coach and board member, he had requested several long absences from the event, which Mr. Morton obliged.

The Report of Investigation repeats Mr. Schottey's belief he felt like the event became a "Mayor Holland Event," because two days before the event, the Respondent rearranged the speaking order, to make Mr. Hale and herself appear more important. (ROI ¶ 61) In his affidavit, Mr. Morton states that the speaking order was rearranged at his direction as there were several last-minute attendance confirmations and he wanted the speakers' order and remarks to be both complementary toward each other and the event, and be reflective and interesting to the registered event participants.

The Report of Investigation states as fact that Mayor Holland directed Mr. Schottey to give favorable treatment to Coastal Cloud at

the Hackathon event. (ROI ¶62.) As explained in Mr. Morton's affidavit, a comprehensive review of the materials produced for the event, which Mr. Schottey either produced or directed to be produced, is found on the City's network drive. Mr. Morton reviewed that drive and found that the only focus of those materials was on the event itself. Mr. Schottey had autonomy in producing these materials. The Hackathon promotion video known as "Palm Coast Hackathon Promo\_v5.mp4" does not reference or show Coastal Cloud during the video. It does have two recognition screens at the end that recognize and thank the approximate 25 sponsors of the event equally. Similarly produced materials for promotion known as the "talking head files," which are essentially interviews with attendees, contain only 1 video with anyone from Coastal Cloud.<sup>4</sup>

Review of the attached image event folder, reveals that Coastal Cloud, nor any sponsor, were referenced on the stage, on any materials, stanchions or the like. [**See Exhibit No. 14**]. Lastly a promotional video used to recruit participants to the Hackathon, that

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<sup>4</sup>The official website similarly does not favor Coastal Cloud: (<https://techbeachhackathon.bemyapp.com/#page-block-9hia9v4l2pl>)

was designed and approved by Mr. Schottey and hosted by Mayor Holland, made absolutely no mention of Coastal Cloud.<sup>5</sup> There was never a directive to prioritize or favor Coastal Cloud. Mr. Schottey retained autonomy to obtain event collateral at all stages, which he did.

The Report of Investigation relates the statement of former Chief Innovation Officer, Don Kewley, that Mayor Holland's demonstration of Sales at Dreamforce in San Francisco led to the Salesforce software being used as the platform for the event. (ROI ¶64.) As previously stated by Mr. Morton in this affidavit, the idea to use Salesforce for the Hackathon originated with the IDAC, which predated the existence of, and was disbanded before, the "Dreamforce Presentation." [**See Exhibit No. 12 to the Morton affidavit**].

The Report of Investigation reports as fact statements by Mr. Kewley regarding Mayor Holland's participation at the event and in allegedly influencing the decisions of the event's judges. (ROI ¶67.) As stated by Mr. Morton in his affidavit, to his knowledge, Mayor Holland appeared only twice at the event, first for the opening

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<sup>5</sup>The Video can be viewed at <https://vimeo.com/384884276>.

speeches and reception for approximately 3-hours, and then again for the awards ceremony, arriving only moments before the awards ceremony began.

In his affidavit, Mr. Morton continues that Mr. Kewley's statement that he "vetted the judges personally to ensure they had no direct connection with any of the sponsors" is untrue. Both the University of North Florida and Advent Health were sponsors and both were event judges. Lastly, Mr. Kewley's statement that Mayor Holland "removed him from the room and possibly influenced the judges' decision" is patently false. As previously stated, Mayor Holland was not at the event until moments before the awards and closing began, arriving after the judging had concluded.

Finally, included in this response is the affidavit of Palm Coast Councilman Nick Klufas, who was a judge at the Hackathon, who states that he did not observe Mayor Holland removing Mr. Kewley from any room or interfering in any way was the decision-making of the judges.

Respectfully submitted on this 19<sup>th</sup> day of May 2021, by:



MARK HERRON

Messer Caparello, P.A.

2618 Centennial Place

Tallahassee, FL 32308

Telephone: 850-222-0720

Email: [mherron@lawfla.com](mailto:mherron@lawfla.com)

Florida Bar No.: 199737

Attorney for Respondent

Before the  
State of Florida  
Commission on Ethics

Complaint No. 20-054

IN RE: Milissa Holland,

Respondent.

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**Affidavit of Matthew Morton**

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**State of Florida**

**County of Flagler**

BEFORE ME, the undersigned authority, personally appeared Matthew Morton, who, having been duly sworn, does hereby state as follows:

1. My name is Matthew Morton. I am an individual, over the age of 18 years, and competent to make this affidavit upon my personal knowledge of the matters contained herein.
2. I currently serve as the City Manager of the City of Palm Coast. I have served in this position since April of 2019.
3. Laura Buckolt was employed by the City of Palm Coast as a Compensation Analyst. Ms. Buckolt's essential duties as a

Compensation Analyst included limited functional areas such as recruiting and staffing, employee relations, compensation and benefits processing and training initiatives. [See Compensation Analyst Job Description attached hereto as Exhibit No. 1].

4. Ms. Buckolt was not qualified nor in a position to note “the Respondent halted the City’s software updates and purchases until Coastal Cloud had an opportunity to review all of the City’s current software usage.” [Report of Investigation ¶ 23].
5. The City of Palm Coast spent approximately \$1.2 Million in renewals, extensions, and upgrades in the last two years. [Attached hereto as Exhibit No. 2].
6. The City of Palm Coast operates under the Manager-Council form of government and the Mayor has no power to direct any staff.
7. The City Council for the City of Palm Coast, as a collegial body and at a duly noticed City Council Business Meeting, first passed and adopted on April 17, 2018, the Strategic Action Plan Priority for city staff to begin a process of

- modernizing the City's software. [Attached hereto as Exhibit No. 1-A].
8. The Council expressed its concern that entering long-term contracts for software during the analysis and study phase might "lock the city in" and encumber good decision-making or result in costly contract terminations.
  9. The Human Resources Department has been operating continuously and without disruption without the "updates" Ms. Buckolt, who has no expertise, knowledge or training to do so, deemed "critical." [Report of Investigation ¶ 23].
  10. Ms. Buckolt's statement "the City spent over \$100,000, for the Salesforce license, which was paid directly to Salesforce" is incorrect in at least two areas. The payment invoice was paid to Carahsoft Technology Corp. and is for multiple user licenses, not a single "license." [See Exhibit No. 3].
  11. The City of Palm Coast "email policy" referenced is a subsection of the City of Palm Coast Personnel and Procedures Manual revised on April 23, 2021. Section 1.02(A) specifically excepts the "Mayor and Members of the City



Council” from any provision of the Personnel and Procedures Manual. [See Exhibit No. 4].

12. Ms. Buckolt never received training nor do training records exist for the City’s “Target Solutions” training database that would have qualified her to be an investigator in any capacity.

[See Training records attached hereto as Exhibit No. 1-B]

13. The investigation conducted by James Maher and Ms. Buckolt was evaluated in an independent external investigation performed by Jeffrey E. Mandel, Esquire of Fisher Phillips. [See Exhibit No. 5].

14. Mr. Maher and Ms. Buckolt’s investigation excluded the City Manager’s Office from the process, proceeded without “any processes or procedures for conducting investigations,” and Mr. Maher and Ms. Buckolt “decide[d] whether to inform employees that they [were] under investigation, and whether to take the steps necessary to ensure that employees’ statutory and constitutional rights [were] being protected.” [Ex. 5 at ¶ 5].

15. Mr. Mandel’s report found that due to the actions of Mr. Maher and Ms. Buckolt “allegations of wrongdoing against

city employees are in the public record without any specific findings as to the validity of the allegations or any evidence that the employees involved were ever made aware of the allegations against them.” [Ex. 5 at ¶ 7].

16. Mr. Mandel concluded that the process “was seriously flawed in its application,” and the process allowed ICE Team members, led by Mr. Maher, “to make determinations that employees have violated the law regardless of whether they have any expertise in interpreting or applying the law at issue” and “allow[ed] investigations to be conducted without due process protections or without fundamental fairness.” [Ex. 5 at ¶ 8].

17. As City Manager of the City of Palm Coast, neither the respondent nor Tim Hale directed me or any staff to ignore findings related to the study undertaken by Gartner.

18. A City document created on or about August 2020 details the reasons the Gartner process was terminated, including an acknowledgement by then Chief Information Officer Don Kewley, that the Gartner study lacked any contemplation of

- project management, had no business process analysis, and had no change management guidelines. [See Exhibit No. 6].
19. At the time I cancelled the Gartner study, no report had been produced by Gartner or delivered to the City of Palm Coast, and the deliverables promised by Gartner, including an exhaustive cost optimization exercise, an ERP assessment, an IT strategic plan, an on-site workshop and a benchmark assessment, had never occurred.
20. The claims and allegations brought by Mr. Maher and Ms. Buckolt were the subject of an external independent investigation conducted by Richard V. Blystone, Esquire of Cotney Construction Law. [See Exhibit No. 7].
21. Mr. Blystone concluded that “the allegations directed toward the Mayor seemingly espoused by former employees, and political adversaries, as tracked by the media, simply do not add up....” [Ex. 7 at 8].
22. Ms. Buckolt was not involved in either the hiring, review or selection of Gartner for the City of Palm Coast. Gartner was chosen by Information Technology Director Chuck Burkhart based on past interactions and hired through a

“piggyback contract” approved by the City Council of Palm Coast, Florida. [See Exhibit No. 8].

23. Ms. Buckolt’s complete lack of understanding and her void of any training in investigations or investigative techniques and procedure is reflected again in her allegations.

24. Ms. Buckolt advised that the City has approximately 30 different software systems, and that none of them communicate with each other.

25. In fact, the City has more than 60 software systems, and several of the City’s systems were interoperable to at least some degree, such as the platforms CD Plus, MUNIS, OnBase and Kronos, contrary to her claim.<sup>1</sup> [See Exhibit No. 9].

26. The approved cost of the Gartner contract was not \$100,000, but rather \$71,471. [See Exhibit No. 10].

27. The entirety of the Gartner and ERP matters were investigated by Richard V. Blystone, Esquire of Cotney Construction Law. [See Ex. 7].

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<sup>1</sup> The information technology term is not “communicate” as Ms. Buckolt uses but rather interoperability.

28. Among those interviewed were the former IT Director Chuck Burkhart and the Current IT Director Doug Akins.

29. Mr. Blystone found that the “Mayor’s association with Coastal Cloud has been well-documented, and referenced by political adversaries, and prior employees of the City who appeared to be motivated to discredit Mayor Holland, and to some degree, the City Manager....” [Ex. 7 at 8].

30. Moreover, Mr. Blystone found that to the extent that he “reviewed information and/or documents relevant to what may be aptly described as conspiracy theories, the greater weight of evidence DOES NOT support any wrongdoing occurred.” [Ex. 7 at 8].

31. IT Director Doug Akins informed Mr. Blystone that he “did not ever feel like he was being inappropriately directed or influenced by the Mayor in respect to the ERP.” [Ex. 7 at 8].

32. Ms. Newingham resigned in lieu of termination because of continued poor performance. I met with Wynn Newingham and spoke specifically with her about her lack of progress on assigned initiatives and her inability to meet deadlines or apply feedback for improvement. Ms. Newingham’s only

- response either verbal or in writing as to the reasons for her resignation are reflected in her own voluntary letter of resignation. [See Exhibit No. 11].
33. Both her interview and letter of resignation expressed nothing less than admiration for the city, its leadership and direction.
34. The Hackathon theme of healthcare and the decision to use Salesforce as a “no-code” environment to promote accessibility to all problem solvers and not just programmers was first discussed by the Palm Coast Innovation District Advisory Council (IDAC).
35. The IDAC was a representative group of business leaders, educators, innovators and professionals.
36. Mayor Holland did not decide on the theme or platform. The Tech Beach Hackathon was subject of an independent external investigation conducted by Richard V. Blystone, Esquire of Cotney Construction Law. [See Exhibit No. 12].
37. The comprehensive investigative report found, among other things, that the “use of Salesforce as the technology platform for the Hackathon was not conceived by the Mayor.

Rather, multiple companies that participate in the IDAC were already utilizing Salesforce as a technology platform when the Hackathon was conceived. This included Coastal Cloud, but it also included (perhaps among others) Intracoastal Bank, Advent Health System, and ACI. These companies' utilization of Salesforce had/has nothing to do with Mayor Holland. The utilization of Salesforce by other contributors to the IDAC appears to have begun well before Mayor Holland was elected, and prior to the City's use of Salesforce. This arguably speaks to Salesforce's popularity and versatility. Salesforce is often a preferred platform for hackathons, in fact, due in part to being considered a no code or low-code platform. This means that it can be used without any significant programming or coding skills. The City Manager, as well as IDAC contributors, felt that use of Salesforce would open the competition to participants such as creative thinkers, persons with strong analytical skills but without technical expertise, and/or persons adept at giving presentations, in addition to those with coding/programming expertise. Blake Kershaw, Head of Research and

Development of IT at the City, agreed. Don Kewley, then Chief Innovation Officer at the City, originally questioned the use of Salesforce as opposed to additional platforms, but later acknowledged in a July 30, 2020 email that the Hackathon was a signature achievement, and that he was proud of it.” [Exhibit No. 12 at 4].

38. Mr. Schottey did not serve as a “second in charge” for the planning of the Hackathon.

39. A professional and independent company, BeMyApp Agency with offices in San Francisco, Boise, Austin, London England, Paris, France and Munich, Germany, was contracted for a robust scope of services including organization and facilitation of the hackathon, preparing the sample outline and schedule of events, setup and preparation, event design, event planning, logistics coordination, and stakeholder management. [See Exhibit No. 13].

40. Mr. Schottey served as a communications liaison, choosing to delegate much work to his subordinate, Palm Coast Digital Medeia Associate Tyler Jarnigan.



41. To my knowledge Mr. Schottey did not engage most of the sponsors, nor was he here for the entire event weekend. Having several prior commitments to his family and to a local flag football group known as “Mad Dogs Flag Football” of which he was a coach and board member, he had requested several long absences from the event, which I obliged.
42. The speaking order was rearranged at my direction as we had several last-minute attendance confirmations. I wanted our speakers’ order and remarks to be both complimentary toward each other and the event, and be reflective and interesting to the registered event participants.
43. A comprehensive review of the materials produced for the event, which Mr. Schottey either produced or directed to be produced, is found on the City’s network drive. I have reviewed that drive and the only focus of those materials is on the event itself. The Hackathon promotion video, known as “Palm Coast Hackathon Promo\_v5.mp4,” does not reference or show Coastal Cloud during the video. Coastal Cloud receives only two recognition screens at the end of the

video, which recognized and thanked our approximate 25 sponsors of the event equally.

44. Similarly produced materials for promotion known as the “talking head files,” which are interviews with attendees, contain only 1 video with anyone from Coastal Cloud. The official website similarly does not favor Coastal Cloud.<sup>2</sup>

45. Coastal Cloud, nor any sponsor, were referenced on the stage, on any materials, such as banners, signs, and the like. [See Exhibit No. 14].

46. A promotional video used to recruit participants to the hackathon, designed and approved by Michael Schottey and hosted by Mayor Holland, made absolutely no mention of Coastal Cloud.<sup>3</sup>

47. There was never a directive to prioritize or favor Coastal Cloud.

48. Mr. Schottey retained autonomy regarding the event, including hiring a local media firm to shoot photographs,

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<sup>2</sup> See <https://techbeachhackathon.bemyapp.com/#page-block-9hia9v4l2pl>

<sup>3</sup> The video can be viewed at <https://vimeo.com/384884276>.

videos and create and collect event collateral. He selected this firm as he had a personal relationship with them and they had some work with and for him before.

49. The ideation to use Salesforce for the hackathon originated with the IDAC, which predated the existence of, and was disbanded before, the “Dreamforce Presentation.”

50. Mr. Kewley’s statements contradict facts, and he contradicts himself. I was at the event most of the weekend and left briefly only to return home to shower. I spent the weekend at the event, going so far as to spend nights sleeping on a cot in my office.


51. To my recollection and knowledge, Mayor Holland appeared only twice at the event: first for the opening speeches and reception for approximately 3-hours, and then again for the awards ceremony, arriving only moments before the awards ceremony began.

52. Mr. Kewley’s statement that he “vetted the judges personally to ensure they had no direct connection with any of the sponsors” is untrue. [Report of Investigation ¶ 67].

Both the University of North Florida and Advent Health were sponsors and both were event judges.

53. Lastly, his statement that Mayor Holland “removed him from the room and possibly influenced the judges’ decision” is patently false. [Report of Investigation ¶ 67]. As previously stated, Mayor Holland was not at the event until moments before the awards and closing began, arriving after the judging had concluded.

**FURTHER AFFIANT SAYETH NAUGHT.**

*Matthew Morton* 

Matthew Morton

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 19<sup>th</sup> day of May, 2021, by Matthew Morton (name of person making statement).

*Summer Brown* 

(Signature of Notary Public - State of Florida)

Online Notary Public. This notarial act involved the use of online audio/video communication technology.

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known  OR Produced Identification

Type of Identification Produced Fla. Drivers License



## **CLASSIFICATION DESCRIPTION**

**TITLE: Compensation Analyst**

**JOB CODE: 15 (Exempt)**

## **GENERAL DESCRIPTION OF DUTIES**

Under general supervision of the Human Resource Manager, the purpose of the job is to oversee all aspects of human resource programs and operations support. Employees in this job classification are responsible for participating in the development and implementation of human resource strategy for the following functional areas: recruiting and staffing; employee relations; compensation and benefits processing; and training initiatives.

## **SPECIFIC DUTIES AND RESPONSIBILITIES**

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of any one position in the class. The omission of an essential function does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the position.

- Administers the operations of a specialized area of human resources administration; serves as security administrator of the data processing systems in the specialized area.
- Answers public inquiries regarding employment verifications, employment opportunities, salary schedules, etc.
- Oversee the integrity of all data entered into the MUNIS financial system for the purposes of payroll processing to include all actions entries approval.
- Supervises staff responsible for the update and maintenance of the human resource functions in City software programs (MUNIS, OnBase, etc.).
- Performs final timecard review prior to the processing of payroll.
- Reviews and approves final payroll warrant ensuring City staff is paid appropriately.
- Survey and analyze wage and benefit data from outside organizations in support of the City's maintaining an equitable and competitive salary structure. Respond to salary survey requests received by the City.
- Assist in the maintenance of the City's compensation and classification system including the development of job descriptions and organizational charts; complete special studies and research projects.

- Confers with management to keep them informed on key issues and progress toward objectives and to gain necessary support and approval; makes recommendations to assist management in implementing necessary improvements.
- Counsels and provides direction and interpretation of policies and procedures to staff.
- Functions in the assignment area of compensation and records administration, including position control; payroll entry and change processing; maintaining and updating historical records; serving as records custodian and lead worker; researching and responding to records requests; ensuring compliance with policies/regulations.
- Interacts with employees, department representatives, and other individuals to assist with human resources transactions, interpret human resource policies, and/or exchange information regarding human resource functional assignment area.
- Maintains current knowledge of industry, regulatory and legislative developments affecting human resources to ensure application to and compliance in all areas of responsibility.
- Oversees the effective operations of programs that may include, but not necessarily be limited to, recruitment and selection, compensation and benefits, workers' compensation insurance, employee relations, performance appraisal, and training.
- Performs special assignments as requested, to include researching and preparing special reports and projects, developing and implementing programs, and presenting technical data to management, elected officials, and others.
- Plans, schedules, and assigns work; instructs and trains staff in correct methods and procedures.
- Receives and responds to requests, complaints, concerns, and general inquiries; provides resolution accordingly.
- Receives and reviews many varied Human Resource forms to insure accuracy and completeness.
- Reviews and evaluates statistical data and statistical reporting relevant to the operations under charge; provides summarization reports and other pertinent subject matter of interest to departmental management.
- Supervises the maintenance of all human resources records and files; reviews and approves all human resources related changes.
- Supports efficient functioning of department by assisting in cross-divisional functions within scope of knowledge, skills and abilities; participates in department training initiatives to enhance knowledge, skills and abilities.

### **MINIMUM TRAINING AND EXPERIENCE**

Associates' Degree in Human Resources, Accounting or related field supplemented by five (5) years progressively responsible and knowledgeable experience in administrative support activities specific to a comprehensive human resources function and payroll administration; or an equivalent combination of education, training, and experience.

## **LICENSES, CERTIFICATIONS OR REGISTRATIONS**

Must possess and maintain a valid Florida Driver's License.

## **KNOWLEDGE, SKILLS AND ABILITIES**

- Ability to understand and follow complex written and oral instructions.
- Ability to clearly communicate information both verbally and in writing.
- Ability to access, operate and maintain various software applications.
- Ability to operate basic office equipment, e.g., computer terminals, printers, copy machines, telephone systems, facsimile machines.
- Ability to effectively supervise a staff comprised of entry and journey level professionals engaged in carrying out departmental functions.
- Thorough knowledge of generally accepted standard employment law and payroll processing procedures, departmental guidelines, and regulatory requirements applicable to the work.
- Current knowledge of industry, regulatory and legislative developments affecting human resources to ensure application to areas of responsibility.
- Skill in researching, compiling, and summarizing statistical data and information.
- Ability to understand and follow pre-established City, State and Federal policies, procedures and regulatory requirements applicable to the work.
- Ability to perform routine mathematical computations and tabulations accurately and efficiently.
- Ability to read, update and maintain various records and files.
- Ability to establish and maintain effective working relationships with departmental personnel, management, consultants and the general public.

## **PHYSICAL REQUIREMENTS**

- While performing the essential functions of this job, there is frequent need to sit, stand, walk, talk, hear, distinguish between shades of color, use hands to finger, handle, or feel, and lift and/or move 20 pounds.
- While performing the essential functions of this position in the field, there is potential for exposure to disagreeable environmental factors, such as outside weather conditions, dampness/humidity, vehicular traffic, toxic/caustic substances, fumes, odors, and unrestrained animals.

The City of Palm Coast, Florida is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, The City of Palm Coast, Florida will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.



**RESOLUTION 2018 - 53**  
**CITY COUNCIL STRATEGIC ACTION PLAN**  
**ADDITIONAL PRIORITIES FOR FISCAL YEAR 2018-2019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING ADDITIONAL CITY COUNCIL PRIORITIES AND UPDATES TO THE STRATEGIC ACTION PLAN FOR FISCAL YEAR 2018-2019; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast City Council continues to support the City’s Vision, Mission, Values, and Goals as set forth in the Strategic Action Plan; and

**WHEREAS**, the City of Palm Coast City Council annually evaluates the Strategic Action Plan to remain nimble and focused on the needs of the community; and

**WHEREAS**, a continual year-long process has been established to track progress and ensure effective stewardship of annual priorities and fiduciary responsibility to the citizens of Palm Coast.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. APPROVAL OF ADDITIONAL CITY COUNCIL PRIORITIES.** The City Council of the City of Palm Coast hereby approves the additional City Council priorities and updates to the Strategic Action Plan, as attached hereto and incorporated herein by reference as Exhibit “A.”

**SECTION 2. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence phrase, word, or portion of this Resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 3. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 4. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution, including, but not

limited to, inclusion of supporting projects and programs to further the additional City Council priorities in the budget process for further City Council consideration.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 17<sup>th</sup> day of April 2018.

**CITY OF PALM COAST, FLORIDA**

*M. Holland*

MILISSA HOLLAND, MAYOR

ATTEST:

*Virginia Smith*

VIRGINIA SMITH, CITY CLERK



Attachment: Exhibit "A" – Fiscal Year 2018-2019 City Council Additional Priorities and Strategic Action Updates

Approved as to form and legality

*William E. Reischmann, Jr.*

William E. Reischmann, Jr., Esq.

## Exhibit A

### Fiscal Year 2018-2019 City Council Additional Priorities

1. Evaluate opportunities to work with citizens along Florida Park Drive to improve landscaping along the roadway
2. Engage an external consultant to identify options through a traffic engineering study to address traffic issues on Florida Park Drive
3. Create a stakeholders group to create a new Vision for Town Center through a strategic approach
4. Create a dedicated funding mechanism to support events and programs in pursuit of innovation in Town Center. Utilize stakeholders to create funding program framework
5. Evaluate the feasibility of requiring new construction to incorporate a committed fiber port through building code regulations
6. Develop a robust citizen engagement platform and ensure that cost-benefit analysis includes ongoing maintenance of the platform
7. Evaluate opportunities to improve public facing “public records” search capabilities
8. Improve communications infrastructure (phone/internet service) at City Hall and other City facilities to ensure continuum of services
9. Evaluate existing software product(s)’ maintenance costs and technological advancement needs to ensure that long-term financial investment is acceptable or justifies an alternative product
10. Evaluate Town Center and other locations within the southern part of the City with the potential to incorporate a future premier multi-purpose recreation center that all generations are served.
11. Request Florida Power & Light to provide a presentation to City Council to discuss feasibility of underground utility retrofits and mounting of equipment on utility poles

All Assignments

First Name	Last Name	Employee ID	Last Login	Assignment Name	Assignment Type	Assignment Method	Course Status
Laura	Bukolt	1508 - City	7/16/2020 13:55	Back Injury Prevention	Vector Solutions Course	Self Assign	started
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Employee access change request / user request	Human Resources	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Accessing City Webmail	Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Worksite Management Policy	Safety	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Accessing City Webmail	Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* LS: Project Management 17: Planning Projects for Human Resources	AICC Course	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* LS: Project Management 16: Managing Projects for Human Resources	AICC Course	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Accessing City Webmail	Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Accessing City Webmail	Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Understanding Swales	Training	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Accessing City Webmail	Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Bloodborne Pathogens Training	Safety	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Internet Policy Acknowledgement	Human Resources	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Accessing City Webmail	Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Accessing City Webmail	Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Accessing City Webmail	Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* JP Morgan Chase Annual P Card Training	Annual P Card Training	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Public Records Training Video	Human Resources	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* IS-505 Religious and Cultural Literacy and Competency in Disaster	FEMA Training	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* IS-240.B Leadership and Influence.	FEMA Training	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Drug Free Workplace Acknowledgement	Acknowledgements	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Recycling	Green Team	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Drivers License Check	Drivers License	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Slips, Trips, and Falls	Safety	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Call Center Operation Training	Emergency Operations Center (E	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Employee Access Request (EAR) Tutorial	Human Resources	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Digital Literacy - Computer Security and Privacy	SCORM Course	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Harassment	Human Resources	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Employee Engagement Survey	Surveys	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Employee Engagement Survey	Surveys	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* State of the City	Event	Enrollment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Daytona State College; Skills for Supervising	Training	Record Completions	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Central Services Annual Training	Event	Enrollment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Dealing with Difficult Customers Assignment	Customer Service	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Munis Transparency Module Training	Event	Enrollment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Welcome to the EOC Call Center	Matrix	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* EOC tracking and Contact documents	Matrix	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Final EOC Training	Matrix	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* EOC handout material	Matrix	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* EOC Call Center Training	Matrix	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* EOC handout material	Matrix	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* TS Academy Session 1: Managing User Profiles	TargetSolutions Training	Record Completions	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* RFP/PAF/ORG Chart Training	Training	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Dangerous Florida Wildlife Awareness Program	Safety	Record Completions	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Session 3: Assignments and Generate Reports	TargetSolutions Training	Record Completions	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Session 1: Target Solutions Overview and Utilizing Resource Applications	TargetSolutions Training	Record Completions	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Kronos V8 Training	Other	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* FEMA Active Shooter: What You Can Do, IS-907	FEMA Training	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* FEMA Active Shooter: What You Can Do, IS-907	FEMA Training	Record Completions	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* MS Office: Microsoft Excel 2013 Essentials	SCORM Course	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* MS Office: Microsoft Excel 2013 Essentials	SCORM Course	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Green Team Survey	Surveys	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Annual Health Risk Assessment 2016	Benefits	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Customer Service Training	Customer Service	Record Completions	complete

Laura	Bukolt	1508 - City	7/16/2020 13:55	* FEMA National Incident Management System (NIMS) An Introduction, IS-700	FEMA Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* FEMA Introduction to Incident Command System, ICS-100	FEMA Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* FEMA ICS for Single Resources and Initial Action Incidents, ICS-200	FEMA Training	Self Assign	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Palm Coast U Employee Academy	Employee Academy	Record Completions	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Dealing with Difficult Customers	Customer Service	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Wellness Survey	Surveys	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Dealing with Difficult Customers	Customer Service	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	Water Industry Storm Water Pollution Prevention	Vector Solutions Course	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	Back Injury Prevention	Vector Solutions Course	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	Sexual Harassment Awareness	Vector Solutions Course	Create New Assignment	complete
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Onboarding Checklist	Onboarding	Create New Assignment	saved
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Wastewater Operations Performance Measures	Utilities-Performance Measures	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	* IS-201 Forms Used for the Development of the Incident Action Plan	FEMA Training	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	* IS-26. Guides to Points of Distribution	FEMA Training	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Phone Training	New Phone System Training	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	* IS-20.20: Diversity Awareness Course 2020	FEMA Training	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Team & Workgroup Procedures	Training	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Public Records Training Video	Human Resources	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	* IS-520 Introduction to Continuity of Operations Planning for Pandemic Influenza	FEMA Training	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	* PEDESTRIAN SAFETY TRAINING	Training	Self Assign	saved
Laura	Bukolt	1508 - City	7/16/2020 13:55	* Emergency Activity Logs	Training	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	Coronavirus 103 - Managing Stress and Anxiety	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	Coronavirus 104 - Transitioning to a Remote Workforce	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	Coronavirus 105 - Cleaning and Disinfecting your Workplace	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	Coronavirus 102 - Preparing your Household	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	Coronavirus 101 - What You Need to Know (Newest Version)	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	Managing Generation X	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	Managing a Millennial	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Federal Acquisition Regulation Overview 3.10	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: ADA Compliance in Business	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Interviewing Skills for Managers	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Successful Termination	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business Ethics: Quick Refresh	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 16: Managing Projects for Human Resources	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 19: Stakeholders and the Communication Management Plan	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 18: Processes for Managing Project Communications	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 17: Planning Projects for Human Resources	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 25: Planning Procurement for Your Project	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 24: Managing Procurement During Your Project	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 23: Risk Response, Monitor and Control	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 22: Risk Management Planning	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 21: Performing Risk Analysis	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 20: Identifying Project Risks	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 15: Quality Assurance and Cost Control	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 14: Project Quality Planning	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 13: Estimating & Budgeting Project Costs	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 12: Controlling Costs	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 11: Estimating Activity Resources and Durations	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 10: Developing and Controlling the Project Schedule	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 09: Defining and Sequencing Project Activities	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 08: Monitor and Control Project Scope	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 07: Collecting Requirements and Defining Scope	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 06: Initiation Basics, Developing a Project Charter and Plan	AICC Course	Create New Assignment	assigned

Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 05: Project Change Control and Closure	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 04: Execution, Monitoring and Controlling	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 03: Process Groups	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 02: Managing Projects within Organizations	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 01: Overview	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 22: Test Me - PMI Agile Certified Practitioner Exam (PMI-ACP)®	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 01: Series Overview	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 30: Project Management Professional (PMP)® 2016 Exam Updates	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 28: PMI® Certification Requirements	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 20: PMI Code of Conduct	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 19: Continual Improvement	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 18: Quality and Earned Value Management	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 17: Problem Detection, Metrics, and Resolution	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 16: Communication in Projects	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 15: Stakeholder Engagement	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 14: Team Formation and Boosting Team Performance	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 13: Soft Skills and Leadership	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 12: Adaptive Planning and Design	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 11: Managing Projects	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 10: Estimation	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 09: Planning Agile Projects	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 08: Prioritization and Risk Management	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 07: Value Driven Development	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 06: Other Agile Methods	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 05: Scrum and XP Methods	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 04: Manifesto Principles 7-12	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 03: Manifesto Principles 1 - 6	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 21: PMI Agile Certified Practitioner (PMI-ACP)® Exam Prep	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management - Agile 02: Traditional vs. Agile Project Management	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 27: Project Stakeholder Engagement and Communication	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Project Management 26: Stakeholder Identification and Planning	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Execution 03: Turning Ideas into Actions	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Execution 02: Inspiring Excellence	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Multigeneration Management 05: Developing Generations	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Multigeneration Management 04: Cross-Generational Teams	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Multigeneration Management 03: Multi-Generational Leadership	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Multigeneration Management 02: Leading Silents and Boomers	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Fundamentals of Business Crisis Management	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Basics of Leadership 06: Dynamics	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Basics of Leadership 05: Elements of Change	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Basics of Leadership 04: Knowledge Management	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Basics of Leadership 03: Keeping Employees Energized	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Basics of Leadership 02: Corporate Culture Changes	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Basics of Leadership 01: Challenges	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Execution 01: Strategies	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Multigeneration Management 01: Workforce Generations	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - The Change Process	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Management 101 01: Introduction	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Successful Negotiation	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Rewarding Peak Performers	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Performance Management 01: Preventing Problems	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Managing Technical Professionals	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Managing Contractors and Temporary Employees	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Better Business Writing	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Business Communication Fundamentals	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Facilitating Meetings and Groups	AICC Course	Create New Assignment	assigned

Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Appraising Performance	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Coaching with Confidence	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Mentoring that Matters	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Negativity in the Workplace	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Effective Delegation Overview	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Performance Management 04: Disciplining Problem Performance	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Performance Management 03: Feedback and Counseling	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Performance Management 02: Identifying Problems and Causes	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Advanced Management Skills	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Management 101 04: Taking Control	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Management 101 03: Making an Impact	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Management 101 02: Leading and Communicating	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Resolving Conflicts 06: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Resolving Conflicts 05: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Resolving Conflicts 04: Your Path	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Resolving Conflicts 03: Identifying Behaviors	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Resolving Conflicts 02: Know Your Behavior	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Supporting Change 05: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Supporting Change 04: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Supporting Change 03: Your Path	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Supporting Change 02: Reactions	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Supporting Change 01: The 3 Phases	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Providing Performance Feedback 06: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Providing Performance Feedback 05: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Providing Performance Feedback 04: Your Path	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Providing Performance Feedback 03: Written	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Providing Performance Feedback 02: Verbal	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Providing Performance Feedback 01: The Power	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Managing Complaints 05: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Managing Complaints 04: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Managing Complaints 03: Your Path	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Managing Complaints 02: Active Listening	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Managing Complaints 01: The Difficulties	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Improving Work Habits 07: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Improving Work Habits 06: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Improving Work Habits 05: Your Path	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Improving Work Habits 04: Empathizing	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Improving Work Habits 03: Keep Ownership with the Team Member	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Improving Work Habits 02: Describing the Work Habit	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Improving Work Habits 01: Performance Issue or Poor Work Habit?	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Leadership Essentials 07: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Leadership Essentials 06: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Leadership Essentials 05: Lead Effective Meetings	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Leadership Essentials 04: Encourage Participation	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Leadership Essentials 03: Enhance Self-Esteem	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Leadership Essentials 02: Focus on Behavior	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Leadership Essentials 01: The Work of Leaders	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communication Essentials 07: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communication Essentials 06: Impactful Feedback	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communication Essentials 05: Nonverbal Behavior	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communication Essentials 04: Listening to Communicate	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communication Essentials 03: Team Member Messages	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communication Essentials 02: Craft Clear and Concise Messages	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communication Essentials 01: Empowering Leadership	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Effective Discipline 06: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Effective Discipline 05: Mastering	AICC Course	Create New Assignment	assigned

Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Effective Discipline 04: Your Path	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Effective Discipline 03: Responding to Team Member Reactions	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Effective Discipline 02: Process and Documentation	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Effective Discipline 01: Taking Disciplinary Action	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Developing Performance Goals & Standards 05: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Developing Performance Goals & Standards 04: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Developing Performance Goals & Standards 03: Your Path	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Developing Performance Goals & Standards 02: Creating Standards	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Developing Performance Goals & Standards 01: The Value of Planning	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Get SMARTER with Goals	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - The Power of Vision	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Motivating Employees	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Lead with Strengths	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Discrimination Prevention	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Business Dining Etiquette	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communicating Up 05: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communicating Up 04: Mastering	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communicating Up 03: Your Path	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communicating Up 02: Your Manager's Style of Communication	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Communicating Up 01: Your Manager	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Coaching Job Skills 06: Health Check	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Coaching Job Skills 05: Mastering Coaching Existing Skills	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Coaching Job Skills 04: Mastering Training New Skills	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Coaching Job Skills 03: Your Path to Coaching Existing Skills	AICC Course	Create New Assignment	assigned
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Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Coaching Job Skills 01: Determining Training Or Coaching	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Transition to Leadership	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - The Power of One - Taking Accountability	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - The Art of Negotiation	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Powerful Presentations	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Meetings That Get Results	AICC Course	Create New Assignment	assigned
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Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Managing Stress at Work	AICC Course	Create New Assignment	assigned
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Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Company Layoffs and Downsizing	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Creating a Code of Conduct	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - An Entrepreneur's Guide to Networking	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - An Effective Leader's Guide to Time Management	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - A Leaders Guide to Decision Making	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Business - Work Life Balance	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Successful Hiring	AICC Course	Create New Assignment	assigned
Laura	Bukolt	1508 - City	7/16/2020 13:55	LS: Hiring Practices	AICC Course	Create New Assignment	assigned



Last 2 year upgrade, renewal and extension  
Provided Doug Akins, City of Palm Coast IT Director

Renewal/Extension

Munis	\$ 312,000.00
OnBase	\$ 72,000.00
Kronos	\$ 53,000.00
Salesforce	\$ 297,000.00
CDPlus	\$ 160,000.00
CivicRec	\$ 20,000.00
Rockwell SCADA	\$ 31,000.00
Fire Programs	\$ 9,000.00
Documed	\$ 27,000.00
Inframap	\$ 32,000.00
ManageEngine	\$ 40,000.00
TargetSolutions	\$ 34,000.00
NewWorld FireCAD	\$ 24,000.00
Bonfiire	\$ 18,000.00
Solarwinds	\$ 25,000.00

Upgrade

Kronos	\$ 14,000.00
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TOTAL	\$ 1,168,000.00
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**Carahsoft Technology Corp**

11493 Sunset Hills Road, Suite 100  
 Reston, VA 20190  
 USA

**Contact:** AR@carahsoft.com (703) 871-8500

**Invoice**

<b>Date</b> Dec 03, 2019	<b>Page</b> 1
<b>Invoice Number</b> IN712023	

**Sold To:**  
 CITY OF PALM COAST  
 Attn: Accounts Payable  
 160 LAKE AVE.  
 PALM COAST, FL 32164

**Ship To:**  
 CITY OF PALM COAST  
 Attn: Chuck Burkhart  
 160 LAKE AVE.  
 PALM COAST, FL 32164

PO Number		Order Date	Customer No.	Salesperson	Order No.	Ship Via	Terms
20200248		Dec 2, 2019	PCO014	JFRANKLI	1986613		N30
Qty. Ord.	Qty. Shp.	Item Number	Line	Description	Unit Price	Extended Price	
34.00	34.00	AR2472-3266-872	1	Lightning Service Cloud Enterprise Edition MPN: 205-0004	1,292.60	43,948.40	
7.00	7.00	AR2472-3266-858	2	Field Service Lightning -Dispatcher / Field Technician - MPN: 205-0017 Enterprise Edition Dispatcher	1,697.75	11,884.25	
57.00	57.00	AR2472-3266-858	3	Field Service Lightning -Dispatcher / Field Technician - MPN: 205-0017 Enterprise Edition Contractor	463.02	26,392.14	
1,000.00	1,000.00	AR2472-3266-1437	4	Customer Community Logins MPN: 205-0024	9.00	9,000.00	
3.00	3.00	AR2472-3266-1010	5	Knowledge Add-on MPN: 205-0042	848.87	2,546.61	
1.00	1.00	AR2472-3266-1449	6	Premier Success Plan 20% NET price \$100 - Premier Success MPN: 205-0161	18,244.95	18,244.95	
				<b>Due Date</b>	<b>Amount Due</b>		
				Jan 2, 2020	112,016.35		

Currency in USD unless otherwise specified

*Invoice continued on next page ...*

**Carahsoft Technology Corp**

11493 Sunset Hills Road, Suite 100  
 Reston, VA 20190  
 USA

**Contact:** AR@carahsoft.com (703) 871-8500

**Invoice**

<b>Date</b> Dec 03, 2019	<b>Page</b> 2
<b>Invoice Number</b> IN712023	

**Sold To:**  
 CITY OF PALM COAST  
 Attn: Accounts Payable  
 160 LAKE AVE.  
 PALM COAST, FL 32164

**Ship To:**  
 CITY OF PALM COAST  
 Attn: Chuck Burkhart  
 160 LAKE AVE.  
 PALM COAST, FL 32164

PO Number		Order Date	Customer No.	Salesperson	Order No.	Ship Via	Terms
20200248		Dec 2, 2019	PCO014	JFRANKLI	1986613		N30
Qty. Ord.	Qty. Shp.	Item Number	Line	Description	Unit Price	Extended Price	

Remit To: Carahsoft Technology Corporation 11493 Sunset Hills Road, Suite 100 Reston, VA 20190 FEIN 52-2189693 DUNS 088365767 CA Sales Tax # SC OHB 100-529633	<b>Currency in USD unless otherwise specified</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"><b>Subtotal</b></td> <td style="text-align: right;"><b>112,016.35</b></td> </tr> <tr> <td><b>Total sales tax</b></td> <td style="text-align: right;"><b>0.00</b></td> </tr> <tr> <td><b>Total amount</b></td> <td style="text-align: right; border-top: 1px solid black;"><b>112,016.35</b></td> </tr> <tr> <td><b>Less payment</b></td> <td style="text-align: right;"><b>0.00</b></td> </tr> <tr> <td><b>Amount due</b></td> <td style="text-align: right; border-top: 1px solid black;"><b>112,016.35</b></td> </tr> </table>	<b>Subtotal</b>	<b>112,016.35</b>	<b>Total sales tax</b>	<b>0.00</b>	<b>Total amount</b>	<b>112,016.35</b>	<b>Less payment</b>	<b>0.00</b>	<b>Amount due</b>	<b>112,016.35</b>
<b>Subtotal</b>	<b>112,016.35</b>											
<b>Total sales tax</b>	<b>0.00</b>											
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<b>Less payment</b>	<b>0.00</b>											
<b>Amount due</b>	<b>112,016.35</b>											
For questions on this invoice, please contact Accounts Receivable: AR@carahsoft.com, Ph: 703-871-8500 Fax: 703-871-8505												

## ERP Presentation to Council Outline Notes

---- Don Kewley--- acknowledged no project management, no change management or no business practice analysis built into the interim scope and why “his” ERP was cancelled.

RECORD on Video Business Presentation Meeting – 12/18/2020

Gartner (Beau discussed it under IT advisory services)

Chuck – Gartner partnership licensing approval – relates to 3 priorities

1. Security Master Plan
2. Smart City
3. Comprehensive IT strategy Plan

Technology, Local Gov research materials, case studies, best practices, contract negotiation

Who is the TBD 2<sup>nd</sup> – confirmed Beau was the 2<sup>nd</sup> license holder

Was Section 2.5 (reporting Schedule not followed?)

Council Member asked timeframe for THEM to develop those strategies, Chuck said we would want to use and leverage them right away.

No work found yet in record of Beau/Chuck (agenda bill) on Smart City Private Partnerships discussion or business strategy meeting

\*\*Gartner Executive Summary for Palm Coast – not done

annual opposite workshop never scheduled or brought back as Beau discussed

MAYOR and COUNCIL expected reports,

BEAU – December 18 – Beau’s --

3:22 in (original workshop) – Beau markets as a consultant – Chuck details the services to be delivered. Angie Russo from Gartner – SMART CITY, SECURITY MASTER PLAN, Comprehensive IT Strategy Plan

ANGIE – We teach your people to do it –Gartner has over 1,000 subject matter experts to advise your team. Subscription based service will take you “from soup to nuts”. What will be done -

Exhaustive cost optimization exercise city wide (never happened)

Angie Mentions 75% of ERP doesn't come in on time or on budget

You “have” to take the ERP assessment (Angie at gartner) this was never done

4 main pillars Angie identified – where is the product -

1. Enterprise app

[2.IT](#) strategic plan

3. Smart city

4. Cloud strategy

----Annual on-site workshop

GARTNER/Beau/Chuck promised but ever delivered:

-Workshop onsite

--Benchmarking assessment

-- look at digital government maturity

-- provide best practices

-- IT strategic Plan and make sure its part of the palm coast foundation

--vendor framework

--cloud strategy

--security strategy

**PERSONNEL POLICIES AND PROCEDURES**



**160 Lake Ave, Palm Coast  
386-986-3700**

# PERSONNEL POLICIES AND PROCEDURES

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## SECTION 1 – GENERAL PROVISIONS

### 1.01 PURPOSE AND ADMINISTRATION

- A. The purpose of these Personnel Policies is to provide a general guide for the personnel administration of the City of Palm Coast, hereafter called the City.
- B. It is the intent of these policies to insure fair treatment of all City employees in all aspects of personnel administration. The City will carry out these policies without regard to an employee's political affiliation, race, color, creed, national origin, religion, marital status, disability, sexual orientation, age or gender and with proper regard for an employee's privacy and rights as a citizen.
- C. All employees serve at the pleasure of the City and no employee will have any vested rights in his or her employment. It is the intent of the City to have a mutually beneficial relationship with each employee. Each employee should endeavor to improve his/her performance and skills to enable the City to offer quality service to the public and provide opportunities for advancement of employees.
- D. The City Manager is responsible for the administration and direction of the organization's personnel program.
- E. Department heads will be responsible for the proper and effective administration of these personnel policies within his/her respective departments. Routine matters pertaining to enforcement may be delegated.

### 1.02 POSITIONS COVERED

- A. The provisions of these policies and procedures are applicable to all City employees with the following exceptions:
  - 1. Mayor and Members of the City Council.
  - 2. City Manager.
  - 3. Members of boards and committees.
  - 4. Persons employed on a contractual fee for service or retainer basis.
  - 5. Volunteers of the City
- B. The Assistant City Manager, Department Heads, exempt managerial employees reporting directly to the City Manager, seasonal employees, temporary employees, and employees serving his/her initial probationary periods are appointed employees who serve at the will and pleasure of, and may be removed with or without cause, by the City Manager. Such employees do not have access to the Disciplinary Action and Grievance Procedures of these Personnel Policies and Procedures.



### 1.03 CITY'S ORGANIZATION, COUNCIL AND AUTHORITY

- A. The organization is structured as a Council/Manager form of government. The City Council, elected by the Citizens, has the authority to govern the organization. The Council sets objectives, determines policies, and has legal and fiscal responsibility for all programs. The Charter prohibits Mayor and Council involvement in personnel matters.
- B. The City Manager is appointed by Council. All other employees are appointed by the City Manager and/or designee. The City Manager has the authority to administer city operations.

### 1.04 MANAGEMENT RIGHTS

- A. The City retains the sole right to exercise all managerial functions including, but not limited to, the right:
  - 1. To determine and change work hours (starting times, quitting times) with adequate notice or as necessary in response to emergencies;
  - 2. To transfer employees within departments or into other departments and other classifications;
  - 3. To determine and change the size and qualifications of the work force;
  - 4. To determine and change methods by which operations are carried out;
  - 5. To determine and change the nature, location, services rendered and continued operation of the City;
  - 6. To assign duties to employees in accordance with the City's needs and requirements and to carry out all ordinary administrative and management functions; and
  - 7. To assign, supervise, discipline and dismiss employees.
- B. Should an employee have questions about job working conditions or the manner in which a particular rule or procedure has been applied; or if any employee does not fully understand the reason behind any action, the City encourages the employee:
  - 1. To discuss the problem with the immediate supervisor;
  - 2. To further discuss such concerns with the next individual in the appropriate line of supervision if the employee is unable to resolve concerns with the supervisor;
  - 3. Any employee exercising the right to discuss a concern under this section with a member of management above his/her immediate supervisor, after having discussed the concern with the immediate supervisor, will not be discriminated or retaliated against in any way.

## 1.05 EMPLOYEE SUPERVISION

- A. The work of all employees is to be assigned, directed and reviewed by trained and qualified supervisory employees.
- B. A primary role of each supervisor is to provide an effective link between management and non-management employees. As such, supervisors are expected to communicate the goals and policies of management to employees. At the same time, supervisors are expected to communicate back to management the attitudes, suggestions and complaints of employees.
- C. Supervisors must, in addition to mastering the technical skills needed for their work unit, be able to lead and motivate employees to do their jobs effectively and efficiently. To this end, supervisors should be prepared to:
  - 1. Treat employees as individuals;
  - 2. Give recognition for good performance, as well as guidance for correcting deficiencies;
  - 3. Explain in advance when and why changes are necessary;
  - 4. Recommend employees with growth potential for promotion, even if it means losing them to other work units;
  - 5. Encourage diversity of opinion and background;
  - 6. Show integrity by admitting mistakes instead of shifting the blame to others;
  - 7. Provide a challenging climate to encourage employee development;
  - 8. Maximize efficiencies and resources within his/her area of influence;
  - 9. Be impartial and communicate the reasons for any decisions that might be interpreted as unfair;
  - 10. Demonstrate a desire for good performance by setting work goals and standards for employees;
  - 11. Create a feeling of teamwork and belonging among employees;
  - 12. Set good examples by adhering to the high standard of conduct and performance that is expected of all employees;
  - 13. Demonstrate through example and speech the importance of excellence in customer service and work quality; and
  - 14. Apply City policies consistently and fairly across the board to all employees.

- D. Supervisors are responsible for ensuring that the goals for employee conduct and performance established by management are achieved and that the personnel policies established by this Manual are implemented. Therefore, they are expected to be involved in:
1. Recommending the hiring of employees and overseeing special job training;
  2. Keeping employees informed of factors relating to their work assignments, work progress and opportunities for advancement;
  3. Evaluating, as deemed necessary by the City, the performance of probationary and regular employees;
  4. Recommending fair and consistent salary adjustments, promotions, transfers, reclassifications and terminations of employees;
  5. Scheduling work hours, vacation, lunch and rest breaks;
  6. Managing absenteeism and tardiness, and approving requests for time-off;
  7. Verifying employee time worked and monitoring the appropriate use of overtime;
  8. Recommending job elimination when appropriate;
  9. Complying with applicable federal and state laws and regulations concerning employee safety;
  10. Maintaining neat and orderly work areas;
  11. Implementing suggestion, disciplinary and problem review procedures; and
  12. Ensuring that all rules and regulations are observed.
- E. Nothing in this policy should be considered as a contract or promise, express or implied, to employees that supervisors will in each case perform all of the activities described above or that such activities will be performed uniformly in each case. However, supervisors will be responsible and accountable for possessing thorough knowledge of the contents of this Manual.

#### 1.06 AMENDMENTS

- A. The City Manager shall implement rules, regulations and changes as necessary for the administration of the personnel system.
- B. Amendments, changes or revisions of the Personnel Policies as approved by the City Manager shall be posted on bulletin boards for fifteen (15) calendar days and become effective at the conclusion of this posting.
- C. The City specifically reserves the right to repeal, modify or amend these policies anytime. None of these provisions shall be deemed to create a vested contractual right for any employee nor to limit the power of the City Manager or Council to repeal or

modify these rules. The policies are not to be interpreted as promises of specific treatment.

- D. Should it become necessary, as determined by the City Manager, to direct City employees in a procedure considered by Management to warrant immediate action, the City Manager shall issue a Directive. Although it will be in effect immediately, it is still subject to the Personnel Policies and Procedures Manual revision and amendment process as so stated in this policy.

#### 1.07 DEPARTMENT POLICIES

- A. Department operating policies and procedures serve as supplements to these policies and should not violate or conflict with these personnel policies and procedures. In case of conflict in any section, the City Personnel Policies and Procedures shall prevail.
- B. Department policies and procedures shall be in writing; and shall be reviewed for conformance with the Personnel Policies and Procedures by the Human Resources Office with final approval by the City Manager or designee.

#### 1.08 GRANTS/CONTRACTS

- A. If any provisions of these Personnel Policies are in conflict with an existing provision of any grant/contract or agreement between the City and an outside agency, the grant/contract will prevail.

#### 1.09 PUBLIC RECORDS POLICY

The City of Palm Coast (the City) shall comply with Chapter 119, Florida Statutes, and Article I, Section 24, of the Constitution of the State of Florida.

### I. **PURPOSE**

To comply with the State of Florida's public records laws; setting forth policy and procedure for safeguarding records; to guide City staff in complying with the laws; and to improve the public's access to public records in our City.

### II. **DIRECTIVE**

- A. It is the policy of the State of Florida (the State) that all State, county, and municipal records, except those exempted by law, shall at all times be open for personal inspection and copying by the public.
- B. The State of Florida has determined that providing access to public records is a constitutional right of each person and it is the duty of the City to comply with all State laws relating to public records. The provision of public records may not be implemented as a profit-making or revenue-generating operation. The supervision and safekeeping of records is one of the prime duties records custodians assume when they take office and the law fixes no compensation for such duties. [but see §III(D)(6)].

### III. PROCEDURES – GENERAL

- A. Every person who has custody of a public record has an obligation to permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or their designee, except for those exemptions provided by law. Requestors may obtain records for whatever purpose(s) the requestor may have. A requestor need not identify her/him self or state the reason for the request.
  
- B. The City Manager, as the chief administrative officer of the City, is the records custodian of all public records of the City. By designation of the State of Florida, the City Clerk is the Records Management Liaison Officer, and as such has been designated by the City Manager as the point of contact for all public records requests. In addition to the City Clerk, all employees of the City shall be designated to respond to public records requests in a coordinated manner under the direction of the City Clerk. **All public records requests will be forwarded to the City Clerk’s office. The City Clerk will work closely with the appropriate department representatives in Human Resources and Fire departments for confidential and exempt records, such as personnel files and medical records. (See Exhibit A-1.)**

The City Clerk, or designee, will log then forward the public records request to the appropriate City department (if necessary) and ask that the documents responsive to the request be provided to the City Clerk for review. If the amount of records requested is a small amount and only applies to one department, that department may provide requested records directly to the requestor, as long as a copy of the completed “Public Records Request” is provided to the City Clerk along with the response. Records such as surveys, building plans, permits, contracts and the like may be provided without the Clerk processing those types of requested records. See Section V exemptions to policy.

- C. General guidelines relating to public records include:
  - 1. The City will continue to provide access to public records by means of the OnBase records management system available through the City’s website.
  - 2. Computerized public records are governed by the same rules as written documents and other public records. Information stored on a computer is as much a public record as a written page in a book or a tabulation in a file stored in a filing cabinet. When possible, and if the requestor voluntarily releases his/her e-mail address, staff may e-mail computerized records to requestors and copy the City Clerk. There is no fee associated with e-mailing records, unless the labor necessary to respond to the request is considered extensive under Chapter 119, Florida Statutes.
  - 3. Custodians are not required to provide information from the records of their office. The statutory obligation of the custodian is to provide access to and copies of the public records being requested and not to promulgate reports, engage in correspondence, or become involved in dialogue.

4. Custodians are not required to produce records in a particular form or format as demanded by the requestor, nor in a manner tailored to the requestor's specific needs. Non-exempt records, including computer records, are only required to be provided in the form or format maintained by the City. Note: If a record does not exist, you do not have to create one.
5. If an attorney requests the examination or duplication of records or information concerning a lawsuit or claim pending with the City, the City Clerk will advise the City Attorney. The City Attorney will coordinate the City's response to the request and the City Clerk will be responsible for providing the records in a timely manner and according to statute.
6. A fee may not be imposed for the mere inspection and examination of public records by the public unless the nature or volume of the public records to be inspected is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance in accordance with Chapter 119, Florida Statutes. The City Clerk will contact the requestor to provide an estimate of cost, if necessary, See §VI (D).
7. Requestors may need to review records directly on a City computer. City staff must control the computer's usage to protect City information technology, etc. Because of exemptions to the public records laws, some information on a computer may not be available to the public.
8. If requestors arrive unannounced with a request that is extensive or requires information technology support, contact the City Clerk and to request an appointment with the City Clerk. Response to a public request should be timely. However, if the City Clerk or the Deputy City Clerk are unavailable and the response cannot be reasonably addressed, request a future appoint be set.
9. Logged Public Records Requests should be completed by a Palm Coast employee on the City's intranet for internal use only. Remember, a requestor is not required to execute a form. This form is for internal use only. Under no circumstances should this form be filled out by the requestor of records.

#### IV. **EXEMPT AND CONFIDENTIAL RECORDS**

- A. Employees who provide documents in response to public records requests must be knowledgeable of the records that are exempt or confidential or that contain exempt or confidential information. If a question arises as to whether or not a record or portion thereof is exempt or confidential, it should be addressed to the City Clerk, and the City Attorney may be consulted.
- B. If a public records request is received for the inspection or copying of an exempt or confidential record, the requestor shall be advised by the custodian that the record is exempt or confidential. If only a portion of the record requested is exempt or confidential, the custodian shall delete (redact) the exempt or confidential information and provide the requestor with the remainder of the record and shall verbally, or in writing, if requested, provide the following information to the person seeking inspection or duplication of the record:

1. The basis of the exemption or confidentiality which the custodian contends is applicable to the record; and
  2. The statutory citation to the exemption or confidentiality created.
- C. Public record requests relating to human resources, code enforcement, or fire and rescue records will be reviewed by the City Clerk. It will be the Clerks responsibility to ensure that confidential or exempt material is redacted in accordance with Chapter 119, Florida Statutes.
- D. A list of frequently encountered rules and laws is attached as Exhibit A-1.

V. **EXEMPTIONS TO POLICY**

The following records may be sent out to a requestor as long as a copy is forwarded to the City Clerk at: [cityclerk@palmcoastgov.com](mailto:cityclerk@palmcoastgov.com). If you have ANY questions as to whether the record needs to be redacted for exemption information, please obtain assistance from the Clerk prior to sending to the requestor.

- Agendas
- Building and planning
- Capital project
- Grants
- Financial
- Information Technology
- Stormwater and Engineering
- Central Services records, such as bids or proposals, etc.
- Agreements and contracts
- Land records-deeds, easements, leases, license agreements, etc.
- Business Tax Receipts
- Code enforcement, animal control cases/records, urban forestry
- Parks and Recreation
- Utility records

ALL requests for any communications, such as emails and text messages, shall be produced only by the Clerk's office.

VI. **FEES**

A. **Fee for Duplication of Public Records**

The uniform fee for copies to be charged per page by all departments is:

Less than 20 pages	No fee
14" x 8 ½" or less -one sided	\$0.15
14" x 8 ½" or less -two sided	\$0.20
11" x 17"	\$0.25
36" x 48" (or similar sized large plans)	\$2.00

The fee for certified copies is \$1.00 (plus duplication costs if over 20 pages).

B. **Fee for medium other than paper**

CDs & DVDs \$1.00  
(Plus labor at an hourly rate if more than 15 minutes of preparation time is required)

C. **Fee for Postage**

If a requestor asks that documents be mailed, an estimate of mailing costs must be obtained. These costs are added to the fees to be paid by the requestor. Postage fees shall be added on the City's internal public request form.

D. **Fee for Extensive Clerical or Supervisory Assistance, or Extensive Use of Information Technology Resources**

A custodian must produce all records requested regardless of the number of documents involved or the onerous nature of the request.

If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by City personnel, in addition to the actual cost of duplication, the costs of the City may be charged. The charges shall be reasonable and based upon the labor costs actually incurred or attributable to the City staff for the clerical and supervisory assistance required of such personnel providing the service.

The amount charged shall reflect the actual hourly rate of the individual providing the service. Costs shall be calculated in 15 minute increments; there shall be no charge for requests that take less than 15 minutes. The word "extensive" is defined to mean "longer than 15 minutes"; therefore any request taking longer than 15 minutes shall be billed to the requestor. Based upon the length of time estimated to provide the service, a deposit in half that amount should be collected prior to the cost actually being incurred. Monies collected exceeding the actual cost of assistance and duplication shall be returned to the requestor. Additional sums shall be charged to the requestor if the estimated amount is exceeded prior to the release of the responsive records.

E. **Internal Public Records Request Form**

The City's Internal Public Records Request Form is available Intranet, PC Connect or emailing the City Clerk's office. The employee handling the public records request shall complete the form on the intranet with as much information as possible. It will automatically be emailed to the City Clerk for processing.

**Finally, and it cannot be stressed enough, the City may NOT require a request for records be made in writing or that the requestor furnish background information such as the reason why he or she is making a request. The City must honor all requests for copies of records whether the request is in writing, over the telephone, or in person, as long as the required fees are paid, if appropriate. A requestor of public records cannot be required to disclose his/her name, address, telephone number, or e-mail address unless this information is required by law.**

**If you have any questions about public records, contact the City Clerk's office at 386-986-3713.**

4/23/2021



## EXHIBIT A-1

### MORE FREQUENTLY ENCOUNTERED RULES AND LAWS CONFIDENTIAL/OR EXEMPT MATERIAL FROM PUBLIC DISCLOSURE

This list is not meant to be all inclusive but should cover most of the public records which need redacting. According to Florida Public Records Law certain information is exempt and confidential, which may require redactions or withholding of a record, before the information is released and made public. The major categories of this information are as follows:

Item	General Exempt/Confidential Data
1.	All Social Security Numbers
2.	Examination answers and question sheets for the purpose of licensure (F.S. § 119.071)
3.	Certain financial records, including any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. <a href="#">119.07(1)</a> and s. 24(a), Art. I of the State Constitution. (F.S. § 119.071(1)(c))
4.	Medical and insurance records (HIPPA)
5.	Certain employees' home addresses, telephone numbers, and photos (F.S. § 119.071)
6.	Procurement documents and bids before the vendor is chosen and the decision is posted. This includes sealed bids, proposals, rejected bids or proposals, meetings of negotiations, and all responses. (F.S. §119.071)
7.	Risk management claims file or meeting minutes relating to claims (F.S. § 768.28)
8.	Discussion and all work products of collective bargaining (F.S. § 447.307(2))
9.	Personally Identifying Information concerning participants in the Public Employee Retirement Program ( F.S. § 121.4501 (19))
10.	Driver's License Photos are to be redacted unless there's a government purpose as specified under F.S. § 322.142 (4).
11.	Bank account numbers and debit, charge, and credit card numbers held by the City are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. (F.S. § 119.071(5)(b))
12.	A security system plan or portion thereof as well as building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by the City are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
13.	<p>If a document is marked Trade Secret or Proprietary, this needs to be addressed by City Clerk with the assistance of the City Attorney. In accordance with s. 815.045, Fla. Stat., the legislature found that trade secret information as defined in s. 815.04(3), Fla. Stat. is expressly confidential and exempt because it can be a felony to disclose such records.</p> <p>When an issue is presented with regard to trade secret information, or any document requested is marked trade secret or confidential by a vendor, contact the City Clerk.</p>

## SECTION 2 - DEFINITION OF TERMS

Active Pay Status - Authorized paid leaves, holiday or time worked.

Anniversary Date - The date on which an employee begins employment and the same date in following years. This also is the date from which annual and medical leaves are computed

Applicant - Individual who has completed and submitted an application for employment with the City.

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

Appointment - Offer and acceptance by a person of a position either on a regular or temporary basis.

Class - Group of positions that are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class descriptions and pay range.

Class Description - Written description of a class consisting of a class title, a general statement of the major function of work, essential duties, minimum qualifications for the class, and physical and environmental functions.

Class Title - Title in the classification plan that describes the general nature of work of the position.

Classification - Grouping positions in classes.

Classification Date - Date an employee entered, transferred, or was promoted to the current position. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for performance increases.

Classification Plan - Official system of grouping positions into classes.

Compensation - The standard rates of pay that have been established for the respective classes of work, as set forth in the compensation plan.

Compensation Plan - The official schedule of pay assigning rates of pay to each class title.

Continuous Service - Employment that is uninterrupted except for suspension or separation due to reduction in work force. Authorized paid leaves of absence are included as part of continuous service.

Demotion - Assignment of an employee from one class to another that has a lower maximum rate of pay.

Dismissal - Involuntary separation from the City's employment.

City Manager - Individual hired by the City Council to direct the City's administration operations, programs and personnel.

Exempt Status - Employees who are in an exempt status category under the Fair Labor Standards Act and not eligible for overtime pay.

Full Time - Position that requires an employee to work the total hours scheduled for employees of the unit.

Immediate Family - Includes spouse, children, parent, grandmother, grandfather, grandchildren, brother, sister, in-laws, aunts, uncles or adopted children (whether by birth or by law) of the employee and other live-in dependents (*this definition is for purposes of Funeral Leave and the City nepotism policy*).

Insubordination - The refusal or demonstrated unwillingness on the part of an employee to submit to the authority vested in supervisors, department heads, and the City Manager as outlined in the Personnel Policies whether resulting from actions or omissions.

Layoff - Reduction of the number of employees due to the lack of work, funds or other causes.

Leave - Approved type of absence from work as provided by these policies.

May - The word "May" shall be interpreted as permissive.

Non-Covered Position - Employees and positions that are exempt from specific provisions of the Personnel Policies.

Overtime - Time worked in excess of the regularly scheduled full-time work periods for those persons not working on an exempt basis (i.e., more than 40 hours per week for non-fire personnel and more than 53 hours per week for fire personnel)..

Part Time - Position that requires the employee to work fewer hours than normally designated for others in the same classification.

Pay Range - Salary that is assigned to a classification title, expressed as a pay range number.

Performance Evaluation - A report relative to the job performance of employees made by the supervisor.

Performance Pay Increase - Increase established in the pay plan that may be granted to an employee based on job performance.

Position - Groups of duties and responsibilities assigned and budgeted requiring the full-time or part-time employment of one (1) person.

Probationary Employee - Employee serving a trial period prior to regular appointment in that position.

Probationary Period - Period of time provided to allow the department head an opportunity to evaluate an employees' performance and to decide whether or not the employee is to be retained.

Promotion - Assignment of an employee from one classification to another that has a higher maximum rate of pay.

Public records - All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, electronic records, text messages, or other material, regardless of physical form or characteristics, or means of transmission made or received pursuant to law or ordinance or in connection with the transaction of official business by the City.

Reasonable (intended for 1.09) - Generally, the time it takes to locate the requested records, review those records for exempt information, redact the exempt information, and transmit the records to the requestor.

Regular Appointment - Appointment to a regular position authorized to be filled.

Relative - Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister. (State Statute definition).

Resignation - Act of voluntarily withdrawing from City employment.

Retirement - Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the Plan.

Separation - The involuntary or voluntary termination of City employment.

Serious Medical Condition (Family Leave) An illness, injury or impairment, either physical or mental, that involves inpatient care in a hospital, hospice or residential medical care facility or requires continuing medical treatment.

Sexual Harassment - Unwelcome or unwanted advances including sexual advances of whatever nature; requests for sexual favors; other verbal abuse or harassment; physical conduct of a sexual nature; creating a work environment that is intimidating, hostile, abusive or offensive.

Shall/Will - The words shall and will are to be interpreted as mandatory.

Suspension - Relief from work with or without pay, under the Personnel Policies and Procedures, by the department head or other supervisor authorized to enforce disciplinary action.

Temporary Employee - An employee appointed for a special project or other work of a temporary or transitory nature. Temporary employees will serve in a non-covered status and meet requirements set by the City.

Trainee - Employee undergoing a training period to learn the job duties or to attain education or certification.

Transfer - Action in which the employee moves from one budgeted position to another with no resulting title change, or if a title change does take place, there is no change in the pay range.

Work Day - Scheduled number of hours an employee is required to work per day. For the purposes of leave time, a work day shall be defined as 11.2 (eleven point two) hours for non-exempt fire personnel and eight (8) hours for all other regular full-time employees.

Work Period - Number of hours regularly scheduled to be worked during any seven (7) consecutive days or work cycle for non-fire personnel and a fourteen (14) day period for fire personnel..

## SECTION 3 - STANDARDS OF CONDUCT

### 3.01 GENERAL POLICY

- A. The City has established a system of Human Resource Management to assist in providing superior service to the community.
- B. The City advocates the concept that the quality of public service can reach maximum efficiency through a Human Resource Management system based on merit principles.
- C. Employees are encouraged to develop skills and seek formal training that will enhance his/her professional development and add to the overall expertise of the organization.
- D. It is the policy of the City to expect compliance from employees with all City Personnel Policies and Procedures, State, and Federal regulations, laws, rules and grant conditions in the performance of duties. An employee who violates any of the Personnel Policies & Procedures shall be subject to disciplinary action up to and including termination.
- E. The City retains all management and prevailing rights and the prerogatives granted through the City Charter, State and Federal laws, ordinances, resolutions, contracts and sound and generally accepted practices.

### 3.02 CITIZEN INTERACTION

- A. It is the City's policy to be citizen and service oriented, and to require employees to treat citizens and other employees in a courteous and respectful manner at all times.
- B. Employees must understand that the citizen comes first. All employees have an obligation to represent the City in a positive fashion and to make citizens feel as comfortable as possible in dealing with the City.
- C. Employees with citizen contact are expected to know the City's programs and services, and to learn the wants and needs of citizens. Such employees should attempt to educate citizens about the use of City services and should seek new ways to serve the citizen.
- D. Employees are encouraged to report recurring citizen related problems to their supervisor and/or make suggestions for changes in City policies and/or operating procedures to solve problems.
- E. Employees should be prepared to listen carefully to citizen inquiries and complaints and then deal with them in a responsible, professional and timely manner. If a controversy arises, the employee should attempt to explain City policy in a clear, yet deferential manner. If a citizen becomes unreasonable or abusive and the employee cannot resolve the problem, the citizen should be referred to the employee's supervisor.
- F. Employees should be particularly careful to exercise courtesy and thoughtfulness when communicating. Positive communication with a citizen can enhance goodwill while a negative experience can destroy a valuable relationship.

- G. All Employees are ambassadors for the City, regardless of their position. The more goodwill promoted by employees through their interaction with citizens, the more our citizens will respect and appreciate the services provided by the City.

### 3.03 EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

- A. The City is committed to equal employment opportunity and does not discriminate in any employment-related decisions on the basis of race, color, religion, national origin, sex, age, ancestry, sexual orientation, parental status, sources of income, disability or marital status.

In carrying out this responsibility, the City will:

1. Recruit, hire, train, and promote for all job classifications without regard to race, color, creed, religion, gender, age, national origin, political affiliation, ancestry, sexual orientation, parental status, disability or marital status.
  2. Make employment and promotion decisions based solely on an individual's qualifications for the position available, thereby furthering the principle of equal employment opportunity.
  3. Ensure that all other personnel actions and programs, including but not limited to compensation, benefits, promotion, demotion, transfers, layoffs, termination, training, education, social and recreational programs will be administered without regard to race, color, creed, religion, gender, age, national origin, political affiliation, ancestry, sexual orientation, parental status, disability or marital status.
- B. The Human Resources Office will be responsible for maintaining the City's Affirmative Action program to ensure equal employment opportunity.
    1. This program includes goals to avoid under utilization or exclusion of minority and disabled employees
    2. It is the responsibility of each member of the management staff and each supervisor to work to assure a continuation of the City's policies of equal employment opportunity for all persons on the basis of individual merit.
    3. Any applicant for employment or employee of the City who has reason to believe that he/she has been discriminated against in any manner dealing with employment or promotion within the City will have the right to file a complaint of discrimination.
    4. Any complaint of violation of the equal opportunity policy may be handled through the regular complaint procedure. Employees may also report such complaints directly to his/her supervisor. All such complaints will be promptly investigated and, if deemed valid, corrective action will be taken.

5. The City will assure that no adverse action will be taken against an employee or prospective employee because he/she made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing resulting from a complaint of discrimination.
  6. The City Manager (or designee) will serve as Equal Opportunity Officer. This individual will be made known to all employees and will acquaint himself/herself with the rules and regulations pertaining to equal opportunity policies.
- C. Disabled persons will be given full consideration in accordance with the Americans with Disabilities Act of 1991, as amended.
  - D. Any employee who discriminates against an applicant or employee shall be subject to disciplinary action.

#### 3.04 DISCRIMINATION, HARASSMENT, HOSTILE WORK ENVIRONMENT

- A. The City is committed to providing every employee with a workplace free from unlawful discrimination. All forms of unlawful discrimination and harassment based on race, creed, color, national origin, ancestry, religion, age, gender, sex, marital or parental status, pregnancy, sexual orientation, liability for service in the armed forces, or disability are prohibited and will not be tolerated. Sexual Harassment is a form of unlawful gender discrimination and, likewise will not be tolerated.
- B. Unlawful discrimination undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. This policy applies to all employees and applicants for employment. The City will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers or non-employees.
- C. This policy applies to any physical, written or spoken conduct, which occurs in the workplace and extends to conduct which occurs at any location that can be reasonably regarded as an extension of the workplace, such as a field location, any off site business - related social function, any facility where City business is being conducted and discussed, or communications, such as phone, email, social media, web, etc.
- D. This policy also applies to third party harassment. Third party harassment is unwelcome behavior of a sexual, racial or derogatory nature regarding any protected category that is not directed at an individual but is part of that individual's work environment. Third party harassment based on any of the aforementioned protected categories is prohibited by this policy.
- E. This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation fringe benefits, working conditions and career development.
- F. It is the policy of the City to promote a productive work environment. The City will not tolerate any action by any employee which harasses, disrupts or interferes with another employee's work performance or which creates an intimidating, offensive or hostile work

environment. This includes actions that occur outside the work environment that affect the work environment, such as social media posts, blogging, and other various electronic communications which creates an intimidating, offensive, or hostile work environment.

**G. Discrimination:**

It is a violation of this policy to engage in any employment practice or procedure which treats an employee less favorably based upon, but not limited to, a person's race, creed, color, national origin, ancestry, religion, age, gender, sex, marital or parental status, pregnancy, sexual orientation, liability for service in the armed forces, or disability

**H. Harassment:**

It is a violation of this policy to use derogatory or demeaning slurs to refer to a person's race, gender, age, religion, disability, affection or sexual orientation, or ethnic background, which have the effect of harassing an employee or creating a hostile work environment. Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of behaviors that may constitute prohibited workplace discrimination or harassment include but are not limited to:

- Discriminating against an individual with regard to terms and conditions of employment because of that individual's race, gender, age, religion, disability, affection or sexual orientation, place of origin or his/her ancestor's place of origin.
- Treating an individual differently because of race, gender, age, religion, disability, affection or sexual orientation, place of origin or his or her ancestor's place of origin, or because an individual has the physical, cultural, or linguistic characteristics of a racial or national origin group.
- Treating an individual differently because of marriage to or association with person of a racial, religious or national origin group; or due to membership in an association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name or spouse's name is associated with a racial, religious or national origin group.
- Calling another by an unwanted nickname, which refers to one or more of the above characteristics, or telling ethnic jokes, which harass an employee or create a hostile work environment.
- Using derogatory references regarding any of the above characteristics in any job related communication.
- Engaging in threatening, intimidating or hostile acts in the workplace, based on the foregoing classifications.
- Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based on any of the foregoing classifications. This may include material posted outside the workplace, such as social media posts, blogging, and other various electronic communications which are derogatory or demeaning, based on any foregoing classifications which may affect the work environment.

**I. Hostile Work Environment:**



1. Creating a work environment that is intimidating, hostile, abusive or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contact or attentions, sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, whether sexually oriented or otherwise related to a prohibited form of harassment.
2. Mere interpersonal disagreements, personality conflicts or other similar and commonly present matters between employees do not constitute a hostile work environment. The mere fact that employees do not get along on a personal level, do not like one another or have different personal values do not relate to the City's responsibility to ensure that a pervasive hostile work environment does not exist.

**J. Sexual Harassment:**

It is a violation of this policy to engage in sexual harassment of any kind. For the purposes of this policy, sexual harassment, with or without sexual conduct, is defined as unwelcome sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment generally falls into two categories: quid pro quo and hostile work environment harassment:

**1. Quid Pro Quo Sexual Harassment**

A form of harassment that may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct based on the gender of the affected employee when submission to such conduct is made explicitly or implicitly a term or condition of employment; submission to or rejection of such conduct by an individual is used as a basis for employment decisions.

It shall be a violation of this policy for any person to use his or her authority to make any sexual advance toward an individual over whom the person is authorized to make, recommend or otherwise influence personnel actions; to grant, recommend, or refuse to take personnel action on the basis of an employee's gender or sexual orientation or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee for rejecting or reporting a sexual advance. Sexual advances or requests for sexual favors can be in the form of expressed or implied comments, writings or actions.

## 2. **Hostile Work Environment Sexual Harassment**

Behaviors that may constitute hostile work environment sexual harassment may include but are not limited to:

- Generalized gender-based remarks and comments
  - Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body, impeding, or blocking movement
  - Unwelcome or unwanted advances, including sexual advances, coerced sexual intercourse, assault.
  - Unwelcome requests or demands for favors, including sexual favors.
  - Verbal abuse or kidding that is oriented toward a prohibited form of harassment.
  - Verbal or written sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, invitations, gestures or inappropriate comments about a person's clothing.
  - Visual contact such as leering or staring at another's body, gesturing displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals.
  - Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention.
  - Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluations or promotional opportunity.
  - Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.
  - Any type of sexually oriented conduct or other prohibited form of harassment that would unreasonably interfere with work performance.
3. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees that are acceptable to both parties are not considered harassment, including sexual harassment.

### K. **Employee Responsibilities**

1. Any employee who believes that she/he has been subjected to any form of prohibited discrimination/harassment, including sexual harassment, or who witnessed others being subjected to such harassment or discrimination has a responsibility and an affirmative duty to report or complain about the situation as soon as possible.
2. Depending on who the harasser is, such report or complaint should be made to the employee's immediate supervisor, the department director, the Human Resources Office if the complaint involves a supervisor, or to the City Manager's Office.
3. All employees are expected to act in a responsible, professional manner and contribute to a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated by the City.

4. As a condition of City employment, each employee shall, upon notice that an official investigation has commenced relative to the City's activities, cooperate with respect to any work-related investigation and all related hearings and inquiries. By way of illustration, but not limitation, it shall constitute a violation and misconduct for an employee to refuse or willfully fail to appear for any interview, hearing or inquiry at which his or her attendance is mandated, or refuse or fail to answer truthfully any questions relative to the matters under investigation.

**L. Supervisor Responsibilities**

1. Supervisors have a responsibility to maintain a work environment that is free from any form of prohibited discrimination/harassment.
2. Supervisors are expected to take all allegations of discrimination/harassment, including sexual harassment, seriously, and immediately report the alleged complaints to their Department Head.
3. Department Heads are expected to take all allegations of discrimination/harassment, including sexual harassment, seriously, and immediately report the complaint to the Human Resources Office.

**M. Complaint Process**

1. The Human Resources Office shall immediately report all complaints of discrimination/harassment to the City Manager or designee.
2. Complaints of harassment are to be processed and investigated by the Human Resources Office unless special procedures are deemed appropriate by the City Manager.
3. All complaints of harassment are to be investigated promptly and in as impartial and confidential a manner as possible.
4. A complainant may elect to have the harassment complaint handled either informally or formally as follows; provided, however, that the City will treat acts of harassment in a manner appropriate to the level of severity and the impact upon the employee and the City.

**N. Informal Procedure**

1. Step One: The individual alleging harassment will report the incident to the appropriate authority (as previously outlined in Section K. 2). and will be interviewed to discuss the allegations. If said allegations are made to any other person, that person must immediately report the incident to the Human Resources Office or City Manager. All interviews should proceed in a sensitive manner respecting the rights and concerns of the complaining employee. Interviews of others may occur as deemed appropriate to the investigation.

2. Step Two: The investigating authority shall make the accused aware of the specific nature of the complaint, interview the accused and interview any other persons the accused may suggest for additional information about the facts surrounding the complaint.
3. Step Three: The investigating authority will inquire of the complainant and the accused as to any mutual resolution of the problem that may be acceptable between the parties at that point. The complainant shall not be required to face or meet with the alleged violator. If the parties agree upon an acceptable resolution of the complaint, the matter shall be closed.
4. Step Four: If the parties do not agree on an acceptable resolution of the problem, the complainant shall be advised of the steps for further processing of the complaint and the formal procedure described herein will be used.

**O. Formal Procedure:**

1. Step One: Any employee who has reason to believe that he/she is or has been the subject of harassment, any employee who is aware of harassment against a fellow employee, any employee who is unable to reach agreement concerning the resolution of the harassment allegation through the informal procedure and/or any employee who does not elect to utilize the informal procedure may file a written complaint with the appropriate authority (as previously outlined in Section K. 2). Upon receipt of the written complaint, the investigating authority shall interview the complainant to obtain any additional facts that may be needed to supplement the complaint.
2. Step two: The alleged harasser will be given a copy of the signed written statement and/or the results of the informal procedure and informed of the seriousness of the allegations. The investigating authority will review with the alleged harasser the City Policy and indicate that a formal charge of harassment has been made. The alleged harasser will then have the opportunity to refute the allegations by responding verbally and in a written statement if he or she has not already done so as part of the informal procedure.
3. Step three: The investigating authority will meet with the alleged harasser's Department Head and the City Manager to discuss the seriousness of the allegations. If the evidence warrants, the alleged harasser will be disciplined according to the procedures as outlined in the City Personnel Policies and Procedures up to and including discharge (Section 11).

**P. Results of Investigation and Disciplinary Action**

1. A timely resolution of each complaint is to be reached and communicated in writing to the parties involved.
2. An employee who is found to have engaged in discrimination/harassment of another employee or non-employee will be subjected to appropriate disciplinary

action depending on the circumstances, up to and including, termination of employment.

3. If the allegations prove not to constitute discrimination/harassment, the alleged perpetrator will be advised of the decision in writing. The fact that the allegations made against the alleged harasser are found not to constitute harassment shall not, without evidence of malicious intent to deceive, result in a finding that the complainant knowingly filed a false complaint.
4. A record of the complaint and the findings will become a part of the appropriate City file and will be maintained separately from the complaining employee's personnel file.

**Q. Prohibition Against Retaliation**

1. Any person utilizing the City's complaint resolution procedure will be treated courteously, the problem handled swiftly and confidentially, and the registering of a complaint will in no way be used against the employee, nor will it have an adverse impact on the individual's employment status.
2. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy will not be subjected to adverse employment consequences based upon such involvement or be the subject of retaliation.

**R. False Accusations and Information**

1. Any employee who knowingly makes a false accusation of unlawful discrimination or harassment or who knowingly provides false information in the course of an investigation of a complaint, may be subject to disciplinary action up to and including discharge.
2. Complaints made in good faith, however, even if found to be unsubstantiated, will not be considered a false accusation.

**S. Confidentiality**

1. All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigation.
2. In the course of an investigation, it may be necessary to discuss the claims with the alleged harasser and other persons who may have relevant knowledge. Therefore, it therefore may be necessary to disclose information to persons with a legitimate need to know about the matter.
3. In light of the important privacy interests of all concerned, all persons interviewed will be directed not to discuss any aspect of the investigation with others. Failure

to comply with this confidentiality directive, is, in itself, a violation of the Personnel Policies and Procedures and may result in disciplinary action.

**T. Training**

The City will provide training during orientation of new employees, as well as require annual training as to what constitutes discrimination/harassment and a hostile work environment. In addition, the City will provide supervisors and managers with training that will inform them of the appropriate steps to be taken to address complaints of unlawful discrimination/harassment.

**3.05 CONFLICT OF INTEREST**

- A. Employees who may be in a position to influence actions and decisions regarding the administration of the City shall refrain from relationships that may adversely affect the exercise of his/her independent judgment in dealing with suppliers, bidders, vendors and contractors, or any other person doing business with the City.
- B. An outside personal economic relationship that affords present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties may be a conflict of interest requiring evaluation by the City Manager.
- C. An employee having an outside personal economic relationship with bidders, vendors and contractors, or any other person doing business with the City, shall report that relationship to the City Manager and/or designee prior to being involved in any way with a transaction involving the City.
- D. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification from the City.
- E. The City Manager shall determine whether a relationship could cause a potential conflict of interest.
- F. The acceptance of anything of value, including but not limited to: loans, advances, gifts, gratuities, rewards, favors, entertainment or promise of future employment from any party doing business with the City, including but not limited to vendors, suppliers, and bidders may be considered improper (Refer to Section 3.15).
- G. An employee shall not use his/her position with the City to obtain or attempt to obtain any special preferences, privileges or exemptions for himself/herself or for others.
- H. No employee shall disclose confidential information gained by reason of his/her official position, nor shall the employee use such information for personal gain or benefit.
- I. If an employee of the City is an officer, director, agent, member of, or owns controlling interest in any corporation, firm, partnership, or other business entity that is subject to the regulation of, or which has substantial business commitments with the City or other political subdivision of the county or State, he/she shall seek an ethics opinion from the City Attorney and the State of Florida Ethics Commission regarding whether this

business interest constitutes a conflict of interest. The City Attorney's opinion shall not insulate the employee from liability in any way. A copy of the opinion shall be forwarded to the Human Resources Office to be maintained in the employee's personnel record.

- J. No City employee shall transact business in his/her official capacity with any business entity of which he/she is an officer, director, agent, or member, or in which he/she holds a material interest.
- K. No City employee shall have any personal investments in any enterprise which will create a conflict between his/her private interests and the public's interest.
- L. All of the requirements of Florida State Statute 112.313 are applicable to all employees of this City.
- M. When any City employee has any doubt as to the application of this Policy as it relates to them, they should discuss the possibility of violation with his/her department head, the Human Resources Office and/or the City Manager.

### 3.06 EMPLOYMENT OF RELATIVES (REV. 05/19/2008)

The hiring of a close relative of current city employee justifiability arouses public suspicion that the employee was hired on the basis of relationship rather than merit, as well as increases the possibility of workplace discord.

The City of Palm Coast shall not consider immediate family members of current staff for employment opportunities without the prior consent of the City Manager and approval to consider immediate family for employment must be obtained prior the commencement of the interview process. (See definition of immediate family, Section 2).

This policy does not affect the employment of any person currently employed by the City, however, any time an employee expresses interest in additional employment opportunities with the City (i.e., transfer, promotion, demotion, reorganization, etc.) or, should two staff members choose to marry while employed, the reporting relationships shall be reviewed. Under no circumstances, however, will one immediate family member serve within the same department, under the direct or indirect supervision of their immediate family member.

Exceptions to this policy shall only be approved at the discretion of the City Manager as determined to be in the best interest of the City and in accordance with State Law.

### 3.07 OUTSIDE EMPLOYMENT

- A. Employees are not restricted from engaging in other employment during his/her off-duty hours. However, the City's employment shall be considered an individual's primary employment. No employee may engage in outside employment that would interfere with or be in conflict with the interest of the City.

- B. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under City Worker's Compensation as a result of disability resulting from the outside employment.
- C. Equipment, facilities, vehicles or property of the City shall not be used by employees for outside employment.
- D. Prior to engaging in any outside business, calling, employment, or volunteer employment, the employee shall submit a request in writing to the Department Head, who shall forward same to the Human Resources Office for final approval by the City Manager and/or designee.

### 3.08 RELEASE OF INFORMATION

- A. Information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Release of such information before final decisions or disposition of the matter often causes misunderstanding and confusion.
- B. It is the intent of the City to insure that all information released is true and accurate. Unless release of information is a normal part of his/her duties, employees will direct such inquiries to the City Manager. The City Manager may authorize department heads or other designated employees to release official information to the various news media on matters relating to the operational activities of the department.
- C. This provision relates to City employees initiating the release.

### 3.09 STATEMENTS BY CITY EMPLOYEES

- A. City employees requested or subpoenaed to make a statement concerning the City in a legal matter should discuss the matter immediately with his/her department head, who will, in turn, discuss it with the City Manager who may consult with the City Attorney.
- B. Prior to any oral or written statements being made, City employees will ensure that they consult and confer with the City Attorney.
- C. Employees who do not comply with this rule shall be subject to disciplinary action up to termination. Exceptions will be made for police personnel reporting on a police matter.

### 3.10 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to charitable organizations are voluntary. Coercion of an employee to make contributions is prohibited.
- B. Employees are prohibited from conducting or promoting private business for gain during duty hours or within any City building.



- C. Employees are prohibited from soliciting any other City employee for membership in any organization, including but not limited to labor unions, labor organization or employee organizations during the working hours of any employee who is involved in the solicitation. (See Section 447.509, Florida Statutes.)
- D. Employees are prohibited from soliciting any charitable contributions from any other employee during the work hours of any employee involved in the solicitation, unless such activity is officially sanctioned by the City.

### 3.11 EMPLOYEE DEBTS

An employee's financial transactions are the employee's personal affairs. The City will not act as a collection agent. However, should complaints concerning an employee's failure to meet financial obligations result in interference with the employee's job performance or occasional loss of time and effort on the part of other City employees, the employee/debtor concerned shall be informed. If the situation continues, the employee may be subject to disciplinary action.

### 3.12 USE OF CITY PROPERTY

Employees shall not use or permit the use of City's property, equipment or vehicles, except in the performance of official duties. Non-employees must be authorized by the City Manager or his/her designee in writing prior to using City property, equipment or vehicles.

### 3.13 DRESS CODE POLICY (REV. 9/2020)

The City of Palm Coast is committed to promoting a professional atmosphere in all departments and divisions. Employees need to present themselves in a professional manner that is approachable and acceptable to each other; citizens, visitors, and the general public. The dress code and personal appearance standards are designed to ensure that all employees present the proper professional image. Except where described below, no other clothing/uniform/shoes or stipend to purchase clothing or shoes shall be provided to City employees. Clothing/uniform items/shoes provided, or stipends to purchase those items, may be taxable income according to IRS guidelines and will be reported as income to employees, where appropriate.

The City Manager may allow deviations from the dress code for special occasions, or unique circumstances. This dress code should be considered the minimum requirements for all City employees and additional requirements may be imposed by Departments (i.e. Fire Department Employees). Requests for special considerations and questions regarding the dress code shall be directed to Human Resources.

For purposes of the Palm Coast Dress Code, each employee by job classification shall be characterized by Human Resources as one of the following types: 1) Uniformed Employees, 2) Field Employees, 3) Frontline Office Employees, and 4) Office Employees. [Click here](#) for the list of job classification types by position.

## UNIFORMED EMPLOYEES

1. The basic uniform complement shall consist of short-sleeve and/or long-sleeve shirts and pants/or blouses, slacks, and/or dresses (for women), as well as other clothing items provided by the uniform provider. The uniform shall bear the City logo along with appropriate identification of the employee.
2. Uniform should be worn with appropriate shoes, closed-toed shoes or boots, according to the environmental health and safety regulations. Non-Fire Department Employees are required to wear steel/composite toed boots, or electrical composite boots will be provided an annual payroll stipend as outlined in Attachment A. Other protective safety footwear may be requested by supervisors and subject to approval by Human Resources.
3. Torn garments, open-toed shoes, sandals, or flip-flops are not appropriate.
4. Personal Protective Equipment (PPE) worn during working hours, such as eyewear, facemasks, raingear, safety vests, hard hats and gloves, is considered part of the employee's uniform and, therefore, is subject to the same conditions of responsibility for care and use as other parts of the uniform.
5. Uniforms are routinely required when on duty at all times. Uniforms worn shall not be worn off-duty, except when traveling to and from work. Fire employees are required to leave their uniforms at work for cleaning per the fire safety manual.
6. Employees shall wear uniforms properly, presenting a professional image. Supervisors or managers will ensure any excess wear or use of uniform and will report to the uniform supplier for repair or replacement.
7. Uniforms should be neat and clean at the start of the shift.
8. Employees may wear additional appropriate clothing such as hooded jackets or sweatshirts with uniformed shirts, so long as appropriate identification is visible to identify the person as a City employee.
9. All alterations to uniforms must be performed by the uniform provider, and only to accommodate fit. Any other alterations, including addition or removal of patches, emblems and buttons may be made only with prior written approval of the appropriate Director.
10. Hats or caps may be worn as long as the logos and images on the hats or caps do not offend general public values, and as long as wearing the hat or cap does not present a safety hazard. Hats or caps should be worn with the bill forward, except when use of PPE dictates otherwise.
11. Failure to comply with the provisions outlined in the Wear Requirements (through frequent uniform violations or absence due to improper attire) and in absence of reasonable justification may result in disciplinary actions.
12. Employees shall return uniform items that are no longer in a serviceable condition at the time replacement uniform items are provided.
13. Employees are liable for issued uniform items that have been lost, stolen or damaged beyond economic repair, except if the damage is due to the nature of the job. If a uniform has been damaged as a result of the nature of the job or extenuating circumstances employees are required to report and request a replacement from their direct supervisors.

14. Employees are responsible for returning issued uniform items in a clean and serviceable condition to the City by the end of their employment term at the City. This should be done no later than the last day at work.

## **FIELD EMPLOYEES**

1. The basic uniform complement shall consist of short-sleeve, long-sleeve shirts, or blouses from the approved City uniform catalog. The uniform shall bear the City logo. In addition, the employee identification badge, or employee nametag should be visible when interacting with customers, or working outside City facilities. Field Employees shall provide their own pants or denim jeans to wear with the uniform complement.
2. Shorts may be worn by employees who are actively participating or facilitating in a sporting activity or special event.
  - a. Examples include: golfing, tennis, swimming, and camp personnel.
  - b. Supervisor approval is required before shorts can be authorized for any special event.
  - c. Approved shorts must be business appropriate (knee length, no tears, or graphics).
3. If denim jeans are worn, the denim jeans must be neat, not faded, not torn, or designed to appear faded or torn.
4. Uniform should be worn with appropriate shoes, closed-toed shoes or boots, according to the environmental health and safety regulations. Non-Fire Department Employees required to wear steel/composite toed boots, or electrical composite boots will be provided an annual payroll stipend as outlined in Attachment A. Other protective safety footwear may be requested by supervisors and subject to approval by Human Resources.
5. Torn garments, open-toed shoes, sandals, or flip-flops are not appropriate.
6. Personal Protective Equipment (PPE) worn during working hours, such as eyewear, facemasks, raingear, safety vests, hard hats and gloves, is considered part of the employee's uniform and, therefore, is subject to the same conditions of responsibility for care and use as other parts of the uniform.
7. Uniforms are routinely required when on duty at all times. Uniforms shall not be worn off-duty, except when traveling to and from work.
8. Employees shall wear uniforms properly, presenting a professional image.
9. Uniforms and employee provided clothing should be neat and clean at the start of the shift.
10. Employees may wear additional appropriate clothing such as jackets or sweatshirts with uniformed shirts, so long as appropriate identification is visible to identify the person as a City employee.
11. Hats or caps may be worn as long as the logos and images on the hats or caps do not offend general public values, and as long as wearing the hat or cap does not present a safety hazard. Hats or caps should be worn with the bill forward, except when use of PPE dictates otherwise.
12. Employees are liable for issued uniform items that have been lost, stolen or damaged beyond economic repair, except if the damage is due to the nature of the job. If a uniform has been damaged as a result of the nature of the job or extenuating circumstances employees are required to report and request a replacement from their direct supervisors.
13. Employees shall return uniform items that are no longer in a serviceable condition at the time replacement uniform items are provided.

14. Employees are responsible for returning issued uniform items in a clean and serviceable condition to the City by the end of their employment term at the City. This should be done no later than the last day at work.
15. Employees are responsible for maintaining a full complement of uniform items, including cleaning the uniforms regularly and keeping those neat and in good repair.

#### **FRONTLINE OFFICE EMPLOYEES (WITH DIRECT CUSTOMER CONTACT)**

1. The basic uniform complement shall consist of short-sleeve, long-sleeve shirts, or blouses from the approved City uniform catalog. The uniform shall bear the City logo. In addition, the employee identification badge, or employee nametag should be visible when interacting with customers, or working outside City facilities. Frontline Office Employees shall provide their own pants, or skirts to wear with the uniform complement. Pants or skirts shall meet the dress code for Office Employees.
2. Uniform should be worn with appropriate shoes consistent with the dress code of Office Employees and according to the environmental health and safety regulations. Non-Fire Department Employees required to wear steel/composite toed boots, or electrical composite boots will be provided a payroll stipend every two years as outlined in Attachment A. Other protective safety footwear may be requested by supervisors and subject to approval by Human Resources.
3. Torn garments, shorts, or flip-flops are not appropriate. Uniforms worn shall not be worn off-duty.
4. Uniforms are routinely required when on duty at all times. Uniform items shall not be worn off-duty, except when traveling to and from work.
5. Employees shall wear uniforms properly, presenting a professional image.
6. Uniforms and employee provided clothing should be neat and clean at the start of the shift.
7. Employees may wear additional appropriate clothing such as jackets or sweatshirts with uniformed shirts, so long as appropriate identification is visible to identify the person as a City employee.
8. Employees are liable for issued uniform items that have been lost, stolen or damaged beyond economic repair, except if the damage is due to the nature of the job. If a uniform has been damaged as a result of the nature of the job or extenuating circumstances employees are required to report and request a replacement from their direct supervisors.
9. Employees shall return uniform items that are no longer in a serviceable condition at the time replacement uniform items are provided.
10. Employees are responsible for returning issued uniform items in a clean and serviceable condition to the City by the end of their employment term at the City. This should be done no later than the last day at work.
11. Employees are responsible for maintaining a full complement of uniform items, including cleaning the uniforms regularly and keeping those neat and in good repair.

#### **OFFICE EMPLOYEES**

1. Office Employees are to follow a professional business casual dress code and provide their own clothing. The employee identification badge, or employee nametag should be visible when interacting with customers, or working outside City facilities. City issued uniform items from the

approved City uniform catalog may be requested by the Department Director and subject to approval by Human Resources.

### **Appropriate dress**

- City issued T-shirts (no graphics).
- Polo Shirts.
- Khakis.
- Denim jeans.
- Capri pants.
- Company logo wear.
- Dresses or skirts (knee length).
- Dressy sandals.
- Casual shoes including clean athletic shoes.

### **Inappropriate dress**

- Shorts.
- Logo clothing (sport teams, cartoon characters, etc.) other than company logo.
- Flip-flops.
- Sweatpants.
- Leggings.
- Tight, revealing or otherwise inappropriate clothing.
- Athletic wear.
- Clothing that is ripped, frayed, stained or messy.

All employees are expected to comply with this dress code. Employees who report to work inappropriately attired will be asked to leave work to change clothes and will be required to use personal time or vacation time to do so. Any questions regarding appropriate summer dress should be directed to Human Resources.

2. Employees shall wear dress appropriately, presenting a professional image.
3. Issued uniform items shall not be worn off-duty, except when traveling to and from work.
4. Employees are liable for issued uniform items that have been lost, stolen or damaged beyond economic repair, except if the damage is due to the nature of the job. If a uniform has been damaged as a result of the nature of the job or extenuating circumstances employees are required to report and request a replacement from their direct supervisors.
5. Employees shall return uniform items that are no longer in a serviceable condition at the time replacement uniform items are provided.
6. Employees are responsible for returning issued uniform items in a clean and serviceable condition to the City by the end of their employment term at the City. This should be done no later than the last day at work.
7. Employees are responsible for maintaining uniform items, including cleaning the uniforms regularly and keeping those neat and in good repair.

**CITY OF PALM COAST**

**DRESS CODE POLICY**

**ATTACHMENT A**

**BOOT STIPEND**

**\*PROVIDED IN FEBRUARY\***

**\*PRORATED FOR NEW EMPLOYEES\***

	<b>Steel-Toed Boots</b>		<b>Electrical Composite Boots</b>
<b>Uniform Employees (Non-Fire)</b>	<b>\$160 Every Year</b>	<b>or</b>	<b>\$160 Every Year</b>
<b>Field Employees (Non-Fire)</b>	<b>\$160 Every Year</b>	<b>or</b>	<b>\$160 Every Year</b>
<b>Frontline Office Employees (Non-Fire)</b>	<b>\$160 Every Two Years</b>	<b>or</b>	<b>\$160 Every Two Years</b>
<b>Office Employees (Non-Fire)</b>	<b>\$160 Every Two Years</b>	<b>or</b>	<b>\$160 Every Two Years</b>

### 3.14 PERSONAL BUSINESS

Conducting personal business while on City work time is generally prohibited. Every effort should be made by employees to conduct personal business outside City work time. If personal business is conducted during the workday, it should be short in duration and no more than the time typically taken as a personal break. Employees who conduct excessive personal business during work hours shall be subject to disciplinary action, up to and including termination.

### 3.15 PERSONAL MAIL/TELEPHONE CALLS/VISITORS

All employees shall advise correspondents that personal mail should be sent to their personal mailing address and not to their place of employment. City employees are prohibited from utilizing City stationary, City Letterhead, postage and long distance telephone service for uses other than City business. The receiving and making of personal telephone calls and e-mail communications, and the receiving of personal visitors, while on City time, is discouraged. To the extent that such activities are unavoidable, they may be permitted at the discretion of the employee's department director, but shall be kept to a minimum.

### 3.16 ACCEPTANCE OF GIFTS

- A. Employees shall not accept anything of value, including a gift, loan, reward, promise of future employment, or services that:
  - 1. Would cause a prudent person to be influenced in the discharge of official duties;
  - 2. Is intended to influence the judgment of the employee in carrying out his/her employment responsibilities. (Florida Statutes 112.313)

### 3.17 INDICTMENTS

- A. Employees shall immediately notify his/her immediate supervisor whenever charged with any criminal offense or violation of law (excluding minor traffic violations). The supervisor shall immediately notify the Human Resources Office.
- B. The City Manager and/or designee will review the case of any employee under criminal charge to determine if it is in the best interest of the City to:
  - 1. Retain the affected employee in his/her regular position.
  - 2. Assign the affected employee to other duties until such time as trial, acquittal, dismissal, conviction, or other judicial action disposes of the charge(s).
  - 3. Suspend or terminate the affected employee pursuant Section 9.09 E and Section 11 of these policies.

### 3.18 INCARCERATION

It is the responsibility of any employee to notify his/her immediate supervisor that he/she has been incarcerated, no later than the first scheduled workday following the date of incarceration. The supervisor shall immediately notify the Human Resources Office.

### 3.19 POLITICAL ACTIVITIES

- A. City employees shall have the same right to take part in political campaigns and to exercise the rights of franchise as any other citizen, except that no employee of the City shall engage in any political activities during his/her hours of duty, service, or work with the City.
- B. The use of City equipment, facilities or buildings (unless permitted for a political event during non-work hours) for political activities by City employees, is prohibited.
- C. No employee shall qualify as a candidate for election to any federal, state or local government office.

### 3.20 E-MAIL POLICY (REV. 02/2018)

- A. The City maintains an e-mail system that is subject to Florida's Public Record Laws. The use of the e-mail system is reserved for the conduct of City business and in accordance with City policies and procedures. Employees are prohibited from excessive personal use of e-mail.
- B. The e-mail system hardware is City property. Additionally, all communications composed, sent or received on the system are and remain the property of the City. Such messages are not the private property of any employee, and employees should have no expectation of privacy in any communication created, received or sent from the e-mail system.
- C. The e-mail system may not be used for chain letters, to solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations.
- D. The e-mail system may not to be used to create or receive any offensive messages. Among those that are considered offensive are any messages that contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, disability or are in a manner inconsistent with the policy and procedures of the City.
- E. The e-mail system shall not be used to send (upload or receive download) copyrighted materials, proprietary information, or similar materials without prior legal authorization.
- F. City Employees are hereby notified that the City periodically monitors, reviews, audits, intercepts, accesses and discloses, communications that are created, received or sent over the e-mail system. Such monitoring, review, audit, intercept, access and disclosure may be unannounced and unscheduled. E-mail communications may be monitored for reasons including, but not limited to, evaluating the effectiveness and operation of the e-mail system, recovering lost communications, and investigations of suspected criminal acts, investigation of suspected City policy violations, breach of security or other City policies, and recovery of data following a system failure. The contents of any communication



created, received or sent over the City's e-mail system may be disclosed to the City or by the City without the permission of the employee. Employees, by using the City's e-mail system, expressly consent to the City's monitoring, review, audit, intercept, access and disclosure of e-mail messages.

- G. The confidentiality of any e-mail communication should not be assumed. Even when an e-mail communication is deleted, it may still be possible to retrieve and read the communication. Further, the use of passwords for security does not guarantee confidentiality.
- H. Notwithstanding the City's right to retrieve and read any e-mail communications, such communications should be treated as confidential unless otherwise authorized. Employees should disclose information or communication from the e-mail system only to authorized employees or representatives of the City.
- I. Employees cannot restrict access to e-mails so that the City cannot log onto the e-mail system. Employees should not use a code, access a file or retrieve any stored information, unless authorized to do so.
- J. Any employee who discovers a violation of this policy shall notify the Human Resource Office and the Information Technology Department of such violation within one business day from such discovery.
- K. Any employee who violates this policy or uses the e-mail system for any improper purpose shall be subject to discipline, up to and including termination.
- L. E-mail created by or received by City employees in connection with official business is subject to the Florida Public Records Law and State Retention Schedules for Public Records, and if the content is not exempt by Florida's Public Records Law, is open for public inspection. Generally, records transmitted through e-mail systems will have the same retention periods as records in other formats that are related to the same program function or activity.
- M. City officials and employees are expected to use their City email address for all incoming and outgoing e-mail communications related to City business. Should a City official or employee receive an email communication related to City business on their personal account, the email communication must be forwarded or copied to their City e-mail account. Any response, if required, should then be sent from the City email address.
- N. City officials and employees may not permanently delete email communication from any personal account that constitutes a public record, and which are in their possession, custody or control, until such communications are forwarded or otherwise moved or copied to a City email address and stored on the City's email server.

### 3.21 INTERNET POLICY (REV. 02/2018)

- A. Internet Access refers to the communication lines, software and computers that the City

- provides to employees. Each employee with Internet and e-mail access must abide by the policy set forth herein.
- B. Employees are cautioned that the Internet is not a secure environment. Employees should not reveal private or confidential information, including passwords and log on procedures to anyone over the Internet. Downloading of files or e-mail attachments acquired through the Internet must be first screened for viruses in the manner approved by the City Manager and/or designee.
  - C. The City provides Internet and e-mail use for the purpose of conducting City business and to provide employees with ready access to information available through the World Wide Web. Internet and e-mail use may not be for any purpose that is unlawful or unethical or which violates any of the City's policies.
  - D. There are restrictions and limitations on the use of the Internet and its related technologies during the workday. Occasional personal use may be permissible, but employees should be as conservative as possible in such personal use and understand that public records laws may bring their use under scrutiny by the media and public. Personal use should be kept to a short duration of time, which is typically less than the time that would be normally taken as a personal break. Employees who conduct excessive personal business during work hours shall be subject to disciplinary action, up to and including termination.
  - E. Employees may not use the Internet to send, view or retrieve any controversial material, including material that is obscene, abusive, offensive material or otherwise inconsistent with City policies or procedures.
  - F. The City may monitor the use of Internet browsing on the City's system. The City reserves the right to determine excessive or improper usage of its system.

### 3.22 SOCIAL MEDIA POLICY

- A. The City understands that social media and networking have become a common form of communication in the workplace and among stakeholders and citizens. Employees that choose to participate in social networks should understand that it can be difficult to separate social media content and networking that is purely personal from that which can be attributable to the City.
- B. Social media encompasses, but is not necessarily limited to, various forms of discussion and information sharing on social networks, blogs, podcasts, wikis, message boards, and online forums. Examples of social media applications include, but are not limited to MySpace, Facebook, Twitter, YouTube, Flickr, and LinkedIn.
- C. The City Manager must authorize creation and operation of any social media accounts for City business by any employees. The creation and operation of social media accounts for City business are governed by a separate policy.
- D. Employees are prohibited from conducting official City business through social media, unless specifically authorized by the City Manager. Should a City official or employee receive communications related to City business through their personal social media, the social media communication must be forwarded or copied to the official's or employee's

City e-mail account. Any response, if required, should be then sent from the City email address. The social media communication should not be deleted until moved or copied to a City email address and stored on the City's email server

- E. Employees who use personal social media are prohibited from attributing personal statements, opinions or beliefs to the City. If your personal statements could be misconstrued to be attributable to the City, it is recommended that you include the following disclaimer: "The postings on this site are my own and do not necessarily represent the City of Palm Coast's positions or opinions."
- F. Employees are prohibited from using their City email in conjunction with personal social media, except for professional networking, such as LinkedIn.
- G. Employees are prohibited against using the City's logos or trademarks, except as may be automatically generated by the social media site or application.
- H. Consistent with City Policy 3.21, limited personal use of the Internet and its related technologies (including social media) is understood and permissible, but employees should be as conservative as possible in such personal use and understand that public records laws may bring their use under scrutiny by the media and public. This is especially true for social media since posting social media content during work hours may blur the lines between personal and City business. Limited personal use should be kept to a short duration of time that is typically less than the time that would be normally taken as a personal break.
- I. Employees using personal social media are advised not to use ethnic slurs, profanity, harassment, hate speech, libel, personal insults, or engage in any conduct that would not be acceptable in the City's workplace, and to void comments or topics that may be considered objectionable or inflammatory.
- J. Employees that identify themselves as City employees on social media networks are advised to ensure that their social media content is consistent with how they wish to present themselves to colleagues, citizens, and other stakeholders.
- K. Employees in violation of the City's Social Media Policy may be subject to disciplinary action, up to and including termination.

### 3.23 CELL PHONE POLICY

#### **PURPOSE:**

- A. Cellular phones and other wireless communication devices (collectively referred to as cell phone devices) have become commonplace and are often necessary for City staff to carry out the responsibilities of their positions in an effective and efficient manner. The cost of the business use of cell phone devices are subject to scrutiny by the Internal Revenue Service (IRS) and auditors who look for assurance that the costs incurred for cell phone use are only for official business. To support that all calls are only for business use, the IRS requires that all calls be specifically and properly identified as to their purpose; business or personal. This requirement significantly increases the record keeping responsibility and has caused the City to explore another option for covering the cost of cell phone use. This policy provides guidance on the options available for the provision of cell phone service.
- B. Department Heads will recommend a cell phone service plan and /or a cell phone device allowance based on an employee meeting one or more of the following criteria:

1. Works a significant amount of time (more than 35%) away from an office environment
2. Supervises/oversees personnel in the field, away from a central office area
3. Deemed “Critical” personnel in the event a City emergency is declared
4. Is assigned an after-hours customer service function, needs to be on-call, or may take customer (citizen or employee) calls after normal working hours

**OPTIONS:**

- A. Option 1 – Allowance for Employee-Owned Devices – Provide employees that are required to carry cell phone devices with a taxable allowance for the acquisition of the device and the monthly service charges. The allowance will be provided as taxable income to employees as part of their biweekly paycheck.
1. When completing the Requisition for Personnel form, the hiring supervisor shall recommend approval or denial of the cell phone allowance. The City Manager, upon his/her review and approval/disapproval of the Requisition for Personnel shall also indicate approval/disapproval of the cell phone allowance. The City Manager has final approval/disapproval of the cell phone allowance.
  2. Provides a periodic monetary payment towards the employee’s personal acquisition of a cell phone and payment of initial activation fees, upon proof of receipt. A cell phone equipment reimbursement may be paid no more often that once every two years and shall not be more than \$50.00 for a cell phone or \$200.00 for a Personal Digital Assistant (PDA) device. Authorization to purchase a PDA must be obtained in advance from the City Manager. Any extraordinary circumstances that might require exception to these limits requires the approval of the City Manager.
  3. Upon confirmation of the establishment/existence of cellular phone service, Human Resources shall initiate the allowance.
  4. The biweekly allowance is taxable income; therefore the individual will be taxed according to the regulations of the IRS code. It is not expected that the amount of the allowance will always cover the total cost of the equipment or service plan, since it is expected that the device will be used for personal as well as business use.
  5. Pursuant to public records law, your phone records may be subject to public inspection. Employees are advised to retain their cell phone records for a period of one year.
  6. Employees are advised to limit communication by text messages for any official City business. Should an official or employee receive communications related to City business by text message, and therefore, a part of the public record, the text message is to be forwarded or copied to their City e-mail account. Any response, if required, should also be forwarded or copied to their City email address. The

text message should not be deleted, until they are moved or copied to a City email address and stored on the City's email server.

7. A cell phone device acquired by the allowance method is considered to be the personal property of the employee and accordingly may be used in any way the employee deems appropriate. Any service contract entered into by an employee related to the acquisition and operation of a cell phone acquired by this method is personal to the employee and the City of Palm Coast will have no obligation or make any guarantee with respect to such contracts.
8. Should an employee owned cell phone be damaged in the course of the employee's job duties, a written request for replacement should be submitted to the Department Head. The Department Head shall have final determination in whether the City shall reimburse the employee for replacement of the cell phone.
9. The cell phone may be used for both personal and business calls. An employee with a cell phone allowance must maintain an active cell phone contract for the life of the allowance. The employee is responsible for providing the Department Head with the current contact phone number of a cell phone within two business days of activation or phone number change.
10. If, prior to the end of a cell phone contract, a personal decision, employee misconduct, or misuse of the phone results in the need to change or end the cell phone contract, the employee will bear the cost of any associated contract termination fees. Employees are responsible for notifying the Department Head immediately of inactivation of the cell phone device. An employee is prohibited from continuing to collect a monthly cell phone allowance when the device is no longer active or needed for the performance of the employee's job responsibilities.
11. Use of the cell phone in ways inconsistent with City policy, or with local, state or federal laws will result in immediate cancellation of the cell phone allowance. It is expected that should a cell phone allowance be provided, employees will respond to all calls in a timely manner. Employees who do not utilize their cell phones in the performance of their duties or otherwise restrict such use, shall risk losing their cell phone allowance and shall be subject to disciplinary action up to and including termination of employment.

**B. OPTION 2 – CITY APPROVED CELL PHONES** – This option is limited to situations or unusual circumstances in which the employee is unable to procure a personally owned cell phone device and the issuance of a City-owned cell phone may only be done with the written approval of the City Manager.

1. City provided cell phones should be used primarily for official business purposes. However, it is recognized that occasions arise where the occasional personal calls may be unavoidable. On such occasions, personal use should be limited in duration. All calls made with a City provided cell phone are considered public information and subject to public records request.
2. Per IRS regulations, cell phones are considered a fringe benefit supplied to

employees; therefore, the monthly cost of cell phone service must be taxed unto the employee. The total cost of the service will be taxed, in accordance with IRS regulations, and will be debited directly from an employee's biweekly paycheck. This direct taxation will eliminate the need for tracking personal calls, and eliminate the need for detailed record keeping and reimbursements to the City for personal phone calls.

3. A cell phone device provided by the City is considered to be the property of the City of Palm Coast. The service contract is entered into by the City, and all payments are made directly to the service provider by the City. The rate plan is selected by the City, and will be selected by approximating the employee's anticipated business use of the cell phone device. Should the employee exceed the contracted rate plan as a result of personal use, the employee will be responsible for any applicable fees associated with the overage. Employees assigned a City cell phone device are responsible for its physical protection from damage or unauthorized use. It is the responsibility of the employee to return a City owned cell phone to the City when it is no longer needed, or when the staff member separates from the department.
4. Use of the cell phone in ways inconsistent with City policy, or with local, state or federal laws will result in disciplinary action up to and including termination of employment. It is expected that should a cell phone be provided, employees will respond to all calls in a timely manner. Employees who do not utilize their cell phones in the performance of their duties or otherwise restrict such use, shall risk losing their cell phone and shall be subject to disciplinary action up to and including termination of employment.
5. Employees are advised to limit communication by text messages for any official City business. Should an official or employee receive communications related to City business by text message, and therefore, a part of the public record, the text message is to be forwarded or copied to their City e-mail account. Any response, if required, should also be forwarded or copied to their City email address. The text message should not be deleted, until they are moved or copied to a City email address and stored on the City's email server.

### 3.24 SMOKING POLICY (REV. 02/2018)

No use of tobacco products including cigarettes, e-cigarettes and chewing tobacco will be allowed within the facilities or vehicles of the City of Palm Coast at any time. Smoking or tobacco use shall be permitted only in designated smoking areas. Smoking outside of a designated area is prohibited. All materials used for smoking in designated smoking areas, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers.

3.25 VEHICLES  
(REV. 11/2020)

**A. PURPOSE**

The intent of this policy is to provide guidance for the proper and appropriate use of City vehicles.

**B. TO WHOM THIS POLICY APPLIES**

This policy applies to any City employee while operating City vehicles.

**C. GENERAL GUIDELINES**

City employees may only utilize City vehicles to conduct official City business. The determination as to whether a particular use is for official purposes is a matter of administrative discretion to be exercised within applicable guidance contained herein. When guidance does not specifically fit an area outlined in this policy, consider the following prior to use:

- a. The purpose of the City vehicle use must be essential to the successful completion of a City function, activity, program, or operation.
- b. The purpose of the City vehicle use must be consistent with the purpose for which the City vehicle was acquired.
- c. Other uses shall only be authorized by the approval of department directors or the City Manager's office.

**D. AUTHORIZED & UNAUTHORIZED DRIVERS**

The operation and use of the City's vehicles is limited to authorized City employees approved by Human Resources to operate City vehicles. Non-employees are not permitted to drive City vehicles.

Authorized Drivers include:

1. Employees that have a valid, current Florida Driver's License;
2. Employees that have current Motor Vehicle Record (MVR) on file in the employee's personnel file. Current is within twelve (12) months; and
3. Temp-hire City employees that are properly licensed after validation of their driving credentials/record.

Unauthorized Drivers include:

1. Employees that have a DUI (Driving under the Influence of Drugs or Alcohol), Vehicular Manslaughter, or Vehicular Homicide conviction within the past ten (10) years;
2. Employees that have two (2) or more moving violations within the past three (3) years; and
3. Employees that have any reckless driving convictions within three (3) years.

Authorized drivers agree to obey all state and federal traffic laws pertaining to the safe operation of a City vehicle, including the use of seat belts. Should a City employee who is authorized to drive a City vehicle receive a citation in a City vehicle, then they must report the Citation to their

immediate supervisor and Human Resource office as soon as possible. Should a City employee who is authorized to drive a City vehicle receive a citation in their personal vehicle, then they must report the Citation to their immediate supervisor and Human Resource office by the end of the next business day.

#### **E. UNAUTHORIZED CITY VEHICLE USE**

Individuals who use a City vehicle without proper authorization, use a City vehicle for the transportation of unauthorized passengers or materials, who receive multiple moving violations, use the vehicle for towing of non-City equipment/trailers, smoke within the City vehicle, use a City vehicle for other than its intended purpose or for personal use (except for an occasional brief stop), or who are in violation of the Drug and Alcohol Policy, may be subject to disciplinary action up to and including termination of employment.

The City of Palm Coast may use any information, data, or technology (including electronic monitoring), to ensure that City vehicles are utilized for authorized business use only and to ensure that City employees do not abuse the privilege of having the use of a City vehicle. Those City employees found to be in violation of this policy shall be subject to disciplinary action, up to and including the termination of their employment.

#### **F. CITY VEHICLE ACCIDENTS OR DAMAGE**

Whenever a City employee is involved in a motor vehicle collision or accident with a City vehicle, the City employee must notify law enforcement immediately to file a report. The protocol after an accident is as follows:

1. Call 911 to report the accident (if accident involves non-city owned property or other vehicles or if there is an injury requiring immediate medical response)
2. Call your immediate supervisor, who will immediately notify the Customer Service Desk at 386-986-2360 to open a case to track the incident. (See below)
3. Immediate supervisor or designee shall report to the scene to assist with evidence collection and escort the City employee to Mediquick for required screenings. (See below)
4. Do not leave the scene of the accident
5. Take multiple pictures of the accident scene and any damage to all City vehicles or other property involved (including license plates and PC numbers).
6. Obtain copy of police report or, at a minimum, the case number of the report to be filed.

Once law enforcement has cleared the accident scene, the City employee(s) involved will report to the City's approved medical provider for a medical evaluation and to have the required drug and alcohol screening.

After the accident is cleared and the City employee has been treated, Customer Service will assign work orders/tickets to the requisite POCs to complete accident inspections and repairs of the City vehicle. Finally, the City employee(s) involved will work with their supervisor to complete a Workers' Compensation Incident Report, a Vehicle Accident Report, and ensure the accident packet in the vehicle glove box has been returned.

If a City employee otherwise damages a City vehicle, the damage should be reported to their supervisor immediately. Fleet Management and Risk Management/Human Resources will provide guidance on how to proceed when this occurs depending on severity of damages and details surrounding the occurrence.



## **G. MAINTENANCE AND CONDITION OF CITY VEHICLES**

City employees are responsible for the proper cleaning and care of City vehicles that they use, performing periodic checks of tire pressure and fluid levels, and for reporting any mechanical problem immediately upon detection to Fleet Management. All Fleet maintenance request must be reported by sending a work order via the Intranet at:

<https://palmcoast.force.com/EmployeePortal/s/fleet-maintenance-request>

Any defects that will effect safe operation of a City vehicle shall immediately be reported to Fleet Management using the work order request form on the intranet. No City employee shall operate a City vehicle that is in an unsafe condition.

Any City vehicle damaged beyond normal wear and tear must be immediately reported to the City employee's supervisor and Fleet Management using the work order request form on the intranet.

Modifications to any City vehicle shall only be made by (or with the approval of) Fleet Management.

It is the responsibility of the City employee operating a City vehicle to maintain said vehicle in substantially the same condition as it was received. Ordinary wear and tear is expected. However, vehicle abuse or negligence in operator maintenance and operation could result in the City employee being held financially responsible for damages resulting from the abuse or negligence.

Suspected cases of City vehicle abuse or negligence will be reported to the City employee's director and to the City's Compliance Manager for further investigation and follow up action.

## **H. CITY VEHICLE INSURANCE AND REGISTRATION**

All City vehicles must have a copy of the vehicle insurance and registration cards located in the glove box at all times.

## **I. OTHER USES OF CITY VEHICLES:**

Department Directors or the City Manager can authorize that specific duty positions/employees be assigned a take-home/on-call City vehicle only when determined that such assignment is for the benefit of the City.

Take-home/on-call use of City vehicles shall not be used for leisure or non-official purposes, except where such a stop is at a place of business en route to official business or the City employee's residence for short convenience stops. Such stops shall not be at a place of business classified as a bar, tavern, liquor store, saloon or adult entertainment establishment.

### **3.26 DRIVING RECORDS**

Any employees required, as a condition of employment, to possess and maintain a valid Florida Driver's License (Commercial or Non-Commercial) shall immediately (prior to reporting to duty the next workday) inform his or her supervisor when the license becomes invalid, restricted, suspended, or revoked. Employees are also required to report any time a charge has been made against the employee that could result in the invalidation; restriction, suspension, or revocation of their license and they must also report any incidents that would disqualify them to drive a City

vehicle (see Section 3.24 E). Failure to comply with this policy may result in disciplinary action up to and including discharge.

### 3.27 DRUG AND/OR ALCOHOL USE/CONSUMPTION

- A. The sale, use, acceptance, possession of, or being under the influence of alcoholic beverages, illegal drugs, or illegal substances on City time, City property or in any City building, facility or equipment is prohibited and is considered misconduct.,
- B. The provisions of Section 13 are applicable to situations when testing of an employee for drug and/or alcohol use is to occur.

### 3.28 FIREARMS/WEAPONS

Employees shall not have on their person or in their possession on any City property, any firearm or weapon, as defined in Section 790.001, *Florida Statutes*, and it shall be a violation subject to disciplinary action for any employee to so act.

### 3.29 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) OR HIV POSITIVE

- A. The City's goal is to provide employees with the necessary medical information to understand his/her medical risk in contracting this illness and to learn prevention techniques. Moreover, the City desires to safeguard the health of all employees, maintain productivity, and demonstrate our commitment to the City's affirmative action goals by providing work for employees who are may be disabled but are medically fit to work..
- B. It is the City's policy to allow employees who are HIV positive or have AIDS who are medically fit to work to continue employment by providing reasonable work accommodation for them while accommodating the need for everyone else's safety. The reasonable accommodation will include intermittent leave as provided by the Family and Medical Leave Act. It is also City policy not to ask employees about his/her health unless there exists a business justification for doing so.
- C. The following medical information on AIDS is followed by specific procedures when an employee has AIDS or is HIV positive.
  - 1. AIDS compromises immunity and causes a breakdown in a person's normal protection against infections.
  - 2. Symptoms may appear long after contracting this disease. It is possible that some employees may already have contracted it but still be symptom-free.
  - 3. Medical experts advise there is no known risk of AIDS transmission between an affected employee and other employees while engaged in his/her normal activities which may involve close contact at work. This disease is not transmitted through breathing the same air or through use of toilet facilities. This disease, which primarily has affected homosexual and bisexual individuals as well as drug users, is known to be transmitted through intimate sexual contact, direct contamination with blood or bodily secretions from a person with AIDS, or by sharing hypodermic needles. Even such poor hygienic practices as sharing a cigarette or a

drinking cup are not a recognized risk of AIDS infection in a healthy person.

4. Normally healthy persons need not fear infection through contact with AIDS victims by riding in the same car, living together, working together, or eating together. People with AIDS, however, are at much greater risk of developing infections from healthy individuals, as the AIDS victim's resistance to illness is impaired.
- D. The physical and emotional health and well-being of all employees must be protected and reasonable accommodation for the employee with AIDS (or who is HIV positive), though medically fit to work, must be provided. To meet these goals, these guidelines are to be followed:
1. The manager who learns that an employee has AIDS (or who is HIV positive) is to notify Human Resources, as well as any others with a need to know.
  2. The City may, based upon job-related criteria and consistent with business necessity, may request that the employee with AIDS (or who is positive with HIV) obtain a written medical opinion that the employee is medically fit to perform essential job functions. The City has the right to require an examination of the employee and the employee's medical records by a physician of its choice in order to obtain a second medical opinion. If the two (2) opinions do not agree, the matter will be referred to Human Resources.
  3. The City will assess the need for job modification or transfer for the employee to minimize the ill employee's exposure to further infections.
  4. If a healthy employee refuses to work with an employee with AIDS (or who is HIV positive) who has been medically approved fit to work, job transfer or other work accommodation for the healthy employee will only occur when medically indicated by order of his or her own physician. The City retains the right to require an examination of the employee and the employee's medical records by a physician chosen by the City in order to obtain a second opinion. If the two (2) opinions differ, the matter will be referred to Human Resources. In the absence of a medical order, normal transfer procedures will be followed.
  5. To ensure that all employees have accurate medical information regarding AIDS, and to reduce unnecessary fear, managers will distribute brochures on AIDS to all employees.
- E. Employees who have AIDS (or who are HIV positive) will be provided leave and intermittent leave in accordance with the City's policy which is based on the Family and Medical Leave Act.

### 3.30 INTERFERING OR THREATENING DOMESTIC ANIMALS

- A. Situations may arise when a City employee will be assigned duties that may result in situations when the employee is threatened by a domestic animal. Meter readers and site inspectors are examples of employees who may be involved in such confrontations. It is

important for supervisors to ensure that employees under their responsibility are provided with adequate resources to protect themselves from threatening domestic animals and are instructed in the appropriate manner in which to deal with animals that interfere with the performance of duties.

- B. City employees shall not antagonize or attempt to pet or interact with domestic animals.
- C. No employee is required to enter areas where animals interfere with entry onto property or exhibit threatening behaviors toward the employee. Appropriate authorities may be contacted for assistance in such circumstances. If an employee is threatened by a domestic animal, the employee is authorized to use animal repellent to deter the attack. If repellent is used by an employee to deter an attack by an animal, the incident shall be reported in writing to the employee's supervisor and a copy of the report shall be furnished to the City's Risk Management office.
- D. Supervisors may procure repellents to distribute to their employees in accordance with City Purchasing Policies.
- E. Employees shall report interfering or threatening animals to their supervisors in order that appropriate actions may be taken to address such situations.

### 3.31 FRAUD, WASTE, ABUSE, AND WHISTLEBLOWER PROTECTION (REV. 2/2021)

#### **POLICY**

The City will take appropriate steps to thoroughly evaluate any allegations of improper governmental action that are brought to its attention. No City official or employee shall take retaliatory personnel action against any employee, who, in good faith, has made a complaint concerning improper governmental action. This policy reflects the City's ongoing commitment to support open, ethical, accountable, and transparent local government.

#### **PURPOSE**

It is the purpose of this policy to 1) encourage employees to report information concerning any allegedly improper governmental action or subsequent retaliation by the City's officers or employees by providing employees who make such reports with protection against retaliation, and 2) to reinforce the expected values and behaviors of City officials and employees due to their role as guardians of the public trust and resources.

#### **DEFINITIONS**

**Florida Public Sector Whistleblower Act ("Public Sector Act")**-Florida Statute(s), which set forth certain protections for employees who report to the City, violations of law by the City or by a contractor of the City, which create a substantial and specific danger to the public's health, safety, or welfare. *See* § 112.3187, *et seq.*, Florida Statutes.

**Employee**-person who performs services for, and under the control and direction of, or contracts with, the City for wages or other remuneration. This shall include employees, job applicants, as well as independent contractors of the City.

**Protected Conduct-**The Public Sector Act protects only those who disclose certain types of information, to certain entities, and under certain circumstances.

- a. Types of information about which protected disclosures may be made:
  - i. Disclosures about any violation or suspected violation:
    - 1) Of a federal, state, or local law, rule, or regulation;
    - 2) Committed by an employee or agent of the City, or independent contractor of the City;
    - 3) Which creates and presents a substantial and specific danger to the public's health, safety or welfare.
  - ii. Disclosures about an act or suspected act:
    - 1) Of gross mismanagement, malfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty;
      - a) Gross mismanagement means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.
      - b) Misfeasance is the improper doing of an act that a person might lawfully do.
      - c) Malfeasance is the doing of an act that a person ought not to do at all.
    - 2) Committed by an employee or agent of the City or independent contractor of the City.
- b. The disclosure must make specific allegations that the City was violating the law or engaging in gross mismanagement, malfeasance, or neglect of duty.  
*See §112.3187(5), Fla. Stat.*

**Policy Contacts-** City Manager and/or Director of Human Resources and/or other person designated by the City to receive complaints under this policy.

**Circumstances of the disclosure-**To engage in a protected activity under this policy, the employee or person making a report must:

- a. Disclose information as set forth in this policy to the Director of Human Resources, or City Manager, or other person designated by the City to receive complaints under this policy, in a written and signed complaint; or
- b. Disclose information to the Florida Commission on Human Relations; or
- c. Have been requested to participate in an investigation, hearing, or other inquiry conducted by the City or other agency; or
- d. Have refused to participate in an adverse action prohibited by § 112.3187; or
- e. Have initiated a complaint through the City's Website or the City's Fraud & Waste Hotline (which shall then be transmitted to the Director of Human Resources, or when applicable, other Policy Contact).

**Exclusions from Protected Conduct-**Neither the Public Sector Act nor this policy protects a person who committed or intentionally participated in committing the violated or suspected violation, or who discloses information he or she knows to be false.

**Prohibited Actions-**This policy prohibits the City and any independent contractor of the City from retaliatory personnel action against any "employee" based on the employee engaging in activity protected by Section 112.3187, Florida Statutes, and/or this policy.

**Retaliatory Personnel Action**-shall mean the discharge, suspension, or demotion by an employer of an employee or any other adverse employment action taken by an employer against an employee in the terms and conditions of employment.

**Confidentiality of Reporting**-This policy prohibits disclosure of the identity of the Whistleblower, during or subsequent to the investigation of the disclosures or complaint made by the Whistleblower. The Whistleblower, however, may waive confidentiality, either fully or partially. Additionally, in the event that criminal charges are filed in relation to the Whistleblower's complaint, then confidentiality shall be at the discretion of the State Attorney's Office and/or a judge.

**Procedural Steps**-There are procedural steps and time limitations that must be adhered to before an employee, former employee, applicant of the City, or other applicable person, may properly bring a lawsuit under the Public Sector Act. *See* § 112.3187, Florida Statutes. In the event that such employee, former employee, applicant, or other applicable person fails to adhere to such procedural steps and/or time limitations, his or her claim(s) under the Public Sector Act may be barred.

## **PROCEDURES**

**\*Anonymous, unsigned complaints, made to the City Manager, Director of Human Resources, or other Policy Conduct, as well as anonymous complaints made through the City's Website or the City's Fraud & Waste Hotline, or to any other person or through any other mechanism, while they may still be investigated, are not protected activities under either the Public Sector Act or this policy.**

**EthicsPoint**-Complaints brought under this Policy, as well as other types of complaints, are sometimes, though not necessarily, tracked through EthicsPoint. EthicsPoint is an on-line reporting tool utilized by the City, which is designed to organize complaints of alleged misconduct. Only the Director of Human Resources, and other persons specifically authorized by the City, shall have access to EthicsPoint. When Complaints are made through the City's Website or the City's Fraud & Abuse Hotline, a notification of such Complaint is made by EthicsPoint to the Director of Human Resources and/or other person designated by the City to receive such notifications. Complaints are assigned an EthicsPoint Case Number, and pertinent information related to the complaint and its investigation, if any, can be recorded, in confidence, under the applicable Case Number.

**Whistleblower Status Determination**-Upon receipt of a complaint, the City shall make a determination of whether the complaint is a Whistleblower Complaint, such that the complainant is entitled to Whistleblower protection under the Public Sector Act, and/or this policy, versus another type of complaint, e.g., personality dispute between supervisor and subordinate, or claims of fraud, waste, or abuse where the complainant has no reason to believe that s/he has been subject to retaliatory personnel for having made such report. Additional fact finding may need to occur before such determination is made. If there is any question, the decision about whether a complaint is a Whistleblower Complaint, or whether a complainant should be designated as a protected Whistleblower, may be made with assistance of the City Attorney, or other designee. Among the considerations for determining whether Whistleblower status applies are whether a) the complaint was raised by an employee, former employee, applicant, or contractor of the City, b) whether it was raised within sixty (60) days of an adverse employment action, c) whether it was properly reported to the City Manager, the Director of Human Resources, or Policy Contact, or through the City's Website or the City's Fraud & Waste Hotline, and d) whether the Complaint involves "Protected Conduct," as may be further defined in Section 112.3187(5), Florida Statutes and/or this policy.

If it is determined that Whistleblower status exists, the investigation of the Complaint shall proceed according to the "**Whistleblower Investigation Track.**" If it is determined that Whistleblower status does not exist, the investigation of the Complaint shall proceed according the "**Regular Investigation Track**" or if applicable, in accordance with other City policy, procedure, or practice.

**Allegations or Matters Covered by Other City Offices**-Some issues or allegations should be reported directly to other City departments and not pursuant to this Policy or through the City's website or Fraud & Abuse Hotline. The intent of the Fraud, Waste, Abuse and Whistleblower Protection Policy is not to replace or limit other reporting options. For example, general employee grievances, allegations of discrimination, workers' compensation claims, code enforcement violations, etc., should typically be reported under other City policies and procedures applicable to those types of issues and not under this policy.

### **Some Examples of the Types of Misconduct Employees Should Report under this Policy**

Employees should report misconduct like contractor overbilling, payroll fraud, bid rigging, kickback schemes, bribery, theft, gross mismanagement of a program that puts others at risk, and/or fraud or cover-ups by employees or contractors that endanger the public. This is not an exhaustive list, but rather, these are examples of the types of conduct that should be reported under this policy.

### **WHISTLEBLOWER INVESTIGATION TRACK**

- 1) Upon determination that a complaint has been designated as a Whistleblower Investigation Track complaint, the Policy Contact or his or her designee shall, within five (5) business days, contact complainant to let him or her know that the report has been received and shall be investigated. The City shall determine whether the Complainant wishes to remain confidential or if s/he waives confidentiality. If s/he elects to waive confidentiality or agrees to a limited waiver of confidentiality (agreement that his/her identity may only be disclosed to a certain person or for limited purposes), the complainant shall be asked to sign a dated, written acknowledgment that s/he has waived such confidentiality.
- 2) Typically, though not necessarily, the City will interview the complainant first. If the complainant has documents to support his or her concerns or allegations, the Investigator may request such documents, and review them prior to, or after, the investigation interview. **The Investigator shall ascertain whether the complainant believes or contends that s/he has been subject to any retaliatory personnel action as a result of engaging in any Protected Conduct. The complainant shall be asked to sign a statement which identifies whether s/he believes that s/he has been subject to any retaliatory personnel action as a result, in whole or in part, of engaging in any Protected Conduct.**
- 3) The City may interview other appropriate witnesses.
- 4) The City may interview the person(s) accused of having engaged in behavior prompting the complaint and/or who have been alleged to have taken retaliatory personnel action against the complainant. Such person(s) will be questioned about the allegations. The City will typically also inquire out about any witnesses or documents identified by such accused persons.
- 5) The Investigator will typically prepare an Investigation Report. Generally, the report will outline allegations, a summary of the investigation, and findings. **The Report shall also state whether the complainant believes or contends that s/he has been the subject to a retaliatory personnel action as a result, in whole or in part, of engaging in any Protected Conduct.** The Investigator may make findings on this issue but shall nevertheless report whether the complainant believes s/he has been the subject of a retaliatory personnel action as a result, in whole or in part, of engaging in any Protected Conduct.
- 6) **If, regardless of the Investigator's findings, the complainant believes that s/he has been subject to a retaliatory personnel action as a result, in whole or in part, of engaging in any Protected Conduct, the matter SHALL be referred to an Independent Review Panel for further consideration.** The above-referenced Investigation Report, and referral to the Independent Review Panel, shall, where practicable, occur within forty-five (45) days of complainant's Whistleblower Complaint. Extensions shall be permitted where necessary, or practicable, in the discretion of the Policy Contact, Investigator and/or City.

- 7) If, however, the complainant does not believe or contend that s/he has been subject to a retaliatory personnel action as a result, in whole or in part, of engaging in Protected Conduct, the matter SHALL NOT be referred to the Independent Review Panel for further consideration. However, the contents and the findings of the investigation, and Investigation Report, if any, shall be shared with the City Manager, and the City shall determine whether any concern or complaint raised by the complainant should be remedied or otherwise addressed by the City. This shall include, if applicable, consideration of whether to separately investigate or discipline any person(s) identified by the complainant as having engaged in misconduct.
- 8) In all cases, absent a waiver, the name of the complainant shall remain confidential, and be redacted from any Investigation Report, with the possible exception that in the event that criminal charges are filed in relation to the Whistleblower's complaint, then confidentiality shall be at the discretion of the State Attorney's Office and/or a judge.

## **WHISTLEBLOWER INVESTIGATION TRACK-INDEPENDENT REVIEW PANEL**

Upon referral of a Whistleblower Complaint to the Independent Review Panel, the Independent Review Panel shall conduct a hearing after notice to the complainant and the respondent (the respondent will typically be the City and/or a City employee or City independent contractor alleged to have engaged in retaliatory misconduct).<sup>1</sup>

Any interested party may provide the attendance of witnesses and the production of records. The Independent Review Panel shall have the authority to 1) conduct hearings under this policy, 2) issue subpoenas which require the attendance of witnesses and the production of books, papers, records, and other evidence, 3) administer to any person the oath usually administered to witnesses and to require such person to make a full and fair disclosure of all facts within the witness's knowledge which are properly relevant to the subject matter of any such hearing, 4) review evidence, and 5) to make findings of fact, conclusions of law, and recommendations. The Independent Review Panel may direct the City Attorney or his or her designee, or other person retained by the City, to assist with the administration of the hearing, to advise it on evidentiary matters and objections, to prepare subpoenas, and to administer oaths on the Panel's behalf.

All hearings by the Independent Review Panel shall be commenced insofar as is practicable within ninety (90) days of the City's receipt of a Whistleblower Complaint, except that the City Manager, the Director of Human Resources, and/or the Independent Review Panel, shall have the authority to extend such time for reasonable cause.

The Independent Review Panel shall make written findings of fact, conclusions of law and any recommendation(s) it deems appropriate following a Whistleblower Investigation Track hearing. The Independent Review Panel shall have the authority to recommend the following relief, in the event that relief is determined to be appropriate, based upon the Independent Review Panel's findings (as guided by applicable Florida law):

- 1) Refer the matter to the City Manager, for consideration of appropriate disciplinary action, if appropriate, of each City employee involved, if any;
- 2) Reinstatement of the affected employee to the same position held before the retaliatory personnel action was commenced or to an equivalent position, or award reasonable front pay as an alternative to reinstatement;
- 3) Reinstatement of the affected employee's fringe benefits and seniority rights, as appropriate;

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1. Alternatively, the City may, in its sole discretion, contract with the Division of Administrative Hearings under § 120.65, Fla. Stat., to conduct such hearing, make findings of fact, conclusions of law, and determine such recommendations and/or relief it deems just and proper.



- 4) Compensate the affected employee, if appropriate, for lost wages, benefits, and other lost remuneration caused by the retaliatory personnel action;
- 5) Sanction a City independent contractor for violations of this policy in one or more of the following ways:
  - a) Require the City independent contractor to compensate the person or reimburse the City for any amounts paid by the City to compensate the person, for the lost income, benefits or other lost remuneration caused by the retaliatory personnel action of the City independent contractor.
  - b) Debar the City independent contractor in accordance with the debarment procedures of the City, if any.
  - c) Suspend payment or terminate payment under the contract or terminate the contract with the City independent contractor.
  - d) If a City independent contractor fails to pay any sanctions that are assessed by the City under this section, such independent contractor and all officers, principals, directors, shareholders owning or controlling 10 percent or more of the stock, partners, qualifiers, divisions or other organizational elements of the non-complying City independent contractor may be declared by the City to be ineligible for bidding on or otherwise participating in City contracts and permits until all required payments have been paid in full and regardless of whether such payment has been made may also be declared ineligible for bidding or otherwise participating in City contracts for a period of up to three (3) years. In addition all employers shall be ineligible for City contracts and permits under this article where any officers, principals, directors, shareholders owning or controlling ten (10) percent or more of the stock, partners, qualifiers, divisions or other organizational elements of the covered employer were officers, principals, directors, shareholders owning or controlling ten (10) percent or more of the stock, partners, qualifiers, divisions or other organizational elements of an employer who has been declared ineligible under this article.
  - e) All such sanctions against a City independent contractor recommended or imposed under this section shall be a matter of public record.
  - f) All sanctions imposed against a City independent contractor pursuant to the authority of this section shall bear interest at the same rate as the State of Florida statutory rate for judgments provided by section 55.03, Florida Statutes
  - g) No remedy against a City independent contractor, as set forth in this section, is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce the right in a court of law.
- 6) In any case in which the Independent Review Panel finds that the complainant filed a frivolous complaint in bad faith, the Independent Review Panel may direct such person to pay the costs of the hearing, including attorney's fees.

The Independent Review Panel shall, within sixty (60) days of such hearing, transmit its findings of fact, conclusions of law to the City Manager for a final decision, unless the City Manager is determined by the Independent Review Panel to have engaged in retaliatory personnel action pursuant to its hearing, in which case such information shall be transmitted to the Mayor for a final decision.

The City Manager, or if applicable, the Mayor, may sustain, reverse, or modify any actions recommended by the Independent Review Panel. Such decision of the City Manager, or if applicable, the Mayor, shall be issued within thirty (30) days of the completed transmittal by the Independent Review Panel, unless an extension for reasonable cause is requested, in which case the decision of the City Manager, or if applicable, the Mayor, shall be issued no more than sixty (60) days after the completed transmittal.

The Independent Review Panel may direct the City Attorney or his or her designee, or other person retained by the City, to assist with preparation of, or provide legal guidance regarding, the Panel's findings of fact, conclusions of law, and/or recommendations.

The City Manager, or if applicable, the Mayor, may direct the City Attorney or his or her designee, or other person retained by the City, to provide legal guidance regarding, the decision to sustain, reverse, or modify any actions recommended by the Independent Review Panel.

## **REGULAR INVESTIGATION TRACK**

- 1) If it is determined that the complaint raised is not a Whistleblower Complaint, including any complaints where the complainant does not believe that s/he has been subject to any retaliatory personnel action as a result, in whole or in part, of engaging in any Protected Conduct, the Director of Human Resources or designee may determine whether the complaint or issue(s) raised would more appropriately be handled or investigated by another City Department. If appropriate, the Director of Human Resources or designee may refer the matter to another City Department for consideration. For instance, if a complainant, through the City's Website or Fraud & Abuse Hotline, makes a complaint that a next-door neighbor refuses to clean up their yard, the Director of Human Resources or designee may elect to forward the issue or complaint to Code Enforcement. If so, the Director of Human Resources or designee should, within five (5) business days, notify the complainant that the matter has been referred to another City Office, Department, or person, and provide the complainant with such Office's, Department's, or person's contact information. If an EthicsPoint Case file or number has been established, the referral to the other Office, Department, or person should be noted in EthicsPoint, and the EthicsPoint Case file may be closed.
- 2) If the matter is not referred to another to another City Department, the Director of Human Resources or designee should contact complainant within five (5) business days of his/her report to let him/her know that the report has been received and shall be looked into. The matter should be treated confidentially to the extent feasible, but in some instances, names or information may need to be divulged in order to fully investigate the issues or claims. As an example, if the complainant has alleged that s/he felt threatened by another employee, the Investigator may need to divulge the name of the complainant to the accused employee, in order to get the accused's response.
- 3) In some instances, the need to launch a formal investigation will be apparent. In others, it may be necessary or reasonable for the City to engage in fact finding before launching a formal investigation. For instance, if the complainant alleges that x person violated City policy, and fact finding reflects that x person does not work for, and is not otherwise associated with the City, then a formal investigation would likely be unnecessary. In instances where fact finding reflects that no formal investigation need be conducted, the complainant may be notified that no investigation will be undertaken, and the matter can be closed.
- 4) If a formal investigation is warranted, typically, though not necessarily, the City will interview the complainant first. If the witness has documents to support his or her concerns or allegations, the Investigator may request such documents, and review them prior to, or after, the interview. The Investigator will typically question the complainant out about any witnesses or other relevant documents.
- 5) The City may interview other witnesses.
- 6) The City may interview the person(s) accused to have engaged in the behavior prompting the complaint. Such person(s) will be questioned about the allegations. The City will typically also inquire out about any witnesses or documents identified by such accused persons.
- 7) The Investigator will typically prepare an Investigation Report or other memorandum. Generally, the report will outline allegations, a summary of the investigation, and findings.
- 8) The Investigative Report or other memorandum, if prepared, will be provided to the City Manager upon completion, who shall, where applicable, ultimately be responsible for approval or disapproval of any discipline based upon the finding(s) of the investigation, if any, and any other corrective measures. Such decisions may be made in conjunction with Human Resources, the City Attorney, or any other person or information deemed appropriate. If no investigative report or other memorandum

is prepared, the Director or Human Resources, or designee, shall nevertheless share his/her findings, and other pertinent information with the City Manager, upon request.

**Additional Considerations for all Internal Investigations Conducted by the City or on the City's Behalf-**

In some instances, depending on the severity or nature of the allegations, an internal investigation may need to occur immediately. Also, it may be appropriate to suspend an accused employee, with or without pay, or place him/her on administrative leave pending the outcome of an investigation, or to refer the matter to law enforcement.

All internal investigations, as well as any suspension or placement on administrative leave, should be conducted with the knowledge of the Director of Human Resources, or if the investigation involves allegations of misconduct by the Director of Human Resources, then the City Manager.

**No employee of the City is authorized to initiate an internal investigation of employee misconduct without first bringing the matter to the attention of the Director of Human Resources or his or her designee and obtaining approval or agreement to conduct such investigation, except that either the Director of Human Resources or the City Manager may direct that an internal investigation be undertaken. This shall not preclude supervisors or department Directors from engaging in fact finding to determine whether an investigation may be warranted, or from recommending that an internal investigation be undertaken. The Director of Human Resources shall have the authority to determine if an internal investigation should be undertaken, to conduct such investigation himself or herself, to assign it to another person if s/he deems it appropriate, and/or agree that it may be conducted by another supervisory-level employee.** In the event that there is a dispute as to whether an internal investigation should be undertaken, the affected person is encouraged to discuss the matter with the City Manager.

**REPORTING TO THE CITY MANAGER**

Under Article V of the City Charter, the City Manager is the City's Chief Executive Officer, and is responsible for all City employees except the City Attorney. The City Manager cannot properly execute his/her functions if he or she is not made aware of relevant allegations against the City, or City employees, or investigation of the City or City employees. Thus, the City Manager should be made aware of all internal investigations occurring in the City as soon as is practicable, including any investigations against the City Manager, if any. To the extent allegations involve the City Manager, the disclosure to the City Manager may be limited to a short summary of the allegations, and the status of any investigation. Also, it may be appropriate where the City Manager could be designated to hear an appeal by an employee who may be subjected to an adverse action as a result of an internal investigation, to provide the City Manager, prior to the appeal and/or an appeal hearing, with only general information concerning an allegation or investigation involving a City employee. In certain instances, especially where the health or safety of City employees, City residents, City visitor, or City property, is a concern, additional disclosures to the City Manager may be appropriate, and should thus be provided. In the event of a Whistleblower Investigation Track matter, all communications between the Director of Human Resources or his or her designee and the City Manager shall be considered confidential, and unless the complainant has waived his/her confidentiality, his/her name shall not be provided to the City Manager, absent agreement by the City Attorney or other designee that it is appropriate to provide his/her name to the City Manager under the circumstances.

**NOTICE OF INVESTIGATION TO ACCUSED**

If it is beyond the pre-investigation fact-finding stage, and it is determined that a formal investigation shall occur, the accused employee, former employee, or contractor, shall be placed on notice that s/he is being investigated. In cases of possible criminal conduct, it may be prudent to discuss the matter with law

enforcement prior to placing the accused person on notice of the investigation, so as not to interfere with any criminal investigation. Otherwise, the accused person should be placed on notice of a formal investigation prior to initiation of such investigation, or if prior notice is not possible or practicable, as soon as is possible or practicable.

## **NOTICE OF INVESTIGATION INTERVIEW TO ACCUSED AND WITNESSES**

If it is beyond the pre-investigation fact-finding stage, and a complainant, accused or witness is going to be interviewed as part of an internal investigation, the complainant, accused or witness should be placed on notice that s/he is going to be interviewed for such purpose. Wherever practicable, the complainant, accused or witness should be notified prior to the interview that s/he will be interviewed as part of an internal investigation, or if prior notice is not possible or practicable, at the beginning of the interview, or as soon after the interview as is practicable. Often, when an accused is to be interviewed, the accused can be made aware of the date and time of his/her investigatory interview when s/he is placed on Notice that s/he is the subject of an internal investigation.

Generally speaking, an accused should be placed on notice of his/her interview at least forty-eight (48) hours prior to the interview.

Generally speaking, a witness should be placed on notice of his/her interview at least twenty-four (24) hours prior to the interview.

The accused and/or witnesses should be reminded of the confidential nature of an internal investigation during an investigation interview.

A failure or refusal of an accused or witness to participate in an investigatory interview may be considered insubordinate, and grounds for discipline, up to and including termination.

## **WEINGARTEN, LOUDERMILL, GARRITY, AND FIREFIGHTER RIGHTS**

The applicability of the following rights shall be taken into consideration as part of internal investigations conducted by the City, and where applicable, the employee being investigated shall be afforded such rights:

**Weingarten Rights**-Weingarten rights guarantee a bargaining-unit employee the right to Union representation during an investigation interview, where s/he requests such Union representation.

**Loudermill Rights**-Employees who have a property interest in their jobs are entitled to certain due process rights prior to termination. These rights include oral or written notice of the charges against them, an explanation of the employer's evidence, and an opportunity to be heard in response to the proposed action. Loudermill rights are applicable in instances when the employee has a property interest in his/her job may have a loss of pay, such as suspension, termination, or demotion.

**Garrity Rights**-Garrity Rights protect public employees from being compelled to incriminate themselves during investigation interviews conducted by their employers. A Garrity warning generally reflects that answers compelled by a public employer during an investigation interview cannot be used against the employee from whom the answers were compelled, in a criminal investigation; and that if, despite such warning, the employee still refuses to answer the employer's question(s), the employee shall be subject to termination.

**Firefighter Rights**-Whenever a firefighter is subjected to an interrogation by the City:

- 1) The interrogation shall take place at the facility where the investigating officer is assigned, or at the facility which has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer.

- 2) No firefighter shall be subjected to interrogation without first receiving written notice of sufficient detail of the investigation in order to reasonably apprise the firefighter of the nature of the investigation. The firefighter shall be informed beforehand of the names of all complainants.
- 3) All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter is on duty, unless the importance of the interrogation or investigation is of such a nature that immediate action is required.
- 4) The firefighter under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons present during any interrogation.
- 5) Interrogation sessions shall be of reasonable duration and the firefighter shall be permitted reasonable periods for rest and personal necessities.
- 6) The firefighter being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.
- 7) A complete record of any interrogation shall be made, and if a transcript of such interrogation is made, the firefighter under investigation shall be entitled to a copy without charge. Such record may be electronically recorded.
- 8) An employee or officer of an employing agency may represent the agency, and an employee organization may represent any member of a bargaining unit desiring such representation in any proceeding to which this part applies. If a collective bargaining agreement provides for the presence of a representative of the collective bargaining unit during investigations or interrogations, such representative shall be allowed to be present.
- 9) No firefighter shall be discharged, disciplined, demoted, denied promotion or seniority, transferred, reassigned, or otherwise disciplined or discriminated against in regard to his or her employment, or be threatened with any such treatment as retaliation for or by reason solely of his or her exercise of any of the rights granted or protected by these sections 1)-9) above, or as further set forth in Section 112.82, Florida Statutes.

## **MISCELLANEOUS**

\*To the extent that the City provides an employee with due process including, but not necessarily limited to, notice of allegations against him or her, an explanation of the City's evidence or the allegations, and/or an opportunity to be heard in response to the proposed action or allegation, it IS NOT an admission by the City that such employee has a property interest in his or her job, and is not intended to provide such employee with a property interest or expectancy of employment, continued employment, or appointment.

\*\*To the extent that a Collective Bargaining Agreement (CBA) exists, applies to the City and the affected employee, and is in conflict with the City's Fraud, Waste, Abuse and Whistleblower Protection Policy, and/or Procedures, the CBA shall govern.

\*\*\*Any deadlines set forth in the City's Fraud, Waste, Abuse and Whistleblower Protection Policy are subject to change by the City, in the City's discretion and/or as stated in the policy. Also, the Procedures set forth in the Policy, except where required by law, are subject to change by the City, in the City's sole discretion and/or as stated in the policy. Investigations and procedures under this policy are handled by the City on a case-by-case basis, and intervening events, as well as the nature, size, and complexity of the investigation, among other things, may impact the administration of this policy.

\*\*\*\*The City may, in its sole discretion, utilize the City Attorney and/or retain an outside investigator, attorney, consultant, or other third party, to assist with, fact-finding, investigation, and reporting, or other matters, actions, or requirements, under this policy.

### 3.32 FIRE PREVENTION POLICY

**POLICY:** The City restricts and prohibits the use of materials, appliances, or items that may cause a fire in the workplace. The restricted and prohibited materials, appliances, or items are listed below in sections “A” and “B” of this policy. The City requires that persons aware of a current or potential fire hazard to report it immediately to their supervisor and use firefighting measures if available, such as a fire extinguisher. For the purposes of this policy, “Restricted Use” applies to materials, appliances, or items which may be used under specific circumstances and/or if they meet the defined specifications outlined in section “A”, and “Prohibited Use” applies to materials, appliances, or items which must not be used, stored, or manufactured under any circumstances on City property outlined in section “B”.

#### **A. RESTRICTED USE**

1. Lighters/Matches
  - a. May be used for the purposes of cooking or other uses approved by the department’s management.
2. Lighter Fluid/Propane/Charcoal/Food Warming Systems
  - a. May be used for the purposes of cooking or other uses approved by the department’s management.
3. Non-Commercial Space Heaters/Radiant Heaters
  - a. May be used if the Space Heater/Radiant Heater meets at a minimum the following specifications:
    - i. Test Laboratory Approval: Space heaters must display a nationally recognized testing laboratory seal of approval such as Under Writers Lab (UL) and Factory Mutual Insurance.
    - ii. Automatic Tip-Over/Shut-Off function: The heater must be equipped with a safety tip-over shut-off function. This function will cause the appliance to automatically shut off if the heater should become overheated or is accidentally tipped over.
    - iii. Energy Usage: Heaters may not produce more than 1500 watts of heat or require more than 120 volts or 12.5 amps of power to operate.
    - iv. Extension Cords Prohibited: Space heater may not be used in conjunction with an extension cord, and must be plugged directly into the wall electrical outlet.
  - b. Other required practices and rules that must be followed:
    - i. Heater Placement:
      1. Keep electrical cords, drapery, furnishings, all combustible materials at least 3 feet away.
      2. May not be used in rooms where flammable liquids and gases are being used or stored.
      3. Must be turned off and unplugged from the outlet daily.
      4. Do not leave heater unattended.
    - ii. Monthly Self Inspection:
      1. Inspect electrical cords for frayed, hot, or brittle power cords.
      2. Inspect for loose noisy motors, housing, and control buttons where repair or replacement may be warranted.
      3. Clean away dust particles and ensure the appliance is stable.

4. Remove cords that present a trip hazard.
- iii. All portable electric heaters must comply with *NFPA 1, Fire Code, section 11.5.3* as follows:
  1. *11.5.3.1 The AHJ (authority having jurisdiction) shall be permitted to prohibit use of portable electric heaters in occupancies or situations where such use or operation would present an undue danger to life or property.*
  2. *11.5.3.2 Portable electric heaters shall be designed and located so that they cannot be easily overturned.*
  3. *11.5.3.3 All portable electric heaters shall be listed.*
- iv. Space heaters/Radiant heaters that fail to conform to the above requirements must be removed immediately.

**B. PROHIBITED USE**

1. Candles
2. Explosives
3. All other potentially dangerous and/or flammable materials, appliances, or items where the specific use is undefined and not approved by the department's management.

## SECTION 4 - EMPLOYMENT POLICIES

### 4.01 APPOINTING AUTHORITY

The City Manager has the authority of appointment and removal of subordinate positions. Such authority may be delegated.

### 4.02 POSITION CONTROL

- A. All positions in the City are established and maintained through personnel budgets each fiscal year. The establishment of new or additional positions will be authorized by the City Manager and/or designee subject to adequate justification of need and availability of funds.
- B. Individuals utilized by the City via a "Contract for Services" shall be classified as independent contractors and not as employees of the City.

### 4.03 TYPES OF APPOINTMENTS

- A. **Regular, Full-Time** - Employees who work full time (30-hours per week for regular staff and 53 hours per week for Fire Department personnel) and have satisfactorily completed the probationary period.
- B. **Regular, Part-Time** - Employees who work twenty (20) hours or more but less than a thirty( 30) hour week and who have successfully completed the probationary period. Employees receive all leave benefits on a prorated basis but are ineligible for other city benefits.
- C. **Seasonal** - Employees appointed in the same manner and subject to the same procedures as regular employees except that their positions shall end at the close of the season for which they were appointed.
- D. **Part Time** - Employees who work less than the normal scheduled hours per week, which on an annual basis total no more than 2080 hours.
- E. **Temporary** - Positions (whether part-time, full-time or hourly) that are anticipated to be of comparatively short or definitely limited duration, for special projects, grants or programs. These employees receive no benefits.
- F. **Trainee** - Employees who do not meet the minimum qualification of the position. The length of training is at the discretion of the City.
- G. **Minor Work Appointees** - Individuals under the age of eighteen (18) years may be hired in accordance with the Federal Child Labor Laws and after the City receives the necessary legal authorizations.



- H. **Special Employment Programs** such as: AARP Senior Placement Program, Internships, Work Training Programs, etc., will be coordinated by Human Resources in cooperation with the departments utilizing these types of programs.

#### 4.04 APPLICATION PROCEDURES

- A. When departments submit Authorization to Recruit requests, for persons to fill vacancies, the requests shall include the title of the position, an updated job description, and other pertinent information as may be needed to locate qualified applicants. When circumstances permit, requests for personnel should be made reasonably far in advance of actual need.
- B. Upon approval of the Authorization to Recruit, Human Resources shall prepare a posting notice and advertisement, where appropriate, outlining the qualifications for the position. All vacancies will be posted for five (5) working days on City bulletin boards. Posting internally shall not preclude external advertisements.
- C. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions.
- D. Current employees who have successfully completed his/her initial probationary period are eligible to apply to fill vacant positions.
- E. Employees who are serving probationary periods are eligible to apply for vacancies within their current Department with prior written approval of the immediate Supervisor and Department Head.
- F. Applications will be pre-screened by Human Resources to ensure that the applicant meets the minimum requirements stated in the job announcement.
- G. Applicants selected for interviews will be interviewed by an individual or team selected by the appropriate department or the City Manager.
- H. The City Manager or department head will select the best qualified applicant, taking into account the requirements of the position and all other relevant factors.
- I. Employment with the City shall be based on merit that includes consideration of qualifications such as ability, education, skill, experience, training and other merit factors. Examinations may be administered, when appropriate, in order to fairly measure the merit, fitness, aptitude, experience, and other relative characteristics of the applicant.
- J. As part of the pre-employment procedure, references provided by applicants and/or reference sources will be checked by the City. All information will be solicited in accordance with Federal guidelines and laws (EEOC, ADA, etc.).

#### 4.05 PROCESSING OF APPLICATIONS

- A. The City will review and consider all applications for employment for open and advertised positions, which are filed in a timely manner with Human Resources through

the on-line application process. The City may have any individual application or applications reviewed by department heads and/or subordinates as is appropriate. The City may approve or disapprove applicants for employment taking into consideration the requirements of the position to be filled, the applicant and his/her qualifications and the interests of the City.

B. The City will reject an application that indicates that the applicant is unqualified or who files an incomplete application.

C. Applications may also be rejected for the following reasons:

1. The applicant has been convicted of a felony, or of a first degree misdemeanor that directly relates to the position sought.

Offenses involving acts of violence or resisting arrest, whether deemed violent or not, shall be deemed to relate to all City positions as all City positions require a substantial amount of interpersonal interaction including responding to, and acting in subordination to, persons in authoritative positions.

2. The applicant has made false statements of any fact in the application.

3. The applicant has failed to pass the pre-employment drug test or has failed to qualify for essential functions of the position per the established job description.

**NOTE:** Whether or not an applicant will be rejected under items one and two above will depend on the facts, including the nature of the offense, relevance to employment, the passage of time since the incident occurred, evidence of rehabilitation or other mitigating factors.

D. Before final processing, an applicant must:

1. Pass a physical examination (once offered the position) and a drug screen performed and evaluated by the City's designated physician. Psychological examinations for some positions may also be required, based upon the needs of the City.

**NOTE:** The medical examination shall verify a candidate's ability to perform the essential functions of the job.

2. Present a valid Social Security card.

3. Present proof of:

- a. Education, if required by the position.
- b. Being at least eighteen (18) years of age.
- c. Citizenship or resident alien status.
- d. Separation from the Armed Forces, if appropriate.

4. Be subject to a background investigation.

5. Present a valid Florida Driver's License, where required by the position, or other documents as may be required. *Note: if driving is a requirement of the position the applicant must meet the standards as outlined in Section 3.23 of this Manual.*
  6. Provide all other documentation required by law or otherwise required by the City.
- E. Exceptions may be approved by the City Manager and/or designee.
- F. All new hires will receive an orientation that will include:
1. Explanation and history of the organization and its structure.
  2. In-depth review of all Human Resource Policies and Procedures.
  3. Review of his/her job responsibilities, functions and authorities.
  4. Other information necessary for the individual to perform his/her job effectively.
- G. No start date for an applicant shall be established until all new hire processing is completed including, but not limited to background checks, physicals and in some instances, orientation.

#### 4.06 TRANSFERS

- A. An employee may be transferred from a classification in one department to the same or equivalent classification in another department. Screening and background investigations of transfers may be conducted for appropriate positions.
- B. When an employee becomes physically incapacitated for the performance of their current duties, the City Manager or designee may authorize a transfer to a position in the same or a lower class, for which the employee has the qualifications and ability to fill.
- C. Salary and benefits administration for all transfers shall be consistent with the rules established in Section 16.10 of these policies.

#### 4.07 PROMOTIONS

- A. An employee is promoted when, following participation in the designated application process, he/she is selected for a higher level position with the City. City employees shall receive equal consideration when applying for vacant positions. All promotions must be approved by the City Manager and/or designee.
- B. Salary and benefits administration for all promotions shall be consistent with the rules established in Section 16.08 of these policies.

#### 4.08 DEMOTIONS

- A. A demotion is the assignment of an employee from one class to a lower class for which the employee is able to perform the required duties. The City may demote an employee from one class to another that has a lower maximum rate of pay in the following instances:
1. In lieu of layoff when a position is to be abolished, an employee with prior rights returns to the position, or due to lack of work or funds.
  2. In lieu of dismissal when an employee is not performing satisfactorily or subsequently fails to have the requisite skills for the position for which they were hired (i.e., unable to drive a City vehicle due to driving violations).
  3. When a health examination conducted by the City's physician discloses that the employee is not physically qualified to perform the duties of the for which they were hired position.
- If the results of a health examination indicate the employee is not able to perform the essential functions of the position for which they were hired:
- a. The employee may be reassigned to another available position that he or she is able to perform. Such assignment is at the discretion of the Department Head with review by the Human Resource Office and is subject to final approval by the City Manager and/or designee.
  - b. If unable to return to his/her current position or another available position, the employee may be terminated.
4. When an employee fails to perform satisfactorily during the probationary period following promotion.
  5. When the employee voluntarily requests a demotion.
- B. Salary and benefits administration for all demotions shall be consistent with the rules established in Section 16.09 of these policies.
- C. Procedures established in Section 11.04 of these policies shall be followed for those demotions considered disciplinary actions, such as demotions in lieu of dismissal.

#### 4.09 REINSTATEMENTS

- A. An employee who has resigned in good standing, or whose position has been abolished, is eligible to be rehired to the same or similar position in the same department from which they left, for a time period of up to six (6) months if a vacancy exists.
- B. An employee may be reinstated at the same pay rate as previously received, or may revert to a lower rate within the range, at the discretion of the City.
- C. Reinstated employees are considered new employees for purposes of medical and annual leave, pension, and salary increases and must once again serve a probationary period regardless of whether probationary or regular status was held prior to separation. The reinstated employee will not retain his/her seniority unless reinstatement occurs within

twelve (12) months of the termination date or eighteen (18) months in the case of displacement.

- D. A former employee who is involuntarily terminated must have the approval, in writing, of the City Manager and/or designee prior to reinstatement.
- E. Section 9.08, of these policies, addresses Reinstatements in the event of Reduction in Force (Lay Offs).

#### 4.10 PROBATIONARY PERIOD (REV. 07/2018)

- A. The probationary, or "working test" period, is utilized to observe a new, recently demoted, recently promoted or recently transferred employee's work, to insure the most effective adjustment of the employee to their new position, and to reject any employee whose performance does not meet the required work standards.
- B. The employment of a person shall not be deemed complete for a period of six (6) months for regular staff or one (1) year for Fire Department Personnel.
- C. Any employee within the probationary period may be discharged, at any time without cause, by the head of the department for which the employee works. The department head must coordinate this action with the Human Resource Office and furnish written notice to the employee that the employee does not have the right of administrative appeal.
- D. If an employee is not discharged before completion of his/her probationary period, the employee shall be confirmed in his/her position and shall become a regular employee of the City. Regular employees, however, do not have a vested right in his/her employment because of this.
- E. Where the completion of minimal educational requirements or other conditions of employment are required at the initial employment of an employee, and are not achieved during the initial probationary period, the probationary period may be extended until all of the educational requirements, conditions or other qualifications for the position have been met. Extensions will not be less than thirty (30) days or more than ninety (90) days and be approved, in writing, by the City Manager and/or designee. Exceptions to this time period may be made only by the City Manager and/or designee.
- F. During the probationary period, the employee's supervisor will notify the employee if performance is not satisfactory and test period requirements are not being met.
- G. Leaves (paid or unpaid) will not count toward probationary time served. The probationary period will be extended by an amount of time equal to the leave taken.
- H. Probationary employees are eligible for all benefits. Probationary employees will not be covered under any collective bargaining agreement.

#### 4.11 HOURS OF WORK

- A. The City Manager or designee shall establish hours of work in accordance with the needs of the City and the public.
- B. An appropriate lunch break will be scheduled at the discretion of the department head, in accordance with the requirements of all applicable laws and the needs of the organization.
- C. A work break, not to exceed fifteen minutes, may be allowed during the first half of the work shift and another during the second half. Work breaks must be utilized when scheduled and cannot be accumulated or used for late arrival or early departure from work. Breaks shall be given in accordance with the requirements of all applicable laws.

#### 4.12 TIME CLOCK POLICY (REV. 07/2016)

The purpose of this policy is to ensure and accurate record of staff attendance and time worked for proper compensation while adhering to the requirements of the Fair Labor Standards Act (FLSA). All FLSA non-exempt employees must clock in and out using only the approved time clocks. It is the employee's responsibility to clock in and out and to report any problems to the supervisors. Supervisors shall determine the employee's work hours, the appropriate time clock to use and what is considered the employees workstation. Generally the time clock closest to their physical work location should be used.

- A. Employees shall use their name badges and biometric fingerprint to clock in and out.
- B. Employees shall clock in and out only at approved time clocks. Employees who do not use approved time clocks are subject to disciplinary action in accordance with City of Palm Coast Personnel Policies & Procedures.
- C. Employees shall monitor time card punches and advise their supervisor immediately of any problems with their time card or the time clock. If the supervisor determines there are problems with the time clock, the supervisor must record the staff member's time and report the problem immediately. The supervisor or designee, or in absence of management staff, shall contact the human resource office for repair.
- D. Employees shall notify their supervisors immediately of their inability to clock in/out due to a forgotten/ lost name badge or if the fingerprint biometric is not working correctly. The Department shall maintain a record of the employee's time for editing. If the name badge is lost, Human Resources shall be notified immediately and a new name badge shall be requested. It is the employee's responsibility to pick up their new ID badge and inform their supervisor that they have obtained a new ID badge. Prior to a new badge being issued, the employee must provide proof of payment for the replacement.
- E. Employees must have prior supervisory approval to receive overtime pay. This includes pre-approval to work through a lunch period. Supervisors are responsible for documenting whether the employee had permission to clock in early or out late and why. Employees who clock in without permission more than seven (7) minutes before the start of their shift or more than seven (7) minutes after their shift ends, may be subject to

disciplinary action in accordance with City of Palm Coast Personnel Policies and Procedures.

- F. It is prohibited for employees to clock in or out for another employee. Any employee who clocks in/out for another employee, or gives their badge to another employee to clock in and out for them, may be subject to disciplinary action in accordance with City of Palm Coast Policies & Procedures.
- G. It is prohibited for supervisory employees to edit his/her own timecard in Kronos. Any supervisory employee who edits his or her own timecard may be subject to disciplinary action in accordance with City of Palm coast Policies & Procedures.
- H. It is prohibited for supervisory employees to edit the timecard of a relative who is employed by the City. Any supervisory employee who edits the timecard of a relative may be subject to disciplinary action in accordance with City of Palm Coast Policies & Procedures.
- I. An employee not present at his or her assigned workstation on time will be considered to be tardy by his or her supervisor/manager, even if he or she “clocked in” on time, if the supervisor/manager concludes that the employee was not present for duty.

#### **TIME CLOCK DISCIPLINE GUIDELINES**

- A. For this policy, occurrences are defined as portraying a pattern of failing to clock in or out, losing a name badge which results in not clocking in and out, clocking in early or out late without supervisory permission, failing to notify a supervisor of a time clock problem and not clocking in at the assigned time clock. Six occurrences within a six (6) month period of time shall result in the beginning or continuation of the progressive disciplinary process.
- B. Depending on the seriousness of the act, the supervisor may initiate a diversion from the normal progressive disciplinary steps. Employees who exhibit a pattern of occurrences may be subject to disciplinary action even if the total number of occurrences has not reached the normal disciplinary process level.

#### **TIME CLOCK PROCEDURES**

- A. The Time Clock Procedures which shall be followed by FLSA non-exempt City employees for the Kronos Time Keeping system are as follows:
- B. Swipe in at the beginning of the work day/shift and swipe out at the end of the assigned work day/shift.
- C. Swipe out at the beginning of a lunch period and swipe in at the end of the lunch period, if applicable.
- D. It is not necessary to swipe in and out for the morning and afternoon 15 minute breaks, if applicable.

- E. Should an employee forget, lose or otherwise not have his or her employee identification card available when swiping in or out, he or she shall notify his or her immediate supervisor as soon as possible.
- F. Continuous failure to swipe in or out, even if the immediate supervisor is notified, is an abuse of these procedures and may result in disciplinary action.
- G. Swipe in and out is required for regularly scheduled work time, overtime and emergency call out.
- H. When called out for an emergency – time begins when the employee leaves home. The employee should swipe in and out as he or she does for a normal work day once he or she arrives at their designated work location, if any time clock is available for that purpose.
- I. The employee called back to work for an emergency shall note the time and requestors' name so the appropriate record keeping may be completed (as soon as possible) by the supervisor.
- J. All time off requests, if known in advance, must be made utilizing the Kronos (Tele-staff for fire fighters) time-keeping system.
- K. If an employee works in a Department/Division that allows for compensatory time, and the employee selects compensatory time instead of paid overtime, compensatory time off requests shall be requested using the time clock and approved by the appropriate supervisor(s).
- L. Normal policies and practices for overtime shall be followed. If an employee is scheduled to work (not an emergency), then the employee's work schedule may be adjusted, so as not to exceed forty (40) hours per workweek, if possible.

#### 4.13 OVERTIME AND COMPENSATORY TIME (REV. 07/2019)

- A. Overtime can be authorized or directed only when it is the most practical and economical way of meeting workloads or deadlines and is permitted based upon budgetary constraints. All overtime or compensatory time must be pre-approved by the department head, except in emergencies.
- B. Employees will be required to work overtime when requested unless excused by supervisors.
- C. Employees in designated nonexempt classifications will be paid overtime in accordance with the provisions of the Fair Labor Standards Act. In addition, holidays will be considered as hours worked for employees in designated nonexempt classifications.
- D. Medical leave, annual leave, bereavement leave, voting time, therapy or treatment for job injury, annual military time, jury duty, holidays, vacation, and any other absence from



work while on paid or unpaid status will not be counted as time worked for overtime computations.

- E. Compensatory time earned shall be documented and shall be used at the convenience of the employee, subject to the needs of the City and as approved by the department head.
- F. Salaried (exempt) personnel will be allowed, within reason and upon prior approval from his/her department head (or next higher superior), to take time off on a scheduled work day for personal needs without a reduction in leave hours. The time taken may not be hour for hour of time worked over a normal work period.
- G. Hours worked by nonexempt employees in excess of forty (40) hours for regular staff, or in excess of one hundred six (106) hours in a fourteen (14) day period for Fire Department shift personnel, shall be paid at one and one-half (1 ½) times the employee's hourly rate of pay, or compensatory time off at a rate of not less than one and one-half (1 ½) hours for each hour of overtime shall be given. At no time shall an employee's compensatory time balance exceed 40 (forty) hours for regular personnel and 56 (fifty-six) hours for Fire Department Personnel.

#### 4.14 ATTENDANCE

- A. Employees are expected to report for duty at the scheduled time and each department head shall be responsible for the punctual attendance of all persons in the department. If an employee is unable to work for any reason, he/she must notify the department head, or individual designated by the department head, prior to the scheduled reporting time. Repeated or unjustified absenteeism or lateness is cause for disciplinary action.
- B. Unreported absence of three (3) consecutive work days will (33.6 hours for non-exempt fire department personnel and 24 hours for all other full-time employees) result in the presumption of abandonment of the position and termination of employment (Section 9.06).
- C. Attendance records (time sheets) shall be kept by the electronic time-keeping system.

#### 4.15 LEAVE REQUESTS

Prior to the first day of extended medical or extended miscellaneous leave, as defined in Sections 7 and 8, all City records, books, assets, uniforms, keys, tools, equipment and other items in the employee's custody must be transferred to the employee's department head or his/her designee. Any monies due to the City may be collected through appropriate payroll or collection action.

#### 4.16 PERFORMANCE EVALUATIONS

The City will rate and evaluate the work performance of employees. Rules and procedures for the performance evaluation system will be contained in an appropriate manual.

#### 4.17 EMPLOYEE TRAINING AND EDUCATION

- A. The City may establish and develop educational and training programs for employees. The purpose of such programs is to increase operational efficiency and to assist employees in preparing themselves for positions of increasing difficulty and responsibility.
- B. Any employee receiving training at the expense of the City shall be required to enter into an Agreement to Work for the City.
- C. In an effort to improve service to the citizens of the City of Palm Coast and encourage employees to complete courses of instruction which may increase their productivity and efficiency in their present positions and/or which may improve skills or increase knowledge and abilities contributing to advancement and promotional potential within the City, the City of Palm Coast may implement a tuition reimbursement policy & administrative procedures which shall be contingent upon funding as approved by City Council on an annual basis.

4.18 MEDICAL REQUIREMENTS/PROCEDURES  
(REV. 9/10/2019)

The City may require specified categories of employees to have regularly scheduled physical examinations by a doctor of the City's choice that may include, at the City's discretion, a psychological examination and drug and controlled substance testing.

The City may require any employee to take a drug and/or controlled substance test and/or psychological examination upon reasonable suspicion of possible substance abuse or in accordance with a Drug-Free Work Place Policy (See Section 13).

The City may require a physical examination if an employee is unable to meet the physical requirements of the position for which they were hired. The cost of the examination will be paid by the City.

The City may offer occupationally exposed employees vaccinations/titers/boosters, at no cost to the employee, that pertain to their inherent job hazards. This may include the Hepatitis B Virus (HBV) Vaccine, Rabies Pre-exposure Vaccination, or any other City approved vaccinations/titers/boosters. All vaccinations/titers/boosters must be administered by a City approved medical facility.

- A. Determination of employees who are occupationally exposed is done in conjunction with the Department of the employee, Human Resources (HR), and the City Manager or designee.
- B. Employees who receive the HBV vaccine and are unable to attain immunity after the first series will be considered "Vaccine Nonresponders". Vaccine nonresponders must complete the [declination form](#) and submit it to HR to be stored with the employee's medical records.
  - a. HBV vaccine nonresponders may receive up to one additional series for revaccination.
  - b. Employees may request the additional series of vaccines after declining with the approval of HR.

- C. Employees who refuse the HBV Vaccine must complete the [declination form](#) and submit it to HR to be stored with the employee's medical records.
  - a. Employees may request the HBV vaccine after declining with the approval of HR.

#### 4.19 SPECIAL ASSIGNMENT CATEGORY (SAC)

A special assignment category occurs when an individual in one position is given an assignment(s) which encompasses duties and responsibilities of a different, advanced, and/or supervisory nature in another position. These assignments are usually for a specified limited period of time. This type assignment is of a temporary nature and can be rescinded unilaterally by the City and does not constitute a promotion. A pay supplement may be given for the period of time of the assignment. All special assignments and pay supplements must be approved by the City Manager or designee.

#### 4.20 EMERGENCY WORK POLICY (REV. 9/8/20)

- A. Purpose.** The purpose of this policy is to provide direction regarding employee work hours, assignments and pay status during a declared local state of emergency or disaster. Departments shall refer to the City's Comprehensive Emergency Management Plan (CEMP) for execution of response activities and emergency roles.
  
- B. Declaration of Emergency.** Upon declaration of a local state of emergency or disaster, collective bargaining agreements are suspended for the duration of the emergency declaration, except as they pertain to pay. This means that the City may suspend time frames for grievances, seniority, disciplinary actions, processing pay changes, and other personnel transactions until the declared state of emergency ends.
  
- C. Job Duties.** During a local declared state of emergency or disaster, the City of Palm Coast classifies all employees as essential personnel and must be available for preparation, response, and/or recovery activities and services during the events. In order to continue to address the needs of the community, and to provide essential services, employees are subject to modified hours and work schedules, alternative assignments or duties, and may be assigned to work at different job sites. The CEMP identifies job duties and responsibilities by Department.
  
- D. Failure to Report.** If an employee fails to report to their assigned work area, without approval, during a declaration of emergency, then the employee will be subject to disciplinary action up to and including termination.
  
- E. State of Emergency Phases.** For purposes of determining essential tasks, employee job duties, and employee pay status, the CEMP identifies three phases of local state of emergency or disaster:

1. **Pre-Impact:** this period includes emergency preparation activities and measures to prepare the City for the impending emergency or disaster.
2. **Immediate Impact:** this period includes emergency response activities and restoration of critical services to protect life and property following the impact of the emergency. Most normal city services are suspended during this phase.
3. **Recovery:** this period includes activities conducted to restore the City's infrastructure and service to pre-disaster conditions. Some city services may remain suspended.

**F. Employee Emergency Status.** All employees shall be assigned an Employee Emergency Status.

1. Emergency Assigned employees are those employees who perform duties that require that they report during the Pre-Impact or Immediate Impact periods. Early dismissal or work-site closure announcements do not apply to these employees unless instructed otherwise.
2. Non-emergency Assigned employees are those employees who are not required to work during the Pre-Impact or Immediate Impact periods, when the City suspends normal City services
3. All City employees are considered to be "Recovery" assigned employees.

**G. City Service Suspended:** the determination to close work sites, either entirely or partially, and/or to implement disaster/emergency duties for City employees is at the sole discretion of the City Manager or designee. Accordingly, the City Manager may determine that non-emergency employees at all or certain work sites are to have early work dismissal, late work arrival, or site closure for one or more work shifts.

**H. Early Work Dismissal** – Employees will be informed by his/her supervisor in the event that an early work dismissal has been authorized by the City Manager. Supervisors shall not permit employees to be dismissed without verification through the department director that authorization by the City Manager or designee has occurred. Rumors or announcements by unauthorized personnel shall not be considered to be a factual basis for this determination.

**I. Work Site Closures or Late Work Arrival** – If known prior to the employees' departure from work, employees will be informed by his/her supervisor in the event that his/her work site will be closed or will be utilizing a late work arrival time. Supervisors shall inform employees of information with verification through the Department Director that authorization by the City Manager has occurred. Rumors or announcement by unauthorized personnel shall not be considered to be a factual basis for this determination.

**J. Individual Leave Requests for Family Obligations** – Individual employees may face special family situations (i.e., when employees are expected to report or remain at work but schools open late, are closed, or close early and no alternative child care is available). Supervisors are advised to be as flexible as circumstances allow to the extent possible and approve accrued leave, when possible, for the employee to handle the situation.

**K. Local State of Emergency Pay**

## 1. **Emergency Duty Relief (EDR) Pay**

- a. Employees dismissed early from work, arrive late to work, or other work place closing shall receive regular pay for all regular scheduled shift hours for the City closure.
- b. Employee hours shall be recorded as Emergency Duty Relief (EDR) on the payroll for a closed workplace. EDR hours do not reduce an employee's leave account balance.
- c. Assignment of an employee as EDR on the payroll shall be determined frequently. No assignment of EDR status on a payroll shall exceed three (3) days at a time.
- d. Employees, who are on sick leave or on annual leave status during the EDR status period, shall remain on the sick or annual leave status and shall not be eligible for EDR.
- e. Employees on normal day(s) off or off duty shall not receive EDR pay.
- f. EDR hours do not count towards the computation of overtime.
- g. It is the responsibility of each non-working employee to maintain contact with his/her department or to monitor media coverage for the purposes of reporting to work at the appropriate time. Employees who fail to report, or who are unable to report at the appropriate time will be charged for annual leave or leave without pay for the period between when his/her department resumed operations, beyond those directly related to emergency conditions, and the time they do report for work.

## 2. **Non-Exempt Employees Working During EDR**

- a. All employees who are required to work the emergency during the declared local state of emergency or disaster period shall receive EDR pay for the period authorized as EDR. In addition, employees shall be paid for all hours actually worked.
  1. Hours actually worked shall be indicated as Emergency Duty Work (EDS-Emergency Duty Work Straight Time; EDO – Emergency Duty Overtime {150%}).
  2. Only hours actually worked shall count towards overtime calculations.
- b. Only those employees required to work in support of emergency response activities shall be authorized to work. Authorization shall include employees who are ordered to work as well as employees who volunteer and are selected to fill an emergency duty.
- c. Compensation for the hours actually worked, as Emergency Duty Work (EDW) will be paid at the appropriate overtime rate. There is no guaranteed number of work hours during an emergency. Employees are relieved from emergency work at the earliest opportunity.
- d. The appropriate overtime rate referenced above shall be the overtime rate determined by the applicable overtime policy depending on the employee's type. For purposes of this

policy, non-exempt employees shall receive payment at 150% of his/her rate of pay for hours worked in excess of their regularly scheduled workweek.

### 3. Exempt Employees Working During EDR.

- a. During a declared local state of emergency or disaster event, exempt employees will be compensated for hours worked beyond the regular scheduled workweek when the City is operating under a local state of emergency or disaster, and the employee is assigned to work the emergency. The additional compensation will be paid at 100% of the salary rate of pay.
- L. If some City services remain suspended during the Recovery period, an employee must be working at his/her designated official recovery assignment, a designated assignment with the City's Emergency Management Program,
1. Any employee not performing his/her assigned recovery duties shall not receive pay during the Recovery Period unless they are on an approved paid leave status.
  2. Upon the termination or expiration of the local state of emergency, this Policy will no longer apply.
  3. Additionally, if an employee is no longer assigned to work a particular emergency, regardless of the continuation of the local state of emergency or disaster, this policy shall no longer apply to that employee.

#### 4.21 TELECOMMUTING PROGRAM

##### **PURPOSE:**

The purpose of the Telecommuting Program Policy is to provide guidelines for directors, supervisors, and employees for managing and participating in the Telecommuting Program. Although not all jobs can be performed satisfactorily by telecommute, the City of Palm Coast recognizes that, in some cases, telecommuting arrangements can provide a mutually beneficial option for both the City and for employees to make sure that services can be adequately delivered to residents.

**Telecommuting Agreement** - Employees that are interested in participating in the City of Palm Coast Telecommuting Program must complete the [City of Palm Coast Telecommuting Request and Agreement form](#) and submit it to their supervisor.

**Employee Eligibility** - Eligibility to participate in the Telecommuting Program is conditional upon agreement from the employee that he or she will be able to establish a proper working environment and have the skills necessary to perform the tasks assigned independently. Employees must be able to carry out pre-approved duties, assignments, and other work obligations at their home office as they do when working on the City premises unless otherwise defined by their Department Director.

Some important items to consider include:

- The Telecommuting Program is not to be used as a substitute for childcare or other personal responsibilities. It is important to ensure that dependent care obligations or other family obligations do not interfere with work.
- It is expected that employees who telecommute will devote all of their effort to

City business during their assigned work hours.

- Must possess productive and organized work habits.
- Must have both strong verbal and written communication skills.
- Must be able to adhere to assigned work hours.
- Employment history must reflect no chronic recorded lateness and/or absenteeism problems.
- Must be reliable, maintain confidentiality and work well independently.
- Has the ability to provide an appropriate work environment at home, which meets city standards such as setting up an ergonomically correct workstation.
- Continued adherence to all City policies, procedures and guidelines.
- Must attend mandatory and other requested meetings on City property, including training sessions, workshops, etc.
- Must return city equipment and files the same day when work from home is terminated by either the employee or the City.
- Employee will take responsibility for notifying the supervisor or designated person, in advance, when requesting vacation or sick leave, during assigned work hours.
- Must display independent problem solving abilities.

**Work Assignment and Supervision** - The supervisor will decide what tasks will be assigned to the employee. Work assignments for telecommuters will be handled in the same manner as they are for non-telecommuters. Hourly employee are required to submit a list of daily/weekly completed task/assignments to their supervisors.

**Performance Standards** - For each employee participating in the Telecommuting Program, the supervisor will be tasked to clearly define performance requirements and standards that are measurable and results oriented. The supervisor will regularly monitor the employee's performance in accordance with departmental and city policy. If an employee's behavior or performance is not satisfactory, the supervisor has the right to either terminate the program or recommend disciplinary actions as appropriate in accordance with city policy.

**Overtime Requests and Assignments** - All telecommuting employees are required to obtain their supervisor's approval prior to working overtime. The workweek for all full-time employees is 40 hours. Employees who fail to complete 40 hours of productive work during the workweek are expected to report time accurately on their timesheets.

**Work Space** - The employee must ensure that their home work space is conducive, practical, and suitable for efficient telework. Family responsibilities must be arranged so as not to interfere with work time.

**Equipment, Office Supplies, and Use of City Equipment** - The city will provide the necessary equipment such as computers, printers, communication, and software needed to perform the employees' work assignments. All of these items remain the property of City of Palm Coast and must be returned to the city upon request. In case of extended illness, resignation, termination, discontinuance of the Telecommuting Program, or the employee is asked to return to work onsite, it is the employee's responsibility to return all City equipment to their supervisor immediately. The City will repair and replace damages City equipment unless it is lost, damaged or stolen through the employee's negligence or abuse.

The following safeguards must be followed by employee at all times:

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- Maintain appropriate physical security for computers and computing devices storing or transmitting confidential information. This is especially important for portable devices such as laptops as well as portable USB drives, CDs, memory cards, etc.
- Require proper identification and authentication to access the device to ensure authorized use only.
- Computer firewall must be enabled at all times.
- Keep the operating system current, with the latest security patches installed. Use the auto-update feature that downloads updates when available.
- Do not circumvent security settings to modify the operating system or applications.
- Only officially approved applications are allowed to be downloaded.
- Do not install applications that do not support official City business.
- Connect to the City of Palm Coast internal network only through VPN prior to performing your job responsibilities on your officially assigned computer.
- City IT staff is responsible for authorizing access to software applications under their control and must ensure their department's employees are suitably documented, tracked, trained, and only granted access appropriate to their role. In addition, IT is responsible for reviewing and revising such access as necessary (e.g., when employees have been transferred or terminated).
- Do not use City equipment for non-City work or personal use.
- Any confidential information or files must be properly secured to avoid disclosure.

Listed are some additional minimum recommendations if a home wireless network is being used:

- Change the default administrator password for the wireless router. The password should be difficult to guess (eight characters or more, mixture of letters, numbers and symbols).
- The wireless router's built-in firewall should be enabled.

**Travel and Home Expenses** - Travel and mileage between home and office will not be reimbursed.

Any home-related expenses such as construction, renovations, heating/air conditioning, lighting, or electricity are the responsibility of the employee and the City will not be responsible for any home-related expenses.

**Accidents and Injuries** - The city will be responsible for any work-related injuries under Florida State's Workers Compensation laws, but this liability is limited to injuries resulting directly from work and only if the injury occurs in the designated work area during the assigned work hours. Any claims will be handled according to the normal city procedure for Workers' Compensation claims.

As stated in the worker's compensation laws, the city will be responsible for injuries at the work from home site if the site is ergonomically maintained. The employee is responsible for any injuries and liabilities arising from his/her own negligence.

**Cities Right to End a Telecommuting Status** - The city or supervisor has the right to end arrangements for working remotely at their sole discretion. If the employee chooses not to return on the assigned date, it will be considered a voluntary resignation and will be treated as such under city standard policies and procedures.

**Additional Documents for Further Detail -**  
[Telecommuting Program](#)  
[Telecommuting Request Form and Agreement](#)



#### 4.22 ALTERNATE WORK ASSIGNMENTS (REV. 4/23/2021)

##### **Purpose:**

To provide temporary alternate work assignments for any employees experiencing a serious medical condition. An alternate work assignment is meant to accommodate an employee's work restrictions set forth by their physician/healthcare provider to facilitate recovery, prevent deterioration of work skills, demonstrate concern, minimize loss of human resources and reduce costs.

##### **Policy:**

Alternate work assignments may be granted upon written request to the Department head by the employee.

- A. Alternate work assignments shall be based upon the Department's needs and the physical limitations set forth by the employee's attending physician.
- B. The Alternate work program begins once the physician has specifically identified the employee's medical restrictions **and** the employee has requested an alternative assignment **and** is approved by the Department head.
- C. The employee may remain on leave as long as his/her (their) physician deems medically necessary. When the employee is medically cleared and returns to regular duty, then they will be reinstated into their former work assignment.
- D. If an employee on an alternate work assignment is unable to perform in the restricted capacity as a result of health or disability, then the City would no longer be able to continue the alternate work assignment.
- E. The City is not obligated to provide or continue an alternate work assignment or create conditional employment. Alternate work assignments are contingent on the Department's needs and the Department head's approval.
- F. Please see Section 8.10 for policies on Family and Medical Leave.
- G. Please see Section 10.03 for policies on occupational related injuries (worker's compensation).

## SECTION 5 - HOLIDAYS

### 5.01 DAYS OBSERVED (REV. 11/15/08)

- A. The following days and any other day, which the City Council may declare, are City holidays. They shall be granted with pay to all eligible employees scheduled to work on such days.

1)	New Year's Day	January 1
2)	Martin Luther King Day	Third Monday in January
3)	Good Friday	Friday before Easter Sunday
4)	Memorial Day	Last Monday in May
5)	Independence Day	July 4
6)	Labor Day	First Monday in September
7)	Veteran's Day	November 11
8)	Thanksgiving Day	Fourth Thursday in November
9)	Friday after Thanksgiving	Fourth Friday in November
10)	Christmas Day Eve	December 24
11)	Christmas Day	December 25
12)	Floater	As determined by the City Manager

- B. When a holiday falls on a Saturday, the preceding Friday may be observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday, may be observed as the official holiday. This will be determined by the City Manager.
- C. The City Manager will also determine when any department or operation will be closed in observance of a holiday.

### 5.02 ELIGIBILITY FOR HOLIDAY PAY (REV. 07/2019)

- A. All full-time regular employees will receive one work-day off (see definition) with pay for each of the holidays observed while in the employ of the City. Part-time, seasonal or temporary employees are not eligible for holiday pay.
- B. Regular part time employees shall receive the prorated share of compensation of his/her regular straight time hourly pay rate for each approved holiday.
- C. An employee must be on "active pay status" (see definition) during the work week in which the holiday falls. Employees who receive compensation from the City (i.e., regular hours worked, sick or vacation pay) shall receive holiday pay.
- D. Employees whose normally scheduled day off falls on a City observed holiday receive eight (8) hours holiday pay for full time forty (40) hours and six (6) hours for full time thirty (30) hours. These hours will be considered hours worked for the computation of overtime.

- E. Probationary employees shall not earn nor be paid holiday pay during the first seven (7) calendar days of employment.

5.03 HOLIDAY ON WORK DAY  
(REV. 07/2019)

- A. An employee who is scheduled to work on the day observed as a holiday and calls in sick will be charged with holiday time for that day and not medical leave.
- B. Holidays will be calculated as time worked for purposes of overtime computation.

5.04 HOLIDAY ON LEAVE DAY

- A. Holidays, which occur during scheduled annual leave, shall be charged to holiday leave and not to annual leave.
- B. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.

**SECTION 6 - ANNUAL (VACATION) LEAVE**  
(REV.07/20/2018)

6.01 ELIGIBILITY AND RATE OF EARNING

- A. Annual leave will be prorated based on regularly scheduled hours worked and paid within a pay period.
- B. Annual leave is accrued beginning the first pay period of employment.
- C. An employee does not earn annual leave when on leave without pay.
- D. Annual leave for regular full time employees shall accrue on a biweekly basis in accordance with the following schedule:

- 1. Full-time regular employees earn leave as follows:

SERVICE YEARS	LEAVE EARNED PER YEAR
1 to 4 years	12 days
5 to 10 years	15 days
10 years or more	20 days

- 1. For the regular full time employee (40 hour week), one work day equates to eight (8) hours.
- 2. For the regular full time employee (30 hour week), one work day equates to six (6) hours.
- 3. For Fire Department shift employees one day equates to eleven point two (11.2) hours. Note: Based on an average work week of fifty-six (56) hours-53 regular plus 3 FLSA overtime and calculated on a five day work week instead of the actual seven day work week.

- E. Regular part-time employees will earn or accrue annual leave based upon the number of scheduled hours worked per week:

SCHEDULED HOURS	PERCENTAGE
10 to 19 hours	25%
20 to 29 hours	50%
30 to 39 hours	75%

- F. Temporary and seasonal employees shall not accrue annual leave.

6.02 CHARGING LEAVE

- A. Annual leave may be charged in increments of 15 minutes, subject to the approval of the department head.

- B. Holidays, which occur during the period selected by the employee for annual leave, shall be charged as holiday leave and not annual leave.
- C. Annual leave will not be considered as time worked for overtime computation.
- D. Annual leave will not be granted in the advance of accrual.

### 6.03 REQUEST FOR LEAVE

- A. Annual leave must be requested through the Kronos Time Clock, for hourly employees or Kronos Timekeeping Software for salary employees at least ten working days in advance of the leave. This time can increase or decrease as determined by the Department Head's requirements.
- B. Annual leave may be taken only after approval by the Department Head or designee. Supervisors will arrange annual leave schedules and reallocate duties on such a basis as to cause minimum interference with normal functions and operations of the department.
- C. Annual leave may be used only as earned in accordance with this Policy.
- D. A Department Head's request for annual leave will be presented to the City Manager for approval.
- E. Refer to Section 8 for more specific requirements related to use of leave.

### 6.04 USE

Annual leave may be granted for the following purposes:

- A. Vacation.
- B. Absences for transacting personal business, which cannot be conducted during off-duty hours.
- C. Religious holidays other than those designated by the City as official holidays.
- D. For uncovered portions of absences due to medical reasons once medical leave has been exhausted.
- E. Any scheduled absence from work not covered by other types of leave provisions established by these policies.

### 6.05 ACCUMULATION OF ANNUAL LEAVE

- A. An employee may accumulate annual leave not to exceed forty (40) days or three hundred twenty (320) hours (448 hours for non-exempt fire service employees).

- B. With approval from Department Head, Human Resources and City Manager, an employee with annual leave balances above the 320/448 limit may schedule planned vacations that will result in the annual leave balance to fall below the 320/448 standard. The scheduled planned vacation must occur prior to December 31 of that Calendar year.
- C. Should the balances not be reduced by December 31<sup>st</sup> of the Calendar year, an adjustment shall be made to the employee's time to bring their balance into compliance.

#### 6.06 PAYMENT UPON SEPARATION

- A. Employees who have satisfactorily completed his/her probationary period will be paid upon separation (except as noted in 6.06 B) for all of his/her accumulated annual leave up to a maximum of three hundred twenty (320) hours (448 hours for non-exempt fire service personnel), regardless of accrual rate. If an employee dies while in the service of the City, the payment shall be paid in any manner authorized by state law.
- B. Employees who are involuntarily separated (i.e., dismissed with cause) or employees who fail to meet the ten(10) working-day notice requirement for voluntary resignations shall not be entitled to annual leave pay, unless the City Manager or designee agrees to such payment. (See Section 9-12).
- C. Use of vacation leave does not count as time worked during the required ten (10) working-day resignation notice period.

**SECTION 7 - MEDICAL (SICK) LEAVE**  
(REV.07/20/2018)

7.01 ELIGIBILITY AND RATE OF EARNING

- A. Medical leave will be prorated based on regularly scheduled hours worked and paid within a pay period.
- B. Medical leave is accrued beginning the first pay period of employment.
- C. An employee does not earn medical leave when on leave without pay.
- D. Regular full time employees will earn or accrue medical leave at the rate of one work (1) day per calendar month worked for a total of twelve (12) per year, prorated on a biweekly basis.
- E. For the regular full time employee (40 hour week), one (1) day equates to eight (8) hours.
  - 1. For the regular full-time employee (30 hour week), one (1) day equates to six (6) hours.
  - 2. Regular part-time employees will earn or accrue medical leave based upon the number of scheduled hours worked per week:

SCHEDULED HOURS	PERCENTAGE
10 to 19 hours	25%
20 to 29 hours	50%
30 to 39 hours	75%

- F. Part-time, temporary and seasonal employees shall not accrue medical leave.

7.02 CHARGING LEAVE

- A. Medical leave may be charged in increments of no less than 15 minutes, subject to the approval of the department head.
- B. Holidays, which occur during the period selected by the employee for medical leave, shall be charged against holiday leave and not to medical leave.
- C. Medical leave will not be considered as time worked for overtime computation.
- D. Medical leave will not be granted in advance of accrual.

7.03 REQUEST FOR LEAVE

- A. To receive compensation while absent on medical leave, the employee shall notify his/her immediate supervisor or department head one-half (½) hour in advance of the scheduled reporting time. This provision may be waived by the department head if the employee submits evidence that giving such notification was not possible or practicable.
- B. Notification may be given in person, telephonically, by voice-mail or by means of e-mail (e-mail notification may be used when other forms of notifications are not available and emails shall be sent not only to box of immediate supervisor and department head, but to their department administrative staff person.).
- C. The department head may request, with cause, a physician's certificate to verify the illness of any employee on medical leave.
- D. Medical leave may be used only as earned in accordance with this policy.

#### 7.04 USE

- A. Medical leave may be granted for the following purposes:
  1. Personal injury (non-job related), pregnancy or illness of the employee.
  2. Medical, dental, optical or chiropractic examination or treatment when arranging the appointment for off-duty hours is not practical alternative for the employee.
  3. Exposure to contagious disease, which would endanger others as determined by a physician.
  4. Illness of a member of the employee's immediate family, which requires the personal care and attention of the employee. (See definition of immediate family in Section 2).

#### 7.05 ABUSE

Falsification of medical leave requests or abuse of the privilege are cause for disciplinary action up to and including termination of employment.

#### 7.06 ACCUMULATION OF MEDICAL LEAVE

An employee may accumulate medical leave on an unlimited basis.

#### 7.07 PAYMENT OF UNUSED MEDICAL LEAVE

- A. Employees who have satisfactorily completed his/her probationary period will be paid upon separation (except as noted in 7.07 B) for all of his/her accumulated medical leave up to a maximum of three hundred twenty (320) hours (448 hours for non-exempt fire department personnel), regardless of accrual rate. If an employee dies while in the service of the City, the payment shall be paid in any manner authorized by law.



- B. Employees who are involuntarily separated (i.e., dismissed with cause) or employees who fail to provide and complete a 10 (ten) working-day notice requirement for voluntary resignations shall not be entitled to medical leave pay unless the City Manager or designee agrees to such payment (See Section 9-12).
- C. Use of sick leave does not count as time worked during the required 10 (ten) working-day resignation notice period.

## SECTION 8 - MISCELLANEOUS LEAVES

### 8.01 FUNERAL (BEREAVEMENT) LEAVE (REV. 10/2019)

- A. Any full time employee will be granted bereavement leave upon approval of the department head in the event of death in the immediate family to attend or make arrangements for the funeral. (See definition of immediate family, Section 2). These employees will be granted no more than three (3) work days (see definition) for this leave. If the funeral is located out of the State of Florida, two (2) additional days of travel time may be granted by the City Manager and/or designee.
- B. An employee may be required to provide his/her supervisor with proof of death in the immediate family before compensation is approved.
- C. If additional time off is necessary to attend a bereavement of a member of the immediate family, medical leave may be used. If medical leave is exhausted, annual leave may be requested and approved by the City Manager or his/her designee.
- D. An employee desiring to attend the funeral of someone outside his/her immediate family, may apply for annual leave or medical leave.
- E. Under appropriate circumstances the City Manager may approve designated City employees' attendance at a funeral or other commemorative event in the interests of the City.

### 8.02 CIVIL LEAVE

- A. Regular employees attending city related judicial or administrative proceedings or court, legislative committees or a quasi-judicial body, as a witness on behalf of the City or for serving jury duty during his/her normal working hours shall receive pay at his/her regular rate for the hours they are involved in such matters, but shall report to his/her supervisor for work when excused or released from the proceeding.
- B. Employees who, during his/her regular work hours, attend proceedings in which they are litigants are not eligible for leave. In such cases, annual leave or leave without pay may be granted.
- C. Employees required to attend proceedings as stated in A. above, who are on scheduled vacation, may be allowed to take additional leave with pay for this time.
- D. All attendance involving civil related proceedings must be verified before an employee is compensated. Subpoenas, jury duty summons, and other appropriate documents shall be provided to the employer.

### 8.03 CONFERENCE LEAVE

An employee may be granted leave with pay to attend professional and technical institutes, conferences, or other meetings, which contribute to the effectiveness of the employee's service. All such leave will be subject to the approval of the City Manager and/or designee.

### 8.04 MILITARY LEAVE

- A. An employee who is a member of the United States Armed Forces Reserve, including National Guard, shall, upon presentation of a copy of the employee's official orders or appropriate military certification, be entitled to leave without loss of pay, time or efficiency rating during periods in which the employee is engaged in annual field training or other active duty for training exercises as well as travel time to such training.
- B. Such leave with pay shall not exceed seventeen (17) calendar days in any calendar year.
- C. An employee who is a member of the military reserve who has been called into active military service (as defined in F.S. 115.08) shall receive the first thirty (30) work days of leave with full pay.
- D. A copy of the official orders or appropriate military certification shall be filed in the employee's personnel file in the Human Resources Office.
- E. Reinstatement shall be in accordance with applicable laws.

### 8.05 EXAMINATIONS

A regular full time employee may be granted leave with pay for the purpose of taking examinations that will upgrade the qualifications of the employee for the benefit of the City. The examination must be related to the employee's present job and is subject to approval by the City Manager or designee.

#### A.06 EDUCATIONAL LEAVE

- A. Leave without pay may be granted to a regular full time employee to attend a college, university or training academy for the purpose of receiving training that is of clearly foreseeable benefit to the City as approved by the City Manager or designee.
- B. Enrollment in short courses, seminars, conferences or less than full time at a college, university or training academy, which is required as part of an employee's job, shall not be considered educational leave, but shall be considered a part of the employee's work assignment.

### 8.07 LEAVE WITHOUT PAY

- A. The City Manager may grant leave without pay.
- B. The following provisions apply to leave without pay:

1. An employee granted a leave of absence must keep the department informed of his/her current activity and current address every three (3) months.
  2. An employee who obtains either part time or full time employment elsewhere while on an authorized leave of absence shall notify Human Resources in writing within two (2) days of accepting such employment.
  3. Failure to comply with City policies will result in the employee being dropped from leave of absence status, in which case he/she must immediately return to duty or be discharged.
  4. Any employee granted a leave of absence shall contact the department supervisor at least two (2) weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
  5. Failure to return to work at the expiration of the leave shall be considered a resignation and abandonment of the position.
  6. Medical leave, annual leave or holiday leave will not be earned by an employee for the time that the employee is on leave without pay.
- C. An authorized leave of absence shall not constitute a break in service, but the time will not be credited toward retirement.
- D. Employees wishing to continue his/her insurance coverage must pay both individual and family coverage while on leave without pay.

#### 8.08 DISABILITY LEAVE (Accident Leave)

Employees of the City who are injured on the job who fall within the Worker's Compensation classification shall be paid in accordance with Section 10.03.

#### 8.09 MATERNITY LEAVE

- A. Federal guidelines on discrimination because of sex provide that absence due to maternity related reasons be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery is, for all job-related purposes, temporary disability. The medical leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.
- B. Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to medical leave or to any combination of medical leave, annual leave and leave of absence without pay. Additionally, the City shall also count maternity leave as part of an eligible employee's entitlement under the Family and Medical Leave Act (see Section 8.10).

- C. The time when a pregnant woman should return to work will be determined on an individual basis and will generally depend on the physical nature of the work, the needs of the City and the results of professional medical guidance.
- D. An employee will be allowed to continue working so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by the City with physician, and employee input, and on the needs of the City.
- E. The date on which the employee shall return to work following maternity leave shall be based on a medical statement from a certified physician stating that she is physically and mentally able to perform normal duties of her position with full efficiency.

## 8.10 FAMILY AND MEDICAL LEAVE

### A. GENERAL PROVISIONS AND BENEFITS

In accordance with The Family and Medical Leave Act of 1993 (effective August 5, 1993), full time employees and part time employees who have put in at least one (1) year on the job and have worked at least 1,250 hours during the past twelve (12) months are eligible to use twelve (12) work weeks of unpaid leave time during any twelve (12) month period for birth or adoption; in order to care for a spouse, child or parent with a serious medical condition; or for the worker to deal with his or her own serious medical condition that prevents performance in the workers' current position.

The twelve month work period shall be measured forward from the date any employees FMLA leave begins. an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period

### B. DEFINITION

A serious medical condition is defined as an illness, injury or impairment, physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or requires continuing medical treatment.

### C. LEAVE ENTITLEMENT

For continuing medical conditions the worker is entitled to the twelve (12) work week leave during a twelve month period. . The 12-month period shall be measured forward from the date any employee's first FMLA leave begins For birth and adoption the leave option expires one (1) year after the event.

### D. REINSTATEMENT FROM LEAVE

All eligible employees will be allowed to return to the same job or an equivalent position with equivalent benefits, pay and responsibilities. When the leave has occurred due to the employee's own serious medical condition, medical certification may be required attesting to the individuals physical ability to return to work.

E. BENEFITS ACCRUAL

Previously accrued benefits will not be forfeited. No benefits or seniority will accrue during the leave period if the individual is in an unpaid status. Other benefits will be provided according to law.

F. HEALTH INSURANCE

1. If the employee requesting leave desires to continue his/her health insurance coverage (including dependent and/or dental) and benefits, he/she will pay the cost of the employee's share of the premiums, under a system voluntarily agreed upon by the employer and employee.
2. Leave taken under this Act is not a COBRA qualifying event because the Act mandates that health benefits continue.
3. Any employee who does not return after a twelve (12) week Family Leave is entitled to elect up to twenty-nine (29) months more coverage under COBRA.
4. If the employee fails to return to the job after the leave, the City will recover health premiums paid on behalf of the worker during unpaid leave, unless the failure is attributable to the continuation of the medical condition or "other circumstances beyond the employee's control."

G. CITY RIGHTS AND EMPLOYEE RESPONSIBILITIES

1. The City will require, in the case of the birth or adoption of a child, that the twelve (12) week leave time be taken in a consecutive period of weeks.
2. Intermittent leave may be taken by employees when medically necessary to care for themselves or sick children, spouses or parents. In this event, the City may require the worker to transfer temporarily to an equivalent alternate position that has the same pay and benefits but might better accommodate planned absences.
3. The City will require the employee to use his/her paid annual or medical leave until exhausted, unless the employee is being compensated by worker's compensation, making up the balance of the twelve (12) week period with unpaid leave. However, paid medical leave need not be exhausted to care for a newborn or adopted child.
4. The employee must furnish a physician's certification of the existence of a serious medical condition of the employee, spouse, parent or child prior to leave being granted. The City, if it is not satisfied with the certification, may require, at the City's expense, a second opinion. A third opinion may also be requested, at City's expense, if the first two conflict. The third opinion is binding on both parties.
5. A thirty (30) day notice of intention to take leave is required when the precipitating event is foreseeable such as birth, adoption, or planned medical

treatment. If the occurrence is not foreseeable, notice must be given as soon as practical. The notice must state the reason for the leave and its duration. Notice of leave shall be submitted through the supervisor to the Human Resources Office.

6. Employees who are on approved leave of absence may not perform work for any other employer during Family Leave.
7. The employee must inform the Department Head and the Human Resources Office as soon as he/she is aware that he or she will be able to return to work.

#### 8.11 VOTING LEAVE

During a primary or general election, an employee who is registered to vote whose hours of work do not allow sufficient time for voting shall be allowed the necessary time off with pay for this purpose. When the polls are open two (2) hours before or two (2) hours after the regularly scheduled work period, it will be considered sufficient time for voting.

#### 8.12 VOLUNTARY LEAVE TRANSFER PROGRAM (REV. 02/2017)

The Voluntary Leave Transfer Program is designed for situations in which a personal or family medical situation would place an employee on leave without pay for at least 40 hours for general employees and 53 hours for 24/48 fire department shift personnel because of unavailable accrued leave. In the event an employee (recipient) exhausts all of their available accrued leave due to a personal or family medical situation, another employee (donor) may transfer his/her medical and annual leave to the recipient.

Employees who are members of the armed forces and are called to extended active duty, and for whom their military pay is less than their regular base compensation from the City of Palm Coast, may also request donated leave to make up the difference between their military pay and their regular compensation.

The donation of leave time to eligible employees (recipient) is a personal choice. Employees (potential donors) should not feel obligated in any way to assist an employee who has requested donated leave time. In order to ensure that there is no abuse of the Voluntary Leave Transfer Program, the Human Resource Office shall verify that employees requesting leave transfers meet the following criteria:

##### **I. REQUESTOR RESPONSIBILITIES**

1. Complete a written application for approval by the requestor's Supervisor and Department Head which will be submitted to the Human Resource office. The Human Resource Office shall confirm that this employee:
  - Is an employee in good standing is deemed eligible to receive leave donations from fellow employees' accrued leave,
  - Has not received any disciplinary action in the past 2 years with regards to City of Palm Coast Personnel Policies and procedures related to attendance or misuse of the time clock,

- Has been employed by the City for a minimum of 1 year and the City's time-keeping records do not indicate abuse of the City's paid leave policies in the previous six months,
  - Is not in probationary status due to disciplinary issues (however, employees placed on probation due to changes in positions shall be considered for participation),
  - Has exhausted all of their own accrued leave balances and has been, or expects to be, on unpaid status for at least 40 (forty) hours for general employees and 53 (fifty-three) hours for 24/48 fire department shift personnel,
  - Employees hired after January 1, 2011 must be enrolled in the City's Short Term Disability program,
  - Employees hired prior to January 1, 2011 shall enroll, or have attempted to enroll and received a denial notice, in the City's Short-Term Disability Program.
2. The requestor must provide medical documentation or military orders including military pay, to the Human Resource Office which supports the period of time requested and expected date of return to duty. If applicable, the requestor may need to apply for a leave of absence under the City's Family and Medical Leave policies.
  3. The requestor must expect to be, or have already been, on unpaid leave status for a minimum of 40 hours for general employees and 53 hours for 24/48 fire department shift personnel. Should the requestor be receiving salary continuation through workers' compensation or short-term disability, requestor must have serviced the equivalent of 40 hours of leave without pay (53 hours for 24/48 fire department shift personnel) prior to donated leave being utilized.

## **II. DONOR RESPONSIBILITIES**

1. Employees wishing to Donate hours:
  - Must complete a "Voluntary Leave Transfer" form. This form will be forwarded to Human Resources after being signed by the Supervisor and Department Head. Human Resources will process the completed forms.
  - Must maintain a combined leave balance of 80 hours.
  - Should be aware that only Annual or Medical Leave may be donated and only those hours actually used will be transferred.
  - Must clearly indicate the # of accrued hours to be donated as well as current annual AND medical leave balances on the "Voluntary Leave Transfer" form.
  - May donate a minimum of one hour.
  - May not donate leave to his or her Supervisor and/or Department Head.



2. Leave transfers will be allocated based upon the number of accrued hours available by the donor (i.e., those with a larger balance shall have their leave time utilized prior to an employee with a lesser available balance).

#### 8.13 BIRTHDAY PAID LEAVE

- A. Any full time employee will be granted birthday paid leave to be utilized during their birthday month.
- B. Full-time forty (40) hours will receive eight (8) hours of pay. Full-time thirty (30) hours will receive six (6) hours of pay.
- C. Eligible part-time employees (24 hours) will receive 4.48 hours of pay.
- D. Firefighter (Career) will receive 11.2 hours of pay.
- E. Birthday paid leave must be requested through email to the employees' supervisor.
- F. Supervisors can decline a request if it interferes with business operations. If a supervisor declines a request, they will need to work with the employee to select another time/date that works for both parties.
- G. All birthday paid leave requests require approval from the direct supervisor of the employee.
- H. Birthday paid leave does not count as hours worked for overtime computation.
- I. Birthday paid leave will not be granted in advance of the birthday month.
- J. If the birthday paid leave is not exhausted by the end of the birthday month, those hours will be forfeited.
- K. Birthday paid leave goes into effect January 1, 2020.

## SECTION 9 - SEPARATIONS

### 9.01 TYPES OF SEPARATIONS

- A. Separations and/or terminations from City employment are designated as voluntary or involuntary, temporary or permanent and may include:
  - 1. Resignation
  - 2. Retirement
  - 3. Health
  - 4. Death
  - 5. Abandonment of position
  - 6. Reduction in force (lay off)
  - 7. Dismissal or discharge
  - 8. Suspension

### 9.02 RESIGNATION

- A. An employee voluntarily leaves the City service.
- B. An employee wishing to resign in good standing shall file with the City a written resignation, stating the date and reason for leaving. The notice must be given ten (10) working days prior to the date of separation and the employee is expected, in good faith, to work through the complete notice period. Failure to comply with this provision shall be cause for denying the employee re-employment, and the employee shall forfeit his/her unused earned leave.

### 9.03 RETIREMENT

- A. A procedure whereby an employee is voluntarily separated from the City's service at a time when the employee is eligible for retirement.
- B. Retirement regulations and benefits will conform with the provisions of the retirement plan in effect in the City.

### 9.04 HEALTH

- A. When an applicant is appointed to a position before the final report of a health examination is received, and the final report shows that the employee is not physically qualified to perform the duties of the position despite reasonable accommodations, or if accommodation would create an undue hardship on the City, the applicant will be separated.
- B. The City may request that an employee be examined by the City's designated physician. If disability of any kind is discovered which impairs the effectiveness of an employee in performing the work or makes continuance on the job a danger to the employee or others, the following action shall be taken:

1. If the disability is correctable, the employee will be allowed a specific time to take steps to have the disability corrected. If the employee fails to take steps to have the disability corrected within the specified time, the employee shall be subject to dismissal.
2. If, in the opinion of the examining physician, the disability cannot be corrected, the City will attempt to place the employee in another position, which he/she can perform satisfactorily. If that step cannot be accomplished successfully, the employee shall be separated either through retirement or dismissal.

#### 9.05 DEATH

For record keeping purposes, separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid in accordance with the law.

#### 9.06 ABANDONMENT OF POSITION

Unauthorized absence from work for a period of three (3) consecutive work days, as defined in Section 3, will be considered a resignation and or abandonment of position.

#### 9.07 REDUCTION IN FORCE (Lay-Off) (REV. 06/24/2011)

- A. When it becomes necessary to reduce the number of employees because of lack of funds, shortage of work, the abolition of a position, or other causes that do not reflect negatively on the service of the employees, employees shall be laid off on the basis of the following factors, each weighed equally:
  1. Length of service in the class.
  2. Length of service in the City.
  3. Performance evaluation for the past three (3) years or for the entire period of service where the length of service with the City is less than three (3) years.
- B. The City shall give the employee to be laid off at least a ten (10) days written notice of the action before the effective date of the layoff.
- C. When a department head believes that an employee is essential to the efficient operations of the department because of special skills or abilities, and wishes to retain this individual, (without application of the factors set forth in A) the department supervisor must submit a written request to the City Manager. The decision of the City Manager regarding retention or layoff is final.
- D. The names of laid-off non-regular employees will be maintained in the applicant pool for a period of three (3) months following layoff. The names of regular employees will be maintained in the applicant pool for a period of one (1) year following layoff.

- E. Recall (when the City determines that the cause of the reduced force has been resolved and recall comports with the best interests of the City) will be offered to laid off employees provided they are physically and otherwise qualified to perform the duties of the job.
- F. A laid off employee shall be paid for all annual and sick leave credits for which they are eligible under Section 5.

#### 9.08 REDUCTION IN FORCE -REHIRING/REINSTATEMENT

- A. Within the first year of layoff, the first opportunity for rehire for the same job category with the City will be offered in the reverse order of layoff. The status at time of layoff will be resumed, regarding regular employees or initial probation, as though the employee had not been laid off. The number of days served on initial probation at the time of layoff will be resumed when called back.
- B. Employees who have been laid off may be considered among the applicant pools for other job categories, but hiring decisions will be on the basis of the most qualified applicant within the applicant pool. The employee reinstated to a different job category will be subject to transfer probation of six (6) months, but regular/initial probation status will be resumed as though the employee had not been laid off.

#### 9.09 DISMISSAL OR DISCHARGE

- A. A dismissal or discharge is a permanent involuntary separation of an employee from the City. Employees discharged for disciplinary reasons will not be eligible for rehire and shall lose all seniority and reinstatement privileges. (See Section 11-Disciplinary Actions).
- B. Reasons for dismissal or discharge may include, but shall not be limited to, the following:
  - 1. Failure to meet established standards of work, morality or ethics to an extent that the employee is unsuitable for employment with the City in the position in which the employee was serving.
  - 2. Theft, destruction, or gross neglect in the use of City property.
  - 3. Incompetence, inefficiency, or negligence in the performance of duty.
  - 4. Insubordination.
  - 5. Conviction of a criminal offense.
  - 6. Being under the influence of intoxicating liquor, drugs, or barbiturates (not prescribed by a doctor) while on duty.
  - 7. Disgraceful personal conduct which negatively reflects upon the City.

8. Unauthorized absence, abuse of leave privileges or habitual tardiness.
  9. Acceptance of any valuable consideration, which was given with the expectation of influencing the employee in the performance of duties.
  10. Falsification of records or use of official position for personal advantage, including application, time sheets, purchase orders, etc.
  11. Commission of any offense described in these Personnel Policies and Procedures.
- B. The employee shall receive written notice, stating the nature and reason for the action, the duration and rights of appeal as set forth in Section 11.05.

#### 9.10 SUSPENSION

- A. The City Manager or his/her designee may suspend an employee for disciplinary reasons or pending court proceedings concerning actions that may result in dismissal. A suspension is a temporary involuntary separation of an employee from the City.
- B. An employee may be suspended without pay for acts involving unsatisfactory performance or conduct prejudicial to the public interest.
- C. An employee may be suspended without pay indefinitely if the employee has been arrested for a felony or for a misdemeanor involving moral turpitude. The suspension shall be terminated by restoration to the position held or by dismissal upon the decision of the court unless the City determines that the acts committed, notwithstanding a finding of no criminal liability, evidence the fact that the employee is unsatisfactory for continued employment by the City.
- D. If the suspended employee is restored to the City's service, full pay for the entire period of suspension will be paid, and eligibility for merit pay increase and accrual of leave credits shall not have been interrupted by the suspension.
- E. An employee may be suspended with pay in circumstances where the City Manager determines that it is in the best interests of the City to do so.
- F. The employee shall receive written notice, stating the nature and reason for the action, the duration and rights of appeal as set forth in Section 11.03.

#### 9.11 EXIT INTERVIEW

- A. It is the desire of the City to determine the reasons regular full and part time employees voluntarily leave the City's service. Exit interviews may be administered to determine the causes of and possible solutions for turnover within the work force.

- B. The supervisor will schedule the exit interview with Human Resources, which has the responsibility for this activity. Copies of the completed interview reports will be distributed to the department head and the City Manager and/or designee for review.

#### 9.12 CITY PROPERTY

At the time of separation, and prior to receiving final monies due the employee, all City records, books, assets, uniforms, keys, tools, and other items in the employee's custody, must be returned to the City. The department head accepting the employee's resignation must make certification to this effect and forward to the Human Resource Office to be placed in the employee's official personnel file. Any monies due the City may be collected through appropriate payroll action.

#### 9.13 PAY ON TERMINATION

- A. Employees discharged for cause are not eligible to receive payment of any accrued benefits such as annual and medical leave.
- B. Employees who are terminated or terminate employment during the initial probationary period forfeit rights to any accrued benefits, including annual and medical leave.
- C. Employees who fail to give the proper ten (10) working day notice, or fail to adequately work the notice period, for voluntary resignation forfeit his/her rights to any accrued benefits, including annual and medical leave.

## SECTION 10 - SAFETY

### 10.01 ACCIDENT PREVENTION

Department heads, supervisors and employees shall execute their responsibility for a successful safety program, and will participate in the development, implementation and improvement of this program. Supervisors must have a continuing concern with all possible safety and operational economies. Inadequate safety training, improper equipment handling and neglect can increase costs, cause accidents and reduce productivity.

### 10.02 ACCIDENT REPORTING

- A. Employees will be advised by their supervisor of their responsibility to immediately report to his/her supervisor all injuries that occur on the job. Delay or failure in reporting an injury can cause complication of the injury, delayed recovery, controversy of the claim, and loss of benefits as well as possible disciplinary action.
- B. An Injury Report must be submitted by the injured employee's supervisor within twenty-four (24) hours after the date of the accident or the report of the injury to the Department Head. If the incident occurs over a holiday or weekend, the Injury Report must be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving City vehicles. In the event of a vehicular accident, a vehicular accident report will also be submitted.
- C. The Department Head is responsible for ensuring that all accident reports are forwarded to the Human Resource Office.
- D. In the case of accidents involving motor vehicles, the appropriate law enforcement agency shall be notified immediately as well as the Department Head. Regardless of the presence of injuries, an employee involved in a motor vehicle accident/incident shall be subject to a drug and alcohol test.

### 10.03 WORKER'S COMPENSATION

#### A. DISABILITY DETERMINATION

Determinations of the existence and service connection of a disability shall be made in accordance with the Florida Statutes Worker's Compensation Act, The City will specify the physician, and surgeon or recognized practitioner to handle any and all service connected disability cases. Disability determination shall be based on:

- 1. All facts in the service history of the case.
- 2. The findings of the medical examiner assigned by the Worker's Compensation carrier.

3. Such evidence as the employee, at his/her own expense, may submit indicating the service connection to the disability.
4. Other relevant evidence submitted to the medical examiner.
5. There shall be no presumption that any disability is service connected.
6. At any time, and from time to time, the City may direct that a disabled employee be reexamined. The failure of any such employee to present himself/herself for an examination as directed will automatically terminate disability leave. The results of the reexamination shall be made available to the City. The City shall bear the cost of the examination.

B. COMPENSATION DURING DISABILITY

1. An employee who sustains a service-connected disability, compensable under the Worker's Compensation Law, may be carried in full pay status for a period of up to seven (7) days. This time will be deducted from accumulated medical or annual time.
2. If an employee receives Worker's Compensation benefits for this period of leave with pay, he/she shall reimburse the City the amount of the benefits. Such reimbursement shall not include payments for medical, surgical, hospital, nursing or related expenses or lump-sum scheduled payments of disability losses.
3. If the employee is unable to resume work at the end of the seven (7) day period:
  - a. Consistent with the provisions of Subsection B. 5., the general provisions and benefits of FMLA (8.10) shall apply, except as follows:
    - i. He/she shall use accrued medical, compensatory, or annual leave in an amount necessary to receive salary payment that will increase Worker's Compensation payments to the total net salary being received prior to the occurrence of the disability. In no case shall the employee's salary and Worker's Compensation benefits exceed the amount of his/her regular salary payments; or
    - ii. His/her case may be reviewed by the City or appropriate official and he/she shall determine the action they wish to take regarding the matter; or
    - iii. He/she shall revert to normal Worker's Compensation benefits. It is imperative that all injuries arising out of and in the course of employment be reported immediately to the Department Head. Failure to report such injuries may result in loss of compensation.
4. Department Heads are responsible for reporting all injuries to the Human Resource Office.



5. If an injured employee is absent from work for more than six (6) months, whether or not the employee is receiving salary continuation through Worker's Compensation, the City Manager in his/her sole discretion, may place the employee on a "medical leave of absence," under whatever terms and conditions he/she in his/her sole and exclusive discretion deems appropriate. Alternatively, if the employee is absent from work for more than six (6) months, and the City Manager in his/her sole discretion determines the need to fill the employee's position; the employee may be terminated and placed on a preferential hiring list for a period not to exceed twelve (12) months. The decision of the City Manager shall be final and binding and not subject to appeal.
6. An employee must be able to perform eight-five percent (85%) of the duties/tasks/jobs of the job description and the essential functions before being allowed to return to work. The Department Head shall make this determination upon the advice of the Human Resource Office.
7. Whenever an employee on disability leave becomes physically able to perform some useful light duty work for the City, he/she may be required to do so as a condition for receiving continuing benefits. However, the City is not obligated to provide light duty or create conditional employment.

#### 10.04 EMPLOYEE SAFETY AWARDS

The City may institute an Employee Safety Award Program. Safety awards may be made either to groups or to individuals and will normally be made in recognition of praiseworthy and outstanding safety performance.

#### 10.05 WORKSITE MANAGEMENT

##### **POLICY**

1. All Departments must establish and communicate safety and health rules for each Worksite to all City of Palm Coast ("City") employees, contractors, sub-contractors, and visitors given access to a Worksite. Such safety and health rules must be created in accordance with the City of Palm Coast's safety and health program and all applicable federal, state, and local laws. For purposes of this Worksite Management Policy and Procedure, "Worksite" is defined as a City facility or area under the management and control of the City that is: 1) restricted from the public, 2) under construction, or 3) otherwise determined to be a Worksite by a Department Director or designee.
2. The City of Palm Coast requires that all City employees, contractors, sub-contractors, and visitors given access to a Worksite, must comply with all worksite safety and health rules established by the department(s) responsible for the Worksite and report any unsafe work conditions they identify or create to the Worksite manager/supervisor/designee(s).

##### **PURPOSE**

The City completes complex projects that often involves interdepartmental, contractor, and/or sub-contractor participation. Furthermore, there are many locations throughout the City where active

work is being done or areas that are restricted from public access that should have a process to accommodate visitors. This policy and procedure aims to outline the safety and health rules required of all City employees, contractors, sub-contractors, and visitors for City of Palm Coast Worksites to mitigate potential exposures to and/or the creation of hazards.

## **PROCEDURE**

- 1.1. The Department(s) of the Worksite must establish safety and health rules in accordance with the City's safety and health program and all applicable Federal, State, and Local laws.  
The following must be completed for each Worksite to help establish the safety and health rules:
  - a. Perform a Worksite Hazard Assessment
  - b. Establish controls for all identified Worksite hazards
  - c. Set required Worksite Personal Protective Equipment ("PPE")
  - d. Create a process for Worksite access
  - e. Review applicable Federal, State, and local laws
- 1.2. The established safety and health rules must be communicated to the Department(s) designee(s) responsible for the Worksite.
- 1.3. The Department's designee(s) is responsible for managing the access to the Worksite.
  - a. The designee must use the process identified by the department for Worksite access.
    - i. This includes how a Department will manage the access that other Departments' employees, contractors, subcontractors, and/or visitors have to the Worksite.
    - ii. If applicable, the Department's designee(s) is responsible for chemicals and other materials coming in or out of the Worksite that may require a Safety Data Sheet.
- 1.4. The Department's designee(s) must ensure that the established safety and health rules and identified workplace hazards are communicated to all City employees, contractors, subcontractors, and/or visitors who will access the Worksite. The Department designee(s) must communicate all safety and health information including, but not limited to, the following:
  - a. All Worksite hazards and controls
    - i. The department's designee(s) must communicate all identified Worksite hazards and their associated controls.
  - b. Required Worksite PPE
    - i. The Department's designee(s) must communicate all required PPE for the Worksite.
    - ii. All personnel on an active Worksite classified as "construction" must wear the following **minimum** PPE:
      1. Hard Hat
      2. Hearing protection (Single-use Earplugs or Earmuffs)
      3. Eye protection (safety glasses)
      4. ANSI Class II High Visibility Apparel
      5. ANSI Class III High Visibility Apparel for Nighttime Work
      6. Steel/Composite Toe Boots.
- 1.5. The Department(s) for the Worksite and its designee(s) are responsible for the enforcement of this procedure and/or correction of any unsafe action(s) that contradict the established safety and health rules.
- 2.1. All City employees, contractors, sub-contractors, and visitors must check in with the Department's designee(s) before entering the Worksite to receive instruction on all required PPE for the Worksite,

recognized Worksite hazards and associated controls, and/or be escorted through the Worksite if necessary.

- a. If another Department's employee and/or visitor does not have the Worksite required PPE, then they are not permitted on the Worksite unless accompanied at all times by a Department's designee.
  - b. Any person who does not wear the required worksite PPE may not work or approach an area, within a reasonable distance, with identified hazards that require PPE.
- 2.2. All City employees, contractors, subcontractors, and visitors must report any potentially unsafe work conditions they identify or create to the Worksite manager/supervisor/designee(s).

## SECTION 11 - DISCIPLINARY ACTION

### 11.01 INTENT AND PROCEDURES

- A. It is the intent of the City to avoid most matters that necessitate disciplinary action by instituting effective supervision and positive employee relations.
- B. Each instance differs in many respects from other situations and the City retains the right to treat each occurrence on an individual basis, without creating a precedent for other cases that may arise in the future. The City retains the right to suspend any disciplinary action which may be taken as a result of good behavior for a specified term.
- C. The following guidelines are not to be construed as limitations upon the retained rights of the City. The policies provide recommended penalties to apply for specific offenses. This means that a more severe or less severe penalty may be issued than that which appears in the guidelines if it is justified.
- D. Disciplinary action is intended to correct improper conduct or deficiencies, not to punish an offending employee. Disciplinary action shall therefore, only be severe enough to constitute an attempt to bring about correction. Disciplinary action is typically progressive in nature. Discharge shall be resorted to when other efforts to bring about correction have failed, or when the severity of the offense warrants such measures.
- E. Offenses requiring disciplinary action are divided into three (3) general types to reflect degrees of severity. In each group and for each guideline, consideration will be given to matters such as the severity of the offense, the cost involved, the time between violations, the length and quality of the employee's service, and the abilities of the employee. In each case where the penalty is modified from the recommended guideline, the reason for such modification will be noted in writing.
- F. In addition to the general types of offenses listed below, infractions of departmental rules and regulations, as approved by the City Manager or designee, will subject the employee to disciplinary action.
- G. In all cases, the department supervisor shall notify the employee of the action taken, and a copy of such notice will be included in the employee's personnel file.
- H. Depending upon the circumstances, acceptable disciplinary actions may include Warnings & Reprimands, Suspension, Demotion or Termination.
- I. Where disciplinary actions may result in a demotion, reduction in pay, suspension or dismissal, the Department Head/Supervisor shall first consult and gain the concurrence of the Human Resource Office before taking final action. The requirement for concurrence is not intended to relieve the Department Head/Supervisor of responsibility or to preclude the immediate suspension of an employee when emergency or other circumstances make it impractical to obtain prior concurrence.

## 11.02 WARNING & REPRIMAND

- A. Whenever employee performance, attitude, work habits, or personal conduct at any time fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary measures.
- B. In situations where a verbal warning has not resulted in the expected improvement, a written reprimand may be issued defining the nature of the infraction under the rules. The written reprimand will be sent to the employee and a copy shall be placed in the employee's personnel file. The employee's immediate supervisor usually initiates a written reprimand.

**Verbal Warning/Counseling** - This type of discipline should be applied to infractions of a relatively minor degree or to situations where the employee's performance needs to be discussed. The verbal instruction should be given in private. The employee should be informed that the supervisor is issuing a verbal instruction, that the employee is being given an opportunity to correct the condition, and that, if the condition is not corrected, the employee may be subject to more severe disciplinary actions.

**Written Warning/Counseling** - This notice will be issued in the event the employee continues to disregard a verbal instruction and repeats the offense or for first time violations of a more serious nature. The notice shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline. Written Notices must be issued within a reasonable time after the occurrence of the violation claimed by the manager/supervisor unless there is cause for a reasonable delay due to employee or supervisor unavailability. The notice will be accompanied by a discussion session between the manager/supervisor and the employee.

## 11.03 SUSPENSION

- A. A suspension requires a pre- suspension hearing before the suspension is approved. If the violation does not require that the employee be removed from his/her position to conduct an investigation or the violation is not of such a serious nature that it would be detrimental to have the employee performing his/her duties, the employee may continue working after the violation is noted and stated. (See also Section 9.10).
- B. A suspended employee shall be notified by the department head at the time of suspension of the specific reason for the action, duration of the action in work days (see definition), of the correction expected and of his/her rights of appeal. Such notification shall be in writing, dated and hand-delivered to the employee or delivered by certified mail to the employee or the employee's last known address. A copy of the suspension shall be forwarded to the employee's personnel file.
- C. **Administrative Suspension** - Administrative suspensions may be used in cases where it is necessary to investigate a situation to determine what further disciplinary action may be justified, and/or where continued presence on the job would be a liability to the City, a

danger to the public, or where continued presence on the job would hamper the investigation. An administrative suspension is with pay.

1. An employee who is suspended with pay during an investigation is required to be available during regularly scheduled work hours for meetings and to provide information upon request. If the employee is unavailable without notice, it will be considered a further violation.
2. If, after the investigation, it is determined that the employee is innocent of any violation, he/she will be restored to duty and a letter exonerating the employee will be placed in his/her Official Personnel File.
3. If, however, the employee is found in violation, a pre-suspension hearing will be scheduled allowing the employee an opportunity for due process. If the violations are founded, disciplinary action will be in accordance with the nature of the offense, the City may recover salary and benefits paid during the suspension with pay.
4. If the employee under investigation purposely interferes with the investigation in any way, the employee may be disciplined up to and including termination.
5. **Pre-Suspension Hearing** The employee will be notified in writing of an administrative suspension and a hearing date to discuss the reasons for the suspension with the department head and the Human Resources Office. The employee may have a witness if requested. A memorandum, not requiring the written approval of the City Manager, documents the suspension.

D. **Indefinite Suspension** - The City Manager, or designee, may authorize the indefinite suspension without pay and allowances of any employee of the City charged with a criminal act,

1. **Pre-Suspension Hearing** - The employee shall be notified in writing of such a suspension and a hearing date to discuss the reasons for such suspension with the Human Resources Office and the Department Head. Said suspension shall continue until the disposition of said charges by a court of competent jurisdiction.
2. This suspension gives the City the opportunity to review the facts of the case and to determine an appropriate course of action
3. Even if the employee is not convicted of the crime charged or enters a pre-trial services intervention program, the employee is still subject to any administrative charges for violations of the City's policies and for the procedures and discipline such charges warrant, according to the decision by management. If an employee enters an intervention program, a signed release order from the court is required before the employee can return to work.

#### 11.04 DEMOTION

- A. Demotion may be used as a necessary action during probation and after probation in those instances where an employee has been promoted to a position where he/she is either unwilling or unable to perform the responsibilities of that position including the supervision duties. (See all Section 4.08).
- B. Salary and benefits administration for all demotions shall be consistent with the rules established in Section 16.09 of these policies.
- C. **Demotion for Disciplinary Reasons:** Demotion may be used as a disciplinary action if there is a correlation between demotion and the violation committed by the employee. Demotion is NOT to be used as a substitute for discharge, when discharge is warranted.
  - 1. The method is the same as that for a suspension, but the employee will be notified in writing that the recommendation is demotion, not suspension and notified of his or her rights to appeal.
  - 2. **Pre-Demotion Hearing** The employee will be notified in writing of a Demotion and a hearing date to discuss the reasons for the Demotion with the department head and the Human Resource Office. The employee may have a witness if requested. A memorandum, not requiring the written approval of the City Manager, documents the Demotion.

#### 11.05 TERMINATION (Dismissal/Discharge)

- A. Recommendation for discharge may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts or other substantial reasons deemed appropriate by the department head. An employee may be recommended for discharge after repeated offenses of a Group I or Group II nature, if the offenses have been documented by the supervisor and the appropriate behavioral changes have not resulted from the previous progressive disciplinary action or for a Group III offense. (See all Section 9.09).
- B. The method is the same as that for a suspension, but the employee will be notified in writing that the recommendation is termination, not suspension and notified of his or her rights to appeal.
- C. **Probationary Employees** Probationary employees may be terminated at any time without cause and without the right of grievance or appeal. Termination of a probationary employee is a management right and prerogative and cannot be grieved.
- D. **Immediate Removal** Immediate removal of an employee from a job site may be recommended by the department head at which time the employee shall be placed on administrative suspension with recommended termination.
- E. **Pre-termination Hearing**

1. The employee will be notified in writing of a hearing date with the department head, immediate supervisor, and the Human Resources Office. Hearing notification shall be sent to the employee's last known address via certified mail or hand carried to the employee. The hearing notification will include: date, time and place of the hearing the allegations and the current evidence.
2. The employee may bring a witness, but if the employee intends to bring legal representation, the City shall be notified at least forty-eight (48) hours prior to the hearing in order to respond accordingly. If the employee brings legal representation without notification, the City reserves the right to reschedule the hearing at its convenience.
3. At the hearing, the employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the recommended action should not be taken.
4. The employer's or employee's explanation of the evidence at the predetermination hearing shall not limit the employer or employee at subsequent hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predetermination hearing.
5. No termination is final until formally issued in writing and signed by the Department Head.
6. The employee shall sign the termination form or a witness shall verify that the employee received, read and understood the form, if the employee refuses to sign.
7. The department head shall prepare the appropriate City forms and the termination procedures will be followed according to the Termination Policy.

#### 11.06 ADMINISTRATIVE DUE PROCESS- RIGHT TO APPEAL

- A. A regular non-probationary employee is entitled to administrative due process by means of filing an appeal or appeals following disciplinary action.
- B. Appeals must be filed within five (5) days of the day of the receipt of the disciplinary action by the employee. If the fifth day occurs on a non-City business day, the appeal may be filed on the next business day.
- C. All appeals shall be submitted in writing and shall fully set forth all issues that the appellant desires to be considered in the appeal and the relief that is requested by the employee. (For example, a terminated employee would request reinstatement of employment). No additional information may be submitted after the initial appeal is decided. Subsequent appeals shall be on the basis of the submissions considered in prior appeals. Materials submitted on appeal may include affidavits and written arguments.



- D. An employee shall submit a written appeal to management personnel in the following order, Department Head, and Assistant City Manager, to whom the City Manager has delegated the authority and whose decision shall be final and without further right to appeal.
  - 1. Should the discipline be initiated by the employee's immediate supervisor, the employee shall first submit an appeal to the Department Head.
  - 2. In the event that the discipline is initiated by the Department Head or the employee is dissatisfied with the decision of the Department Head, an appeal shall be filed with the Assistant City Manager.
  - 3. If the discipline is initiated by the Assistant City Manager, the employee shall appeal to the City Manager.
  
- E. Once all appeal procedures have been exhausted and the Assistant City Manager has issued a determination, the appeal shall be considered concluded and the appellant shall have no further right to appeal under these Personnel Policies and Procedures.
  
- F. Any hearings held in the appellate process and all other proceedings are administrative in nature and the Florida Rules of Evidence and the Florida Rules of Civil Procedure are not applicable.
  
- G. The City Manager or designee may refer any matter on appeal to the City Attorney or other hearing officer to make findings of fact and conclusions of law and recommendations to facilitate decisions by the City Manager or designee.
  
- H. The provisions of this Section shall not affect the City Manager's power to submit other matters to investigation as needed to facilitate City government. The City Manager may adopt administrative rules to effectuate the provisions of this Section.

#### 11.07 TYPES OF OFFENSES

The three (3) general groups of offenses and general guides for recommended, but not mandatory, penalties are as follows, with discipline generally being progressive, provided, however, that based upon the facts, any levels of discipline may be appropriate for any offense:

##### **GROUP I OFFENSES**

First Offense - verbal warning

Second Offense - written reprimand and/or suspension

Third Offense - up to discharge

- 1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
- 2. Taking more than the specified time for meals or break period.
- 3. Demonstrating productivity or work quality that is not up to required standards of performance.
- 4. Disregarding job duties by loafing or neglecting work during working hours.

5. Reporting to work or working while unfit for duty, either medically, mentally or physically.
6. Posting or removing any material on official bulletin boards or City property without authorization.
7. Showing discourtesy to persons with whom the employee comes in contact with while in the performance of duties.
8. Failing to report within seven (7) working days of an accident or personal injury in which the employee was involved while on the job.
9. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job or similar types of conduct.
10. Refusal to testify in investigations of accidents involving City/vehicles or equipment.
11. Tardiness for more than two (2) times in a four (4) month period.
12. Failure to report a request for information or receipt of a subpoena (police officers responding in normal courses of duties are excluded).
13. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
14. Failing to pay just debts, or failing to make reasonable provision for the future payment of such debts, thereby, causing loss of time and productivity to the City or to City staff.
15. Failing to keep the department and the personnel office notified of proper address and telephone number (if any).
16. Conducting an excessive amount of personal business including, but not limited to: internet, social media, phone calls, or text messaging while on working time.
17. Abusive and inconsiderate behavior toward fellow employees and/or supervisors, including content posted on social media sites.

## **GROUP II OFFENSES**

First Offense - written reprimand and/or up to 5 work days suspension

Second Offense - up to discharge

1. Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time, including using abusive language or information posted on social media sites.
2. Failing to work overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.
3. Neglecting to comply with requirements set forth in departmental rules and standards of conduct.
4. Engaging in gambling, lottery or any other game of chance at City's work stations at any time.

5. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, City Official, the City or its operations.
6. Being absent without permission or leave.
7. Provoking or instigating a fight or fighting on City's property.
8. Violating rules or practices that affect the safety of City's personnel, equipment, or property.
9. Reporting to work while unfit for duty either medically, mentally or physically.
10. Failing to report a request for information or receipt of a subpoena for a matter relating to City's business.
11. Knowingly making or publishing false or untrue statements or bringing false charges against another City employee.
12. Vending, soliciting or collecting contributions for any purpose whatsoever at any time on City premises, unless authorized.
13. Mishandling of City funds.
14. Creating a hostile work environment with unwelcome sexual comments, gestures or innuendoes.
15. Use or possession of another employee's City tools, equipment or property without authorization.
16. Violating any or all of the steps outlined in the grievance procedure.
17. Knowingly harboring a serious communicable disease that may endanger other employees.
18. Violating personnel policies.
19. Habitually reporting late to work. "Habitually" is considered occurring four (4) times within a ninety (90) day period (four (4) times within a six (6) month period for non-exempt fire department personnel).
20. Chronically being absent from work. "Chronically" is considered three (3) times within a ninety (90) day period without good reason or proper certification (three (3) times within a six (6) month period for non-exempt fire department personnel).
21. Inappropriate display of temper or disrespect in the presence of a citizen, co-worker, supervisor or subordinate.
22. Other offenses found in Group I category.

### **GROUP III OFFENSES**

First Offense - up to discharge

1. Wanton or willful neglect in performing assigned duties.
2. Deliberately misusing, destroying or damaging any City property or property of a City employee without proper authorization.
3. Receiving from any person, or participating in any fee, gift or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
4. Unauthorized altering of a time sheet.
5. Falsifying or altering personal or City records, including, but not limited to, employment applications, accident records, work records, financial records, purchase orders, time sheets, or any other reports, records or applications.
6. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or worker's compensation.
7. Insubordination by refusing to perform work assigned, or to comply with written or verbal instructions of a supervisor.
8. Unauthorized use or display of firearms, explosives or weapons on City property, unless specifically authorized.
9. Theft or removal from City's locations without proper authorization of any City property or property of any employee.
10. Sleeping during duty hours, with the exception of Fire Department Personnel in accordance with Fire Department operating procedures.
11. Being absent from duty for a period of three (3) consecutive working days (or 33.6 hours for non-exempt fire personnel) without proper authorization.
12. Knowingly making or publishing false or untrue statements.
13. Reporting to work unfit for duty either medically, mentally, or physically.
14. Failing to return from an authorized leave of absence.
15. Incompetence or inefficiency in the performance of assigned duties.
16. Using alcohol and/or controlled substance or being under the influence of same on the City premises and/or on working time or possession or sale of alcohol or controlled substance on the City premises and/or working time.

17. Being found guilty, pleading guilty, or nolo contendere (even where adjudication is withheld) to a felony, a misdemeanor or a misdemeanor involving a crime of moral turpitude. A "crime of moral turpitude" includes a criminal conviction or plea of nolo contendere, where the criminal act or conduct is contrary to justice, honesty, modesty, community morality, or good morals. A crime of moral turpitude thus includes, but is not limited to, any crime, the commission of which, reflects adversely on a person's reputation, integrity or reliability to which otherwise brings, tends to bring, or may reasonably be expected to bring, discredit or disrepute upon that person or that person's employer.
18. Failure to notify the City that charges have been filed against the employee by a prosecuting official.
19. Using or attempting to use political influence or bribery to secure an advantage of any manner.
20. Concerted curtailment, restriction of production or interference with work in or about the City's work stations including but not limited to, instigating, leading or participating in any walkout, strike, sit-down, stand-in, slowdown or refusal to return to work at the scheduled time for the scheduled shift.
21. Harassing another employee (including sexual harassment).
22. Threatening, intimidating, coercing, or interfering with employees/supervisor at any time during an inquiry or investigation.
23. Abusing the use of medical leave.
24. Beginning or maintaining an outside personal or business economic relationship that affords present or future financial benefits to the employee and may be considered a conflict of interest securing advantage of goods, services or influence due to the position of the employee with the City.
25. Unauthorized possession of firearms, explosives, or weapons on City property.
26. Provoking or instigating a fight, or fighting at any time on City property.
27. Any other offense of a similar nature deemed sufficient by the City Manager and not prohibited by law.

## SECTION 12 - EMPLOYEE GRIEVANCE PROCEDURE

### 12.01 PURPOSE

This grievance procedure is established to provide full opportunity to regular full time employees to bring to the attention of management complaints, grievances or situations that the employee feels need either adjustment or information. It is the intent and desire of the City to adjust complaints or grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances, which will be resolved only after discussion and review. The submission of a grievance by an employee shall in no way adversely affect the employee or his/her employment with the City.

### 12.02 DEFINITION OF A GRIEVANCE

- A. A grievance is a complaint, view or opinion pertaining to employment conditions, to relationships between employees and supervisors or to relationships with other employees.
- B. Disciplinary actions, dismissals, demotions, suspensions, reduction in pay, position classifications and allocations shall not be subject to review as grievances. Disciplinary actions are subject to appeal in accordance with Section 11 of these policies.
- C. Complaints related to discrimination, harassment and/or hostile work environment are covered by procedures outlined in Section 3.04 of these policies.
- D. Only regular full time and regular part time employees are eligible to file grievances under this procedure.

### 12.03 PROCEDURE

#### A. STEP ONE:

An aggrieved employee shall present the complaint either verbally or in writing to his/her immediate supervisor within three (3) business days from the time of occurrence of the problem. The supervisor shall then attempt to resolve the problem and respond in writing to the employee within three (3) business days after receiving the grievance.

If the immediate supervisor is the Department Head, proceed to Step Three.

#### B. STEP TWO:

If the employee feels the answer from the immediate supervisor is not satisfactory, he/she shall reduce to writing the facts and circumstances of the problem and present the written statement to the department head within three (3) business days of receiving the immediate supervisor's response or the date the decision was due.

The department head will investigate the grievance and notify the employee of his/her decision within three (3) business days after receiving the grievance.

Assistance will be provided, if requested, for those employees who have difficulty writing.

C. STEP THREE:

If the grievance is not resolved by the department head, the employee may submit the grievance in writing to the City Manager and/or designee within three (3) business days after receipt of the department head's decision or the date decision was due.

The City Manager and/or designee will consider the grievance, weighing all pertinent information. The City Manager may appoint a committee to render advice on the particular grievance; if in the opinion of the City Manager, the committee could be of assistance.

Within ten (10) business days after receipt of the grievance, the City Manager and/or designee will notify the employee and department head of the decision reached. The City Manager and/or designee's decision is final and not subject to further administrative appeal.

If the grievance is of such a nature that the employee cannot reasonably approach the immediate supervisor or the department head, than a direct appointment may be made with the City Manager or designee. This particular step, known as an "Open Door Policy," shall not be abused. Effective management almost always functions best when the chain-of-command is followed, although it is recognized that certain mitigating circumstances may sometimes dictate otherwise.

#### 12.04 GENERAL PROVISIONS

- A. The time limits of this grievance procedure may be extended by management due to illness, vacations, business trips, emergencies, or other reasons. If an extension is required, the employee will be notified.
- B. Under this grievance procedure the employee and management have the opportunity to call witnesses at the Step Two and Step Three levels.
- C. Any grievance shall be considered settled at the completion of any step, unless it is appealed within the time limits set forth.
- D. It is the intent of these policies that the majority of grievances will be settled in the first or second step.
- E. All grievances at his/her conclusion shall be forwarded to the City Manager and/or designee for coordination, analysis and retention.
- F. In some cases, steps in the grievance procedure may be waived at the discretion of the department head to allow more severe matters to progress more rapidly.

- G. Employees may grieve without fear of retribution.
- H. If, in the opinion of the City Manager, conditions warrant, the grieving employee may be given anonymity.



## **SECTION 13 - DRUG FREE WORKPLACE POLICY**

### **13.01 PURPOSE**

The City has a compelling obligation to prevent and eliminate alcohol and illegal drug use in its workplace because of its responsibility for the safe, effective and efficient delivery of public services. Drug or alcohol use in the workplace may result in or contribute to on-the-job accidents, motor vehicle accidents and personal injury to the City employees and to the public. The illegal use of drugs by City employees, on or off-duty, and the state of being under the influence of alcohol while on duty are inconsistent with both the law-abiding behavior expected of citizens and the special trust placed in City employees as public servants. Moreover, City employees who illegally use drugs tend to be less productive, less reliable, and prone to greater absenteeism than his/her fellow employees. This impairs the efficiency of City departments, creates a greater burden on reliable employees and undermines public confidence in all City employees.

The City adopts the following policy to the extent that it is consistent with Florida Statute section 440.102, and the definitions in that section are hereby incorporated in this policy.

#### **A. POLICY STATEMENT**

It is the policy of the City to maintain a drug-free workplace. It is a condition of employment with the City that employees refrain from reporting to work or working with the presence of drugs and/or alcohol in his or her body and for each City employee to abide by this policy. In addition to possible disciplinary action, up to and including termination as a result of any violation of this Drug Free Workplace Policy, an employee injured in the course and scope of employment who refuses to submit to a test for drugs and/or alcohol, or is tested and has a positive confirmation of drug use or alcohol, forfeits his/her eligibility for medical and indemnity benefits under the Workers Compensation Act.

#### **B. LEGAL AUTHORITY**

The unlawful manufacture, distribution, dispensation, possession or use of a drug, alcohol or a controlled substance in the workplace is prohibited. Sections 440.101 and 440.102 of the Florida Statutes set forth the requirements with which the City's drug-free workplace policy must comply. The City is also subject to the Drug Free Workplace Act of 1988 and to the U.S. Department of Transportation's Federal Transit Authority ("FTA") drug and alcohol testing requirements with respect to certain employees (Alcohol and Drug Testing Program for Commercial Motor Vehicle Drivers). This FTA program is separate from this policy. Each City employee shall ensure that he or she is aware of all programs that relate to his/her position.

C. EFFECTIVE DATE OF POLICY

The City's Drug Free Workplace Policy is effective on date of adoption of these rules and regulations. Upon enactment or revision as a new policy, this policy shall be provided to all employees. All new employees will be provided with this policy at new hire orientation/onboarding. It shall be the responsibility of all personnel to familiarize themselves with this policy

13.02 TYPES OF DRUG TESTS

A. CITY AUTHORITY TO TEST

The authority to order an applicant or employee to submit to a drug and/or alcohol test pursuant to this policy is vested in the City and its officials acting in the interests of the City.

B. REQUIRED TYPES OF DRUG TESTS

For purposes of this policy, and in accordance with Section 440.102, Florida Statutes, the term "drug" also includes alcohol unless specified otherwise. Employees and applicants will be subjected to the following types of drug tests:

1. **Job Applicant Testing**

- a. All applicants for positions with the City will be drug tested and must pass a 10-panel drug test before he/she is hired as an employee and before completing the City's intake process. The applicants whom the City intends to hire will be given a conditional offer of employment and requested to submit to a drug and/or alcohol test. Refusal to submit to the drug and/or alcohol test or a positive confirmed test result will result in rejection of the applicant for employment at that time. The City may choose not to perform applicant alcohol testing for some classifications, based upon the needs and requirements of the City related to the particular classification(s).
- b. Job applicant drug testing does not require authorization from a City official or representative.

2. **Reasonable Suspicion Testing**

- a. An employee may be required to submit to a drug and/or alcohol test when the City has a reasonable suspicion that an employee is using or has used drugs or alcohol in violation of City policy. "Reasonable suspicion" will be determined from specific, objective, and articulated facts and reasonable inferences drawn from those facts in light of experience.
- b. Among other things, such facts and inferences may be based upon the following:

- Observable phenomena while at work, such as direct observation of drug and/or alcohol use or the physical symptoms or manifestations of being under the influence of a drug or alcohol including, but not limited to, the appearance of intoxication, the smell of alcohol and erratic behavior;
  - Abnormal conduct, irrational or incoherent mental state or erratic behavior while at work or a significant deterioration in work performance,
  - Increased or unusual inattentiveness, absentmindedness, drowsiness or mood swings,
  - Increased or unusual unexplained absenteeism and tardiness,
  - Impairment of motor functions and lack of physical coordination,
  - A report of drug and/or alcohol use, provided by a reliable and credible source, which has been independently corroborated, (not based on anonymous report)
  - Evidence that an individual has tampered with a drug and/or alcohol test during his/her employment with the City,
  - Information that the employee has caused, contributed to or has been involved in an accident while at work, or while driving a City vehicle. **Note:** The City may decide not to test all employees involved in work related accidents. However, it will test all employees where there is some information or evidence upon which a reasonable person could conclude that the employee was at fault to some degree, either by the employee's actions or inactions. This decision will be made as a part of the reasonable suspicion determination by a Department Director, City Manager, or designee.
  - Evidence that the employee has used, possessed, sold, solicited or transferred drugs and/or alcohol while working or while on the City's premises, or while operating City vehicle(s), machinery or equipment,
  - Discovery of drugs and/or alcohol in the workplace,
  - Employees' confirmation of drug and/or alcohol use, or
  - The failure to timely complete assignments.
- c. If an employee has information upon which there may be a reasonable suspicion of another employee's drug and/or alcohol use in violation of City policy, he/she must immediately report the information to his/her supervisor, the Director of that department, that director's designee or to the City Manager or designee.
- d. If a supervisor has information upon which there may be a reasonable suspicion of an employee's drug and/or alcohol use in violation of City policy, he/she must immediately report the information to his/her supervisor, the director of the department or designee, the City Manager or designee.
- e. If a department director has information upon which there may be a reasonable suspicion of an employee's drug and/or alcohol use in violation of City policy, he/she must immediately report the information to the City

Manager or designee.

- f. The City Manager or designee must consider the information the employee, supervisor or department director reported in making his/her own reasonable suspicion determination.
- g. Reasonable suspicion testing may only be authorized by a department director or designee, or by the City Manager or designee. The order for an employee to submit to reasonable suspicion testing may be given by any supervisory employee the City deems appropriate. However, whenever practicable, Human Resources should be notified prior to ordering an employee to submit to reasonable suspicion testing. Human Resources shall assist with coordination of the testing.
- h. The City must document, in writing, the circumstances that formed the basis of its reasonable suspicion testing within five (5) days after the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential by the City. This documentation shall be retained by the City for at least 1 year.
- i. Employees shall be transported to the specimen collection site by a supervisor.
- j. It is a terminable offense for an employee to, in any way, alter or attempt to alter the results of a drug or alcohol test given to the employee or any other employee.

**3. Routine Fitness for Duty Testing**

- a. An employee may be asked to submit to a drug and/or alcohol test as part of a routinely-scheduled fitness for duty medical examination that is either part of the City's established policy or that is scheduled routinely for all members of an employment classification or group.
- b. Drug and/or alcohol testing which is conducted pursuant to a routine fitness for duty examination does not require particular authorization from any designated City official beyond that required for the examination itself.

**4. Follow-up Testing**

- a. If an employee enters an employee assistance program or rehabilitation program for drug and/or alcohol related problems, the employee may, at the City's discretion, be required to submit to a follow-up drug and/or alcohol test on a quarterly, semiannual or annual basis for two (2) years thereafter. Advanced notice of the follow-up testing date must not be given to the employee to be tested.
- b. Except to the extent modified by other City policies or collective bargaining

agreements, follow-up testing may be authorized by a department director or designee or by the City Manager or designee. However, whenever practicable, Human Resources should be notified prior to ordering an employee to submit to reasonable suspicion testing. Human Resources shall assist with coordination of the testing.

## 5. **Random Testing**

- a. Employees in the following job categories are subject to random, unannounced drug and/or alcohol testing:
  - Public Safety positions are subject to random drug testing pursuant to the procedures set forth in the Personnel Policies and Procedures. The illegal use of a controlled substance by a certified firefighter is a criminal act that directly threatens the integrity and effectiveness of the Fire Department. Certified firefighters who test positive for illegal drugs in a random test are subject to discharge.
  - Commercial Drivers: Employees subject to the drug and/or alcohol testing requirements of the Department of Transportation are subject to random drug and alcohol testing. Drug and/or alcohol use by employees in safety-sensitive positions is dangerous, illegal and could result in or contribute to on-the-job accidents, motor vehicle accidents, and personal injury to City employees and the public. Covered commercial drivers who test positive for illegal drugs and/or alcohol in a random test are subject to discharge.
  - Employees involved in recreational activities involving minors, as determined by the City Manager, or designee, in that such positions are found to be safety-sensitive and special-risk positions which are related to the health, safety, morals and welfare of minors utilizing the City's recreational facilities and participating in the City's recreational programs which facilities must be operated and which programs must be implemented in a manner that is conducive to the best interests of children.
  - Employees involved in activities involving the life safety of citizens, as determined by the City Manager, or designee, in that such positions are found to be safety-sensitive and special-risk positions which are related to the health, safety, and welfare of citizens.

### 13.03 DRUG TESTING PROCEDURES (REV. 8/26/19)

#### A. DRUG SPECIMEN COLLECTION SITE

The drug specimen collection site is subject to change and is dependent upon which

facility the City contracts as its drug specimen collection site.

## B. TESTING LABORATORIES

This testing laboratory is subject to change and is dependent upon which facility the City contracts as its testing laboratory.

## C. TIMELINE OF TESTING

An employee's drug specimen shall be collected immediately from the contracted laboratory, whenever possible, during its business hours. If a non-worker's compensation event occurs and it requires an employee to take a drug test outside of the contracted laboratory's business hours, then that employee shall wait to receive the drug test until the contracted laboratory immediately opens for business. The waiting limit shall not exceed twelve hours, and the employee's supervisor shall make every effort to ensure timely testing. If the waiting limit will exceed twelve hours, then the employee shall take the required drug test with Advent Health Flagler Hospital. This section does not abrogate the rules and restrictions set forth in other paragraphs pertaining to "pending test results" (Section 13.04(a)).

## D. METHODS OF TESTING

1. Tests for the presence of illegal drugs will use urine specimens.
2. Tests for the presence of alcohol will use a calibrated breathalyzer. A urine alcohol test will be used if the employee must wait more than eight hours for the contracted laboratory to open for business.
3. A split sample testing shall be taken by the drug specimen collection site. The primary specimen will be tested by the testing laboratory. The split specimen will be sealed and reserved in case of appeal.

## E. DRUGS TESTED

The drug test may be a 5-panel, 9 panel, and/or 10-panel drug screen test. Cutoff levels to be used in testing are those established by Standard Industrial Drug Panel 10. The person (s) may be tested for any of the following but not limited to Alcohol, Amphetamines, Cannabinoids, Cocaine, Opiates, Phencyclidine, Methaqualone, Barbiturates, Benzodiazphines, Methadone, and Propoxyphene.

## F. REPORTING USE OF PRESCRIPTIONS and/or NON-PRESCRIPTION MEDICATIONS

1. An employee or job applicant may confidentially report information concerning the use of prescription and/or non-prescription medications to the specimen collection site before testing and to the Medical Review Officer (MRO) after testing. The presence of prescription and/or non-prescription medications in the body may affect the outcome of the test. The City's certified MRO is subject to change and is dependent upon which MRO the City contracts to perform MRO

services.

2. Various types of over-the-counter and prescription drugs may contain Alcohol, Amphetamines, Cannabinoids, Cocaine, Opiates, Barbiturates, Benzodiazepines, Methadone, and Propoxyphene which could alter drug test results.

#### G. RIGHT TO CONSULT LABORATORY

All applicants and employees may consult with the testing laboratory or the MRO for technical information regarding the effects of prescription and non-prescription medications on drug testing. Any consultation by an applicant or employee with the testing laboratory or MRO for the purpose of gaining technical information shall be confidential. An MRO must supply technical information to any employee who fails a drug test.

#### H. TEST RESULTS

1. Negative Test Results

If the applicant or employee's primary specimen tests negative, the MRO will inform the City of the negative result.

2. Positive Test Results

The applicant or employee whose primary specimen tests positive has the right to contest the positive result. The applicant or employee who receives a positive test result may explain or contest the result to the MRO within five (5) working days after the receipt of written notification of the positive result. If the applicant's or employee's explanation or challenge is unsatisfactory to the MRO, the MRO must report a positive confirmed test result back to the City and applicant/employee and include a copy of the positive test result.

- C. Within five (5) working days after receipt of the positive confirmed test result from the MRO, the City will notify the applicant/employee in writing of the positive test result, the consequences of such result and the options available to the applicant/employee.

#### I. CHALLENGING A POSITIVE TEST RESULT

1. Notification of Challenge and Information Presented

- a. Any applicant/employee challenging a positive test result must notify the City and the MRO of such challenge in writing within five (5) working days of receiving the City's notification letter. If the applicant/employee does not notify the City and the MRO of his/her challenge in writing within that five (5) working day period, the applicant/employee's right to challenge is now waived and a challenge to the positive test result is

barred. Applicant/employee's written challenge must include his/her desire to have the split specimen tested at a different laboratory. This split specimen test and all costs associated with a challenge to the split specimen test results are at the applicant/employee's exclusive expense. The City shall be notified of the split specimen test result by the MRO in writing and shall receive a copy of the result.

- b. If the primary specimen tests positive and the split specimen tests negative, the applicant/employee shall have five (5) working days to present information that contests the result of the primary specimen to the City, which may include the results of the split specimen. After the City's review of the information presented, the City will advise the applicant/employee of its findings in writing.

#### J. CONFIDENTIALITY OF DRUG TEST RESULTS

1. All drug and/or alcohol test results and information, interviews, reports, statements and memoranda, written or otherwise received or produced as a result of the drug and/or alcohol testing will be maintained in a confidential manner by the City.
2. **Written Consent** The City will release information concerning drug and/or alcohol test results if it receives a written consent form signed voluntarily by the person tested.
3. **Compelled by Court Order** Drug and/or alcohol test results may be released without consent if subpoenaed in accordance with law by an administrative board or commission, an administrative law judge or a court of competent jurisdiction. .
4. **Legal Actions** The City, its agents, the MRO and the drug testing laboratory may have access to employee drug and/or alcohol test information or use such information when consulting with legal counsel in connection to legal actions or when the information is relevant to a defense in a civil or administrative matter.

#### 13.04 ENFORCEMENT OF DRUG FREE WORKPLACE POLICY

##### A. PENDING TEST RESULTS

An employee who undergoes reasonable suspicion testing, routine fitness for duty testing, follow-up testing or random testing may be placed on administrative leave with pay pending confirmation of his/her results. This decision is at the City Manager's or designee's sole discretion.

##### B. ACTIONS THE CITY MAY TAKE BASED UPON A POSITIVE TEST RESULT

1. An applicant with a positive drug and/or alcohol test result will not be hired for the position applied for or any other positions for which he/she has contemporaneously applied.
2. An employee with a positive drug and/or alcohol test result is subject to



disciplinary action up to and including dismissal. Additionally, the City may take one or more of the following actions:

- Require the employee to attend educational seminars and courses and/or participate in an employee assistance program;
  - Require the employee to be evaluated by a Substance Abuse Professional (SAP);
  - Require the employee to attend a rehabilitation program;
  - Discipline, including, but not limited to, suspension, probationary employment, transfer to another or less hazardous position and/or reduction in compensation;
  - Discharge from employment.
3. Employees disciplined pursuant to this policy will be given reasonable notice of the right to a disciplinary hearing (by the department director or Human Resource Director) in writing. The City's Policy and Procedures Manual and collective bargaining agreements will be observed where applicable.
  4. If an employee is injured in the scope of his/her employment and drug tests and/or other medical evidence indicate the presence of illegal drugs and/or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical or indemnity benefits available under the Florida Workers Compensation statute and may also forfeit eligibility for unemployment benefits. These penalties are in addition to any other penalties that may apply

#### C. REFUSAL TO TAKE DRUG TESTS WHEN REQUIRED

1. **Job Applicant Refusal** Any job applicant who refuses to submit to drug and/or alcohol testing, or who alters, adulterates or otherwise interferes with drug collection, samples, or analysis is immediately disqualified from City employment.
2. **Employee Refusal** Any employee who refuses to submit to a drug and/or alcohol test when required under this policy, or who alters, adulterates or otherwise interferes with drug testing collection, samples or analysis is discharged from City employment and may forfeit eligibility for medical and/or indemnity benefits under the Florida Workers Compensation statute.
3. **Injured Employee's Refusal** Any injured employee who refuses to submit to a drug and/or alcohol test when required under this policy, or who alters, adulterates or otherwise interferes with drug testing collection, samples or analysis is discharged from City employment and may forfeit eligibility for medical and/or indemnity benefits under the Florida Workers Compensation statute.

#### D. CONVICTION FOR VIOLATING DRUG OR ALCOHOL STATUTE

It is a condition of employment with the City that any employee who pleads guilty, pleads "nolo contendere" or is convicted of any criminal drug and/or alcohol violation

occurring either in the workplace or off-the-job, must report such conviction to his/her supervisor within five (5) calendar days of such conviction. Any employee, who pleads guilty, pleads “nolo contendere” or is convicted of any criminal drug and/or alcohol violation may be disciplined or terminated.

#### E. OFF-DUTY HOURS

Any City employee who is called in to work during off-duty or unscheduled work hours must notify his/her supervisor if he/she is unable to perform his/her job duties due to alcohol consumption before reporting for work. The City may accept the City employee’s admission of alcohol consumption during off-duty or unscheduled work hours and may not require his/her attendance for work.

#### F. VOLUNTARY IDENTIFICATION

The City will not discharge, discipline or discriminate against an employee solely upon an employee’s voluntarily seeking treatment for a drug and/or alcohol-related problem if the employee has not previously tested positive for drug and/or alcohol use, entered an employee assistance program for drug and/or alcohol-related problems or entered a drug and/or alcohol rehabilitation program while employed with the City. Notwithstanding the foregoing, if the employee’s position is deemed by the City to be of a nature that requires the City to take appropriate action to ensure the public safety, the City may take such action.

If an employee voluntarily identifies a drug and/or alcohol-related problem and the employee has not previously tested positive for drug and/or alcohol use, entered an employee assistance program or drug rehabilitation program while employed with the City and as specified above, he/she shall enter a licensed substance abuse program under the guidance of the Substance Abuse Professional (SAP). The employee will be evaluated by the SAP for the purpose of determining what assistance, if any, the employee needs in resolving drug and/or alcohol-related problems.

Any treatment program the SAP prescribes shall be at the employees’ expense unless covered by the City’s insurance program. While undergoing treatment, the employee, if eligible, will be placed on FMLA (family/medical leave) and allowed to use medical leave, annual leave or any paid leave to maintain his/her usual compensation and benefits.

The SAP will determine if and when the employee is fit to return to duty. Upon the SAP’s fitness determination, the employee must do the following:

1. Pass a follow-up drug test and,
2. Sign and comply with all requirements of a Re-Entry Contract.

If an employee executed a Re-Entry Contract within the previous twenty-four (24) months, and he/she tests positive for drugs and/or alcohol and his/her challenge to the test, if any, is not successful or he/she refuses to submit to follow-up testing, he/she will be terminated.

#### G. REHABILITATION/SUBSTANCE ABUSE PROFESSIONALS

If any person(s) are experiencing drugs and/or alcohol problems, they are encouraged to contact a rehabilitation facility and/or substance abuse professional, which provides confidential drug and/or alcohol abuse counseling and referral to residential or support treatment centers for all employees and his/her eligible family members.

#### H. PRESCRIPTION DRUGS

Employees using prescription drugs and who also operate City vehicles and /or equipment as part of their normal job functions must report the use of such prescription drugs to their supervisor if a side effect of the prescription drugs is drowsiness or any other physical response that a reasonable person would know would affect the use of a vehicle or equipment. The supervisor shall consult with Human Resources to determine if the use of the prescription drug is consistent with the safe use and operation of a vehicle or equipment.

13.05 RE-ENTRY CONTRACT

The City of Palm Coast (“City”) and \_\_\_\_\_ (“Employee”) of the City voluntarily enter into this Re-Entry Contract this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. The City and Employee will be collectively referred to as the “Parties”. For the purposes of this contract, the term “drug” includes alcohol.

Employee is voluntarily seeking treatment for a drug and/or alcohol-related problem. Employee has not previously tested positive for drugs or alcohol use, entered an employee assistance program for drug and/or alcohol-related problems or entered a drug and/or alcohol rehabilitation program while employed with the City. In consideration for the City continuing the employment of the employee subject to all rules related to personnel employed by the City, the employee agrees as follows:

Prior to returning to work for City, Employee shall:

- 1) Provide the City with a “Release to Work Statement” to be completed by a City approved Substance Abuse Professional (“SAP”);
- 2) Submit to a drug and/or alcohol test with a City-approved testing facility and provide the City with documents establishing a confirmed negative drug test result and
- 3) Agree to follow the rehabilitation program as prescribed by the SAP.

Upon enrollment in the prescribed rehabilitation program and return to work:

- 1) The Employee will be reinstated to his/her former position if he/she returns to work within ninety (90) days of taking leave;
- 2) The Employee will be on probation for twenty-four (24) months following return to work;
- 3) During the Employee’s twenty-four (24) month probationary period, the Employee will be required to submit to a follow-up drug and/or alcohol test on a quarterly, semiannual, or annual basis. Advance notice of the follow-up testing will not be given to the Employee.
- 4) Employee’s failure to submit to any unannounced drug and/or alcohol testing during the twenty-four (24) month probationary period shall be a breach of this contract and shall constitute the Employee’s voluntary resignation from employment.
- 5) If the Employee tests positive for unauthorized drug and/or alcohol use any time after the execution of this Contract, the Employee will be terminated.

The Parties agree that violation of any provision of this Re-Entry Contract shall be grounds for the Employee’s termination.

CITY OF PALM COAST

EMPLOYEE

\_\_\_\_\_  
City Manager

\_\_\_\_\_

## SECTION 14 - BENEFITS

### 14.01 RETIREMENT PLAN

- A. The City provides a pension plan for full-time regular employees to provide monthly income after their retirement. In addition, an employee may elect to have payroll deductions made to a deferred compensation plan. Details of the plan are maintained in the Human Resource Office. In order to facilitate the processing of an employee's retirement plan payments, all retiring employees shall notify the Human Resource Office or his/her designee no later than four (4) months prior to the normal service retirement date.
- B. Former Palm Coast Service District employees hired as transfers during the 1999-2000 or 2000-2001 fiscal years had a one-time option to remain a member of the Florida State Retirement System as required by Florida State Law. Those department members who elected the FRS program at that time are the only eligible City participants in the FRS program.

### 14.02 UNEMPLOYMENT COMPENSATION

The City is registered with the State of Florida Bureau of Unemployment Compensation. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits.

### 14.03 INSURANCE BENEFITS

Hospitalization and medical insurance are available for all regular full time employees. Premium costs may be shared between the City and the employee and levels are determined on an annual basis. Life insurance and long term disability are also paid by the City for all regular full-time City employees. These benefits are contingent upon the availability of funds.

### 14.04 DEDUCTIONS

Federal withholding and Social Security are deducted from pay checks in accordance with law. Any other deductions are made only by written request of the employee.

### 14.05 DIRECT DEPOSIT

The City requires that new employees participate in the direct deposit program. Employees may have his/her paychecks deposited directly to any bank, credit union and/or savings institution, of his/her choice, that is in the Federal ACH system.

### 14.06 COBRA

- A. The federal Consolidated Omnibus Reconciliation Act (COBRA) gives employees and his/her qualified beneficiaries the opportunity to continue medical and dental insurance coverage under the City's plans when a qualifying event would normally result in the loss of eligibility.
- B. Some common qualifying events are resignation, termination of employment or death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation and a dependent child no longer meeting eligibility requirements.
- C. Under COBRA, the employee or beneficiary pays the full cost of coverage at City's group rates. The HR department provides eligible employees and his/her dependents with written notice describing rights granted under COBRA, when the employee becomes eligible for coverage under the City's medical and dental plans and at termination of employment. The notice contains important information about the employee's rights and obligations.
- D. Employees or his /her dependents, who become eligible for COBRA, have sixty (60) days from the qualifying event to elect continuation of coverage. Further details and necessary forms are available in the Human Resource Office.
- E. Certain Employees terminated from employment forfeit rights under COBRA.

#### 14.07 WORKER'S COMPENSATION

- A. In the event of a work-related injury or illness employees are required to immediately report the incident to his/her immediate supervisor or Department Director. The employee and supervisor must complete and sign the appropriate city forms and forward to the Human Resource Office to be placed in the employee's official personnel record. Arrangements for medical care are made through the City's Workers' Compensation Insurance Carrier.
- B. In emergency situation, an injured employee is taken to the emergency room and the supervisor handles the associated paperwork. Any ongoing treatment or physician reevaluation must be scheduled through the City's Workers' Compensation Insurance Carrier.
- C. The Human Resource Office must be notified as soon as possible and all completed forms must be forwarded to the Human Resource Office.

#### 14.08 TRAINING

- A. City employees are encouraged to participate in training opportunities that will enhance job skills and knowledge. Based on fund availability and the exercise of good judgment by the City, the City may pay for training opportunities that arise.
- B. Training opportunities include conferences, seminars and individual courses offered by vendors or various professional or educational institutions and associations. Authorization for training is granted by the employee's supervisor.

- C. If an hourly employee is required to attend special training sessions after regularly scheduled working hours, the employee will be paid overtime if hours worked and time spent in training, equal more than forty hours in the applicable work-week.
- D. This does not include course work required by the State or Federal Governments for certification purposes or voluntary attendance at training opportunities offered by the City.

14.09 TUITION REIMBURSEMENT  
(REV. 10/2017)

In an effort to improve service to the citizens of the City of Palm Coast and encourage employees to complete courses of instruction which may increase their productivity and efficiency in their present positions and/or which may improve skills or increase knowledge and abilities contributing to advancement and promotional potential within the City, the City of Palm Coast may provide tuition reimbursement where the following procedures have been adhered to:

**Eligibility** - City employees who have been **employed full time at least one year** are eligible to apply for consideration to receive funds from the Tuition Reimbursement Program for courses of study or instruction that, in the judgment of the City Manager or designee, meet the stated program objectives.

City employees applying for the Tuition Reimbursement Program must be enrolled in an accredited academic or technical training program either related to the present position the employee holds or a career opportunity with the City of Palm Coast.

**Service Obligation** - Employees who request Tuition Reimbursement must agree to remain in the employ of the City for at least one year following completion of the coursework for which they are being reimbursed. Employees who separate from employment, within the one-year period, shall reimburse the City for tuition benefits applicable to courses completed during the affected period. Employees must each semester complete a **Tuition Reimbursement Program Application and Agreement to Work Form.**

**Types of Education & Courses:** The tuition reimbursement program applies to Bachelor's, Master's Degree, and community college courses. Other courses (certification programs, technical courses, correspondence courses, etc.) may be reimbursed with the prior approval of the City Manager or designee. Reimbursable courses may be taken in person or online.

Course work leading toward a Bachelor's or Master's degree must be obtained from Universities/Colleges accredited by one of the regional accrediting associations recognized by the US Department of Education shall be eligible for tuition reimbursement:

1. Middle States Association of Colleges and Schools, Commission on Higher Education
2. New England Association of Schools and Colleges, Commission on Institutions of Higher Education. New England Association of Schools and Colleges, Commission on Technical and Career Institutions
3. North Central Association of Colleges and Schools, The Higher Learning Commission
4. North Central Association Commission on Accreditation and School Improvement, Board of

Trustees

5. Northwest Commission on Colleges and Universities
6. Southern Association of Colleges and Schools Commission on Colleges
7. Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges
8. Western Association of Schools and Colleges, Accrediting Commission for Schools
9. Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities

The City will reimburse for only one (1) Master’s degree program and will not reimburse for Doctorate level work.

**Benefits** - Employees whose applications are approved will be entitled to an educational reimbursement upon successful completion of each approved course in accordance with the following schedule:

Technical or other course work	Bachelor’s Degree Program	Master’s Degree Program
Pass = 100%	A = 100%	A = 100%
Fail = 0%	B = 75%	B = 50%
	C= 50%	C or Below = 0%
	Below C = 0%	

The City will reimburse tuition-related expenses only. Reimbursement will not be made for books, fees including internet, labs, travel, equipment, etc.

The City will reimburse employees only to the extent that they are not reimbursed through grant- in-aid (Federal, State, or Local) programs. No employee reimbursed through other means (i.e. paid leave time, state fire supplemental pay, etc.) will be eligible for tuition reimbursement. No employee will receive tuition funds greater than actual expenditures paid by the employee. Non- compliance with this procedure may subject an employee to disciplinary action up to and including termination.

The City of Palm Coast will reimburse employees attending private colleges based on the average annual resident rate established by the State of Florida (figures available through Florida Department of Education) for undergraduate or graduate credit hours in the State of Florida Public University System. Employees attending colleges or technical schools that are on the Quarter Hour or other hourly system will be converted to semester hours for the purpose of reimbursement.

This program may be amended or terminated at any time. Refunds shall be limited subject to the availability of funds.

**Procedures:**

In order to be eligible for tuition reimbursement the **employee must complete and submit the signed, Tuition Reimbursement Program Application and the Statement to Work Form** to the Human Resources Department.

**IMPORTANT**



- The employee must attach a copy of the itemized bill, clearly indicating tuition costs and other expenses from the school, along with a receipt showing the class had been paid. The receipt and the itemized bill can be one in the same if the bill shows how the payment was made.
- The employee must attach a copy of their grades.
- The tuition reimbursement package must be submitted to the Human Resource Department within thirty (30) days after completion of the course. Requests not received within this time frame will be dependent upon availability of funds.

Annually the City Council shall establish a budget for the fiscal year based on availability of funds for the tuition reimbursement program.

**No employee will receive more than 12 credit hours per semester at the current annual average rate. Where there are insufficient funds to cover all approved applications, funds will be disbursed equitably to all applicants, however, not to exceed an amount equal to the cost of 12 credit hours per semester.**

## SECTION 15 - POSITION CLASSIFICATION PLAN

### 15.01 PURPOSE

The position classification plan is a systematic arrangement and inventory of City positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities and level of work performed. The class titles standardize the meaning, based upon the similarity of work and duties performed.

### 15.02 USES

The classification plan is used to:

- A. Determine qualifications and prepare job announcements.
- B. Establish lines of promotion and career ladders.
- C. Assist in developing employee training programs.
- D. Provide uniform job terminology on records and documents.

### 15.03 CONTENT

The classification plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications and which can be compensated within the same pay grade.
- B. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records.
- C. Written class descriptions for each job classification containing the nature of work, relative responsibilities and essential duties found in the class. Also included are the education, knowledge, abilities and skills required for performance of the work and the minimum qualifications needed.

### 15.04 ADMINISTRATION AND MAINTENANCE

The City Manager (or designee) is charged with the maintenance of the classification plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.

### 15.05 ALLOCATION OF POSITIONS

Whenever a new position is established or duties of an existing position changed, the department head shall prepare a class description describing the duties of the position. The City Manager (or

designee) shall have the position assigned to an existing class or establish a new class for the position.

#### 15.06 POSITION REVIEWS

- A. The City Manager (or designee) may assign responsibility for conducting position reviews. Such reviews may be initiated by written request from:
  - 1. The department head in whose department the position is located.
  - 2. The incumbent of the position, provided that the employee processes the request through the department head for review and comments.
- B. Position information will be gained through completion of a position classification questionnaire by the incumbent or by the supervisor of the position if the position is vacant.
- C. The department head will review and make recommendations for all proposed position changes and class descriptions.
- D. The employee in the position to be reviewed will be notified that the review is to be conducted.

#### 15.07 RECLASSIFICATION (REV. 10/2019)

- A. When the incumbent of a position is officially assigned more difficult and significant responsibilities and duties so that it appears that the position warrants reallocation to a higher pay grade, the City Manager (or designee) shall authorize a study of the duties and responsibilities of the position.
- B. If it is determined that the position should be reallocated to a higher level class, the City Manager (or designee) may require the incumbent to undergo a prescribed test of fitness, depending on the conditions of the reclassification.
- C. Should any position be reclassified to a job classification with the same pay grade as that of the original classification, the incumbent shall receive a corresponding change in title with no pay increase.
- D. Consistent with the provision of 15.07 B, should any position be reclassified to a job classification with a higher pay grade than that of the original classification, the incumbent employee shall receive a pay increase similar to that for promotion.
- E. Reclassifying a position will not affect an employee's evaluation date.
- F. A reclassification is not considered a promotion; therefore, the employee will not have a probationary period.

**Reclassification Procedure:** Each request for a personnel action that could result in a position being reclassified, restructured or redefined will follow the below procedure.

1. Immediate supervisor will complete a justification letter and forward it to the Department Head for approval.
2. This form should be sent to the Human Resource Department (or designee) for evaluation and appropriate action. Human Resources will make a recommendation either for approval or disapproval and forward for to the City Manager and the Director of Finance for approvals.
3. Recommendations and results of the evaluation as approved by the City Manager (or designee) will be forwarded to the Department Head who will communicate the findings to the individual(s) concerned.

#### 15.08 MARKET PLACE ADJUSTMENTS

- A. The City Manager (or designee) shall authorize a study of the duties and responsibilities of position(s) as needed to determine whether, based on the market place, the position(s) warrant(s) reallocation to a different pay grade.
  1. Should there be no change in the pay grade for the position, the incumbent's salary shall remain the same.
  2. Should any position be upgraded to a job classification with a higher pay grade, the incumbent shall receive a pay increase consistent with 15.07 D.
  3. Should any position be downgraded to a lower pay grade, the incumbent's salary will remain the same.
  4. Employees are not vested in the pay grade assigned to the positions which they hold and their salaries are based upon market conditions for the position which they hold. A reduction in pay grade as a result of market conditions is not a disciplinary action.

#### 15.09 POSITION CONTROL

All positions are established and maintained through a personnel budget each fiscal year in accordance with established accounting procedures.

## SECTION 16 - SALARY ADMINISTRATION

### 16.01 PURPOSE

The salary schedule is directly related to the classification plan and provides the basis of compensation for employees of the City. The salary schedule is constructed to reflect the following:

- A. Relative difficulty and responsibility existing between the classes of work, reflecting equal pay for equal work.
- B. Prevailing rates of pay for similar types of work in the labor market, from which employees are recruited.
- C. Financial policies of the City.

### 16.02 USES

- A. The Compensation Plan is used to effectively recruit in the job market, reward employees for job performance, to develop incentives and to improve his/her quality of work.
- B. The City has various methods to increase pay.
  - 1. Reclassification
  - 2. Promotion/Auto-Promote
  - 3. Certification/Education Pay
  - 4. Merit
- C. For the purposes of this policy, when an employee is reclassified or promoted, including auto-promote within two pay periods of their annual evaluation and/or receipt of certification/education pay, they are eligible for their merit plus additional increases.
- D. The order of processing will be promotion/reclass, merit, then certification/education pay.

### 16.03 CONTENT

The salary schedule includes salary ranges and the compensation attached to the ranges. Each class title in classification plan is assigned a salary range.

### 16.04 ADOPTION AND AMENDMENT

After study, analysis and consultation, the City Manager or designee, with such assistance as required, shall prepare the salary schedule for the various classes of work. Amendments to the salary schedule shall be considered when changes of responsibilities of work or classes, availability of labor, prevailing rates of pay, the City's financial condition and policies, or other pertinent economic consideration warrant such action. Final approval of the recommendations will be made by the City Manager.

#### 16.05 APPOINTMENT AND STARTING RATES

- A. The minimum salary established for a position is considered the normal starting rate for new employees.
- B. Requests for appointments above the minimum salary must be submitted with justification on the appropriate City form to the Human Resource Office. The Human Resource Office shall review the request and make a recommendation to the City Manager and/or designee for final approval.
- C. Appointments that are above the minimum salary may be authorized by the City Manager and/or designee if the applicants training, experience or other qualifications are substantially above the minimum requirements for the position.

#### 16.06 PERFORMANCE SALARY INCREASES

- A. Salary increases are not intended to be automatic, but are to be earned and based upon job performance.
- B. Employees will become eligible for consideration for a salary increase at one year intervals on the anniversary date of his/her last salary increase until the maximum salary is reached. In unusual circumstances the City Manager may approve a salary increase at less than one-year intervals, to reward extraordinary performance.
- C. Approved salary increases will be effective at the beginning of the next pay period after the employee has been approved for an increase.
- D. Maximum salary increases shall be ten percent (10%) in any year.

#### 16.07 PERFORMANCE SALARY INCREASES FOR EMPLOYEES EXCEEDING MAXIMUM OF PAY GRADE

- A. This policy applies to employees whose annual base salary is equal to or will be equal to the highest annual salary available within the employee's pay grade.
- B. At such times as a City employee is evaluated and eligible for a salary adjustment on the basis of performance, or otherwise becomes eligible for an increase in compensation, any increase in base salary available to such employee shall be commensurate with formulae set forth in this Policy.
- C. If the employee's current base annual salary is less than the highest annual salary available within the employee's pay grade, the annual salary of the employee may be adjusted to the highest salary available within the employee's pay grade and the employee shall be compensated based upon the revised annual salary and as set forth herein.
- D. In the event that the salary advancement that the employee is awarded exceeds the maximum salary permitted in the employee's pay grade, the employee may receive:

1. An increase in the periodic payments up to the maximum annual salary of the employee's pay range adjusting periodic payments based upon the revised annual compensation rate; and,
  2. Bi-weekly payment's which represents the difference between the amount of the increase to the highest annual salary available within the employee's pay grade and the annual amount that the employee would have received but for the effect of this Policy.
- E. If, at the time of a performance evaluation that would make the employee eligible for a compensation adjustment, the employee's current base salary equals the highest salary available within the employee's pay grade, the salary of the employee shall not be adjusted to exceed the highest salary available within the employee's pay grade and, in lieu of any increase in salary, the employee may receive:
1. Bi-weekly payment's which represents the difference between the highest annual salary available within the employee's pay grade and the annual amount that the employee would have received but for the effect of this Policy.

#### 16.08 PROMOTION (REV. 10/2019)

- A. When an employee is promoted to a position with a higher salary, the employee's new salary shall be either at the minimum for the new salary range, up to a five percent (5%) increase to his/her existing salary, or with Department head approval up to the first quartile within the pay range.. (See also Section 4.07).
- B. When an employee is promoted from a non-exempt, hourly position to a salaried, exempt position the employee's new salary shall be either at the minimum for the new salary range, receive a ten (10%) increase to his/her existing salary, or with Department head approval up to the first quartile within the pay range. (See also Section 4.07).
- C. Promotions shall establish a new classification anniversary date. Employees shall be eligible for consideration for a salary increase one (1) year following the effective date of the promotion.
- D. Certification Pay is not considered a promotion and therefore will not affect the evaluation date.
- E. Reclassification of a position is not considered a promotion and therefore will not affect the evaluation date.
- F. When an employee is promoted and their annual evaluation date is within two pay periods, they are eligible for their merit plus their promotion increase.
- G. Employees will serve the required probationary period in the new position.
- H. If the position to which an employee has been transferred carries benefits different from those of the previous position, the person becomes eligible for the benefits effective with

the date of promotion.

- I. If during the probationary period, the new employee is found to be unqualified in the new position, the employee may return to the position left, with the approval of the department head, if a vacancy exists.
- J. If the former position is filled, every effort will be made to place the employee in a comparable position. If a vacancy does not exist, and if creating a new position is impossible, the employee will be released.

#### 16.09 DEMOTION

- A. The effect of demotion (See also Section 4.09 & 11.04) on pay shall be as follows:
  - 1. Demotion will not result in a pay increase.
  - 2. Pay will not exceed the maximum rate of the pay grade designated for the lower position.
  - 3. Procedure
    - a. **Demotion of regular employees for inability to perform after promotion.**
      - i. The former job classification and title held prior to promotion shall be restored, if there is a vacancy.
      - ii. The pay rate and anniversary date shall be adjusted to the pay rate and anniversary date held prior to promotion.
    - b. **Demotion of regular employees in lieu of layoff or a voluntary request**
      - i. Pay rate shall be adjusted to a pay rate in the pay grade of the job classification to which the demotion is made that is equivalent to the pay rate the employee would have normally attained had he/she been initially employed in such lower job classification.
      - ii. Upon demotion, such employees shall establish a new anniversary date effective with the date of demotion and such employee may not be eligible for consideration for a merit pay increase before twelve (12) months from the effective date of demotion.
    - c. **Disciplinary demotion or demotion of probationary employee for inability to perform**
      - i. Pay rate shall be adjusted to a lesser rate not to exceed the pay rate adjustments outlined above (Section 16.09, B, 3, a & b) as determined by the Human Resource Office and approved by the City Manager or designee.
      - ii. Upon such demotion, an employee's anniversary date shall be changed to the effective date of such demotion and such employee may not be eligible for consideration for a merit pay increase before twelve (12) months from the effective date of demotion.

#### 16.10 TRANSFERS



- A. All transfers (See 4.06) shall be made only with the approval of the City Manager or designee.
- B. Transfers shall be made as follows:
  - 1. An employee may be transferred to another department with the same job classification and such transfer will not change the employee's pay grade, rate, anniversary date or classification date.
  - 2. Employees will serve the required probationary period in the new department.
  - 3. If during the probationary period, the new employee is found to be unqualified in the new position, the employee may return to the position left, with the approval of the department head, if a vacancy exists.
  - 4. If the former position is filled, every effort will be made to place the employee in a comparable position. If a vacancy does not exist, and if creating a new position is impossible, the employee will be released.

#### 16.11 TRAINEE

- A. In the event an applicant for any position does not meet the minimum qualifications, but is otherwise qualified for the position, the City Manager or designee may authorize appointment as a "Trainee". In such cases, the employee will be hired at a rate of up to ten percent (10%) below the minimum salary, until the minimum qualifications have been satisfied.
- B. This category is used to train people on-the-job who have the potential to do the work, but lack some of the education, skills or experience needed.
- C. The usual time a person remains in a trainee category depends upon the skills or experience needed in individual cases.

#### 16.12 ON CALL AND CALL-BACK PAY

- A. Certain employees of the City are required to be available to respond to situations, outside of normal working hours, that may impact either City infrastructure or service provided to Palm Coast citizens. City employees, in a non-exempt status, that are to be available for consultation or return to work to address such situations, shall receive "on-call" compensation. "On-call" compensation is payment for the employee who is required to be available to report to work should the need arise. "Call-back" time is defined as time actually worked after a call or a communication by the City for a City employee to report to work.
  - 1) "On-call" status may be any period of time designated by the City's supervisory personnel designated to have such authority.
  - 2) City employees are not eligible for "on-call" pay when the work day is extended and they are already on duty.

- 3) City employees are not eligible for “call-back” pay when the work day is extended and they are continuing work while on duty.
- 4) “On-call” employees who remain available for consultation or return to work shall be compensated the equivalent of one hour of base pay for each shift of availability, regardless of whether they do, in fact, respond to a situation.
- 5) City employees, when called in to work while in an “on-call” status, shall receive compensation at their regular base pay rate for a minimum of two (2) hours or time actually worked, whichever is greater. However, if an employee is called out multiple times in each minimum two (2) hour period, they shall only be paid the minimum once.
- 6) An employee shall not be credited with, nor paid for “call-back” time if:
  - a. The recall to work (“call-back”) has been cancelled and the employee received notice not to report for work; or
  - b. Upon arrival at work the original call has been cancelled but alternate work is available and the employee refuses the alternate assignment.
- 7) Time spent in “on-call” status shall not be considered as time worked, but pay for hours actually worked shall be included as time worked for the purpose of computing overtime pay.
- 8) City employees required to remain on City premises or so close to the City’s premises that they cannot use their time effectively for their own purposes shall be considered in a working status and not in an “on-call” status. All such hours are to be reported as time worked.
- 9) Overtime compensation shall be paid where applicable.

16.13 SHIFT DIFFERENTIAL PAY  
(REV. 08/2016)

- A. A shift differential compensation premium is hereby established subject to the availability of funds for certain employees’ work. Many positions, under the conditions specified below, are eligible to receive shift differential, excluding employees who are exempt employees for the purpose of overtime pay and employees who are considered 24/48 shift personnel.
- B. Approval of positions for the shift differential is at the discretion of the City Manager and is subject to his or her prior approval. Payment of shift differential is accomplished through payroll certification.
- C. A full-time or part-time City employee is eligible for shift differential compensation if he or she is normally scheduled or if he or she is assigned to a position to which shift differential compensation is payable.
- D. A *shift* is one of the normally defined and scheduled segments of an employee’s forty

(40) hour work week. This is an employee's scheduled work period. Typically, this is composed of five (5) eight hour work shifts.

1. *Shift differential pay* is additional compensation paid to an employee who works a shift between the hours of 7:00 p.m. and 7:00 a.m. The shift hours are as follows:

- a. The *day shift* (Regular) is the shift between 7:00 a.m. and 7:00 p.m.
- b. The *night shift* is the shift between 7:00 p.m. and 7:00 a.m.

2. The following shift differential compensation rates are hereby established:

- a. For the *day shift* no shift differential compensation applies.
- b. For the *night shift* a compensation differential is paid at ten percent (10%) of the employee's base rate of pay.

E. Rules relating to shift differential compensations:

1. A shift employee will be paid the shift differential for all the time worked between 7:00 p.m. and 7:00 a.m.
2. Overtime compensation will be paid when an employee works over forty (40) hours in a given weekly period. The overtime shift differential compensation will be based on the shift worked at the time overtime hours are reached.

F. A City employee is entitled to night shift differential compensation while on excused absence on a holiday or other official non-workday. Shift differential compensation shall be included in payments for all types of paid leave; provided, however, that the employee would have been expected to work that shift or shifts if the employee were not on paid leave.

#### 16.14 CERTIFICATION PAY (REV. 7/2017)

Certification pay is hereby established for approved certifications earned or achieved. Many positions, under the conditions specified below, are eligible to receive certification pay. Reference the Certification Master list for positions eligible for certification pay.

- A. Full-Time, Part-Time and Seasonal Employees are eligible for certification pay, excluding Directors.

- B. Certification pay will not affect an employee's evaluation date.
- C. The inclusion of a specific certification will be subject to approval by the Department Director, Human Resource Director and the City Manager.
- D. Participation in certificate programs and other training opportunities is subject to the availability of funds and requires the approval of the Department Director.
- E. Proof of successful completion of the certification program is required prior to the certification pay being included in the individuals' base salary.
- F. Certification pay becomes effective as of the date stamp on the certificate or (input policy approval date) whichever is later. If the date stamp on the certificate falls in the middle of the pay period (any day other than the first day of the pay period) the salary increase will be effective at the beginning of the next pay period.
  - a. Example if the date on the certificate is 6/25/2017 the payout for the certification increase will be in the 7/21 payroll.
- G. Approved Certifications that require continuing education will receive a one-time 3% pay increase and a one-time 2% pay increase for all other approved certifications.
- H. Certifications that are a requirement of the job and are included in the job description are not eligible for certification pay.
- I. Employees are expected to maintain their certifications through continuing education or other means as required by the specific certification program.
- J. Failure to maintain certifications with CEU's will result in the loss of 1% of certification pay.
- K. Full-time and Part-time employees are eligible for degree pay; excluding Seasonal, Temporary Employees and Directors.
- L. Degrees are eligible for certification pay. If a degree is a requirement of the job and is included in the job description, the employee is NOT eligible for certification pay. If an employee has a degree above what is required in their job description, they are eligible for a pay increase depending on the degrees obtained. Degrees can be stacked but shall not exceed a total increase of 5%.
  - i. Associates Degree – 1%
  - ii. Bachelor's Degree – 2%
  - iii. Master's Degree – 2%
  - a. Ex: Alex is an employee whose job requires a Bachelor's degree and Alex has a Master's degree. Therefore, Alex is eligible for a 2% increase in pay.
  - b. Ex: Taylor's job requires an Associate's degree but Taylor has a Master's degree. Taylor is eligible for a 2% increase for obtaining a Bachelor's and 2% for a Master's making it a total pay increase of 4%.

- c. Ex: Jordan's job requires a High school diploma or a GED but Jordan has a Master's degree. Jordan is eligible for a 1% increase for obtaining an Associate's degree, 2% for a Bachelor's degree, and 2% for a Master's degree. Jordan is eligible for a total pay increase of 5% for all three degrees.
  
- M. New hires that start below the 1<sup>st</sup> quartile of the pay grade are eligible to receive degree pay after the probationary period. If pay is negotiated above the 1<sup>st</sup> quartile, the supervisor must provide a justification letter stating that the employee is being compensated for degree/certification pay at the time of hire and therefore would not be eligible for the degree/certification pay after the probationary period.
  
- N. Employees are not eligible for Degree/Certification pay if acquiring the certification(s) and/or degree(s) results in an auto-promote.
  
- O. In the event that the Degree/Certification pay that the employee is awarded exceeds the maximum salary permitted in the employee's pay grade, the employee may receive:
  - i. Any amount necessary to bring the employee to the maximum of the paygrade, and the difference between the increase and the amount above the maximum of the paygrade will be paid in a one-time lump sum. If the employee is already at the maximum of the paygrade, shall receive a lump sum equal to the increase.

## SECTION 17 - RECORDS AND REPORTS

### 17.01 RESPONSIBILITY

The Human Resource Manager (or designee) is responsible for establishing and maintaining personnel records for all employees in accordance with Federal and State law.

### 17.02 RECORDS

- A. All official personnel records and all other records and materials relating to the administration of the Human Resource System are the property of the City and maintained in the Human Resource Office. The Human Resource Office makes all decisions relating to the use, maintenance and disposition of such records and material, and as to whether or not any information contained therein may be disclosed, in accordance with prevailing laws.
- B. Employees should be aware of the importance of keeping his/her personnel records current. This means notifying the Human Resource Office of any corrections to their personnel file, change of telephone number, change of beneficiary, number of dependents, marriage or any change not previously reported. This is the responsibility of the employee and failure to comply may result in the loss of employee benefits.
- C. The Human Resource Office should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to become a permanent addition to the employee's personnel file.
- D. Any employee has the right upon request to review his/her personnel record in the presence of an authorized employee. Each employee will be kept informed of any changes in his/her file.
- E. No documentation may be removed from the personnel file without the prior knowledge and approval of the Human Resource Office (or designee). Unauthorized removal of documents from a personnel file may result in immediate dismissal.
- F. When non-exempt employment records are being inspected pursuant to a public records request, the Human Resource Office, (or designee) shall ensure that the inspection occurs in a secure place and manner consistent with all laws relating to public records.

### 17.03 RECORDS RETENTION AND DISPOSITION

The City Manager or designee will determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable State Statutes and other guidelines and laws.

## SECTION 18 - FIRE DEPARTMENT POLICIES AND PROCEDURES

### 18.01 VIOLATION OF RULES

- A. The violation of any of the provisions of the Policies and Procedures or orders for the neglect or evasion of the duties prescribed shall be the subject of disciplinary action consistent with the City of Palm Coast Personnel Policies and Procedures Manual. Depending upon the severity of the incident the action taken may be initiated at the appropriate level in the chain of progressive discipline to include but not be limited to (1) verbal warning, (2) written warning/counseling, (3) suspension, (4) demotion, and (5) termination. (Refer to City Policy, Section 11).
- B. The Fire Administrator shall have the right to amend, oke and add to such rules and regulations as may be necessary, after review for consistency with the City of Palm Coast Personnel Policies and Procedures Manual by the Human Resources Office with final approval by the City Manager or designee.

### 18.02 UNIFORMS, APPEARANCE/DRESS CODE

- A. Refer to Section 3.13 Dress and Appearance of City of Palm Coast Personnel Policies and Procedures Manual. This dress code is established pursuant to City of Palm Coast Personnel Policies and Procedures Manual:
- B. Section I: Establish standards for three (3) classes of uniforms designating specific items for each class and guidelines for the personal appearance of Fire Department members while wearing the Fire Department uniform.
  - 1. All uniformed members shall be issued a complete set of uniforms and bunker gear. A record of all such items issued shall be kept on each member, and shall remain the property of the Palm Coast Fire Department. Misuse or abuse of issued clothing items is strictly prohibited. The style, design, material and color of issued uniforms and bunker gear shall be as prescribed by the Fire Administrator.
  - 2. It shall be the responsibility of each member to maintain and be held accountable for said issues.
  - 3. Uniforms are issued by the Palm Coast Fire Department in three (3) classes: Class A, Class B and Class C. Items required as a part of classified uniforms, but not issued, shall conform to Department requirements. The Fire Administrator shall approve options to the uniform.
- C. Section II: Class of Uniforms (\*Not Department issued)
  - 1. Class A shall be worn when representing the Palm Coast Fire Department before formal assemblies such as court, funerals, award ceremonies and other meetings as may be specified by the Fire Administrator. Description: Uniform Trousers

Dress, Long sleeved white dress shirt, Dress coat, Dress hat, Black tie, Black shoes, plain toe\*, Black belt, Black socks\*.

2. Class B is the daily work uniform. Class B, including the uniform shirt, shall be worn when outside of the station grounds on other than emergency responses. Supervisory preference may be used regarding uniform shirt removal while in the station and for emergency responses. The uniform shirt may be removed only if an approved shirt is worn. Description: Uniform Trousers, Dress shirt, Black shoes, plain toe\*, Black belt, Black socks\*.
3. Class C is worn during the colder months, November – April. Commanders may allow T-shirts and job shirts to replace the Class B uniform. Description: Uniform Trousers work, Work Shirt, Black shoes\*, Black belt, Work cap, T-shirts, Sweatshirts/Job shirts.

D. Section III: How to wear

1. The only badge authorized to be worn shall be the Palm Coast Fire Rescue badge. It shall be worn on the outer garment, centered above the left breast pocket.
2. The work cap shall be that issued by the Department, and shall be worn as directed.
3. Nameplates shall be centered above the right breast pocket.
4. Commendations ribbons shall be worn above the left pocket under the Palm Coast Fire Rescue badge.
5. Collar brass should be worn as issued.
6. Patches authorized are as follows:
7. Palm Coast Fire Department worn, centered on the left shirtsleeve, top to be no lower than one (1) inch below the shoulder seam.
8. State of Florida EMT, Paramedic or other authorized patch to be worn centered on the right shirt sleeve, top to be worn no lower than one (1) inch below shoulder seam.

### 18.03 USE OF TOBACCO PRODUCTS

- A. It shall be the policy, in line with the Florida Statutes that all City buildings shall be declared no-smoking buildings. An outside break area for employees to use for smoking will be designated. In addition, Fire Department regulations prohibit the use of tobacco products during inspections, investigations, or other activities where the Fire Department is conducting business, or being represented. Tobacco products also include dipping, chewing, and spitting.

### 18.04 REQUEST FOR ANNUAL LEAVE

- A. Shall be consistent with City of Palm Coast Personnel Policies and Procedures Manual, Section 6. Procedures to follow in the Fire Department are:
- B. The request for annual leave shall be submitted to the employee's immediate supervisor.



- C. Personal leave may be taken only after prior approval by the appropriate Shift Commander, Chief, except when circumstances such as illness or injury prevent prior approval from being granted.
- D. Personal leave normally will not involve or necessitate the use of extra or “relief” employees. The Shift Commander/Chief will arrange vacation schedules and re-allocate duties on such a basis as to cause minimum interference with the normal functions and operations of the organization.
- E. Only one member shall be afforded annual leave at a time.
- F. Each shift commander for his/her assigned shift shall establish annual Leave Schedules. Starting with the senior employee and continuing with each shift member, known annual leave may be scheduled on a yearlong schedule. This does not preclude members from utilizing annual leave, rather allows one member from being off duty at a time.

#### 18.05 REQUEST FOR MEDICAL LEAVE

- A. Medical leave shall be utilized and requested consistent with City of Palm Coast Personnel Policies and Procedures Manual, Section 7. Additionally, within the Fire Department procedures that must be followed to ensure adequate provision of coverage to the community are:
- B. Sick leave benefits shall not be considered as a right or privilege to be used at an employee’s discretion. Sick leave is an allowance granted by the City to provide employees with reasonable time off during periods of personal or family illness or injury without loss of pay.
- C. To receive compensation while on medical leave, the employee shall notify their immediate supervisor, Shift Commander/Chief by 7:00 AM on their assigned duty day.
- D. An employee in a unit operating on a 24-hour basis must notify the department within the time limit established by the Shift Commander/Chief. (This policy is referred to in the City Personnel Policies and Procedures, Sections 6, 7, and 8. The Fire Department policy requires one (1) hour notice, however, and not 30 minutes as specified therein).
- E. The Shift Commander/Chief may waive this provision if the employee submits evidence that it was impossible to give such notification.
- F. When returning from sick leave the employee shall contact the Main Fire Station prior to 1800 hours the day before employees normal work shift.

#### 18.06 MEALS

- A. Meal hours, including preparation, shall not deviate from prescribed hours without prior approval from the Lieutenant or Shift Commander.

- B. Breakfast: Breakfast shall be eaten prior to duty. The only exception shall be persons working overtime, and then the meal must be completed, (including clean up) prior to 0800 hours.
- C. Lunch: Lunch shall not begin before 1130 hours and be completed (including clean up) prior to 1300 hours.
- D. Supper: Supper shall not begin before 1700 hours and be completed, including clean up) prior to 1830 hours.

#### 18.07 TELEVISION

- A. The use of the television is prohibited between 0800 hours and 1700 hours, with the exception of designated meal times. Any deviation must be cleared through the Lieutenant or Shift Commander.

#### 18.08 STATION VISITORS

- A. The station officer shall politely escort visitors or see that they are properly escorted through the station and courteous explanations concerning the apparatus and equipment are presented to them. Department personnel shall not permit children to enter stations unless in the care of an adult. The Shift Commander shall insure that the overall appearance of the station is kept in a clean, neat, safe and orderly manner.
- B. Station visitors will not be permitted after 9:00 PM (2100) or before 9:00 AM (0900).
- C. No station visitors shall be left in the station unattended.
- D. With the exception of station tours, there shall be no guests/visitors in departmental sleeping quarters.
- E. Off duty personnel are considered visitors when at the station for non-departmental functions.

#### 18.09 BED TIMES

- A. The use of beds is prohibited between the hours of 0645 through 2100 hours. Any deviation must be cleared through the Shift Commander.
- B. It shall be the responsibility of the Lieutenant to see that all dormitory facilities are left in a neat and orderly fashion at relief time.

#### 18.10 BULLETIN BOARDS

- A. Only approved materials shall be posted on any of the bulletin boards located throughout the station, as follows: Main Lobby, Senior Staff Assistant Area, Shift Commander's office, Dispatch office.

## 18.11 PERSONNEL/OPERATIONAL POLICIES

- A. It shall be the duties and responsibilities of all station officers to see to it that personnel under their charge have been given the opportunity to review all Personnel and Operational Policies for the Palm Coast Fire/Rescue Department. Employees shall acknowledge receipt of a copy of the document. Acknowledgment of this review shall be at the discretion of the Shift Commander who shall be held accountable and responsible to see to it that all Operational and Personnel Policies are adhered to.

## 18.12 FIRE ADMINISTRATION NOTIFICATION

- A. Notifications should be made to the Chief as follows:
  1. Structure fire requiring a water supply
  2. Hazardous materials incident
  3. Injury to a department member
  4. Mutual aid response by our Department
  5. Fire related loss of life
  6. Damage to apparatus including need for towing
  7. Any type of incident that may become a news/media event

## 18.13 CALLS-OUT CAREER PERSONNEL

- A. In the event that a situation arises where the On-Duty Shift Commander deems it necessary to have “off duty” personnel return for duty, the following guidelines may be used to assist the Shift Commander.
- B. When both career units are engaged in an emergency call and another emergency response is requested (i.e., Structure Fire, brush fire, etc.).
- C. When both career units are engaged in any “Hazardous Material Incident.”
- D. When both career units are engaged in a motor vehicle accident requiring extrication, and the Shift Commander is confident that scene time shall be extensive.
- E. When one or both career units are relocated for mutual aid, either involved in the emergency situation or covering for another department.
- F. When severe weather is causing multiple calls (i.e., structure fire, brush fires, caused by lightening, high wind conditions flooding, etc.).
- G. When career personnel are engaged in an emergency operation and volunteer response is limited.
- H. Any situation that the Shift Commander deems necessary to have additional manpower on scene, or to cover the response area of the Palm Coast Fire Department.
- I. When the decision has been made by the Shift Commander to have off-duty personnel report back for duty the following guidelines may be utilized:

- J. Notification of the Chief Officer of the Department
- K. During regular working hours (Monday-Friday from 0715 to 1600 hours) the Department Senior Staff Assistant may be notified of the Shift Commander's request, and page those members requested, and when possible, the location to report to.
- L. Whenever possible members are paged. Phone calls will be placed to the paging agency, Palm Coast Fire Department, Flagler County Sheriff's Dispatch, and advise them as to the availability of the members and anticipated response time.
- M. In the event of a situation that the Shift Commander feels manpower is sufficient to handle a call, or allow the second unit to remain in service, off duty shift commanders may be advised of the conditions and when possible may respond for training purposes or to assist the incident commander with areas of Safety Officer, Accountability Officer, Staging Officer, or any other position that the Incident Commander feels he could use assistance.
- N. Upon notification by the Shift Commander that a return to duty has been sent, members shall be considered "on the clock" upon notification of the requesting agency, i.e., Palm Coast Fire Department, Flagler County Sheriff's Dispatch, that they are en route to the location specified.
- O. At any time the officer in charge of the Department, Chief, or his designated officer, may page the off duty Shift Commander or other officers to respond in or out of the Palm Coast Response Area, if he feels other supervision is required, i.e., volunteers respond to mutual aid, Shift Commander responds but requests other commander to direct crews left in town, or Commander requests other office to respond to mutual aid.

#### 18.14 ADDITIONAL HOURS OF DUTY

- A. Any additional hours of duty time beyond normal assigned shift shall be issued in the following manner: All additional hours of duty shall reflect on the current additional hours of duty list, regardless of the length of the additional assigned hours or in the manner it is issued (i.e., scheduled or emergency). Notification for additional hours of duty will be done either in person, home phone, cell phone, or finally by Department issued pager. If no reply has been received after 15 minutes following the notification, the next eligible department member will be notified and the previous member will be moved to the bottom of the overtime list. Refusal of scheduled or emergency additional hours of duty will drop the Department member that is offered the duty to the bottom of the list. It is imperative that the Department has the correct phone numbers in order to contact you. If your pager is not functioning correctly you must bring it to your supervisor's attention so that repair or replacement can be made. A broken pager will not be an acceptable excuse for failing to contact the Shift Commander if the pager problem is not addressed in advance. The decision to carry the Department issued pager is not mandatory; however, it may be in your best interest to keep the pager readily available should additional hours of duty become available.

## 18.15 FIRE REPORTS

- A. Anytime a piece of fire equipment responds to a call for assistance, whether this call originated from the dispatcher, a still alarm or through the private telephone system, a Fire Report shall be filled out. The only method of showing accountability of equipment and manpower is through this procedure of report writing.

## 18.16 FIRE/EMS REPORTS

- A. The station Lieutenant shall be responsible for the completion of written reports on all emergency responses of their apparatus on the printed forms supplied by the Department. These reports shall be neat, accurate and contain a narrative of the emergency, including conditions found on arrival, action taken, equipment used and any other information necessary to make the report complete. Reports shall be submitted before conclusion of the shift on which the emergency response occurred. All information dealing with responses will be entered in the appropriate log when practical.
- B. When reports are returned for additional information or corrections, the reports must be returned by the end of that shift in which the report was received.

## 18.17 EMS EQUIPMENT

- A. Whenever an outside agency uses our equipment, such as backboards, neck braces, etc., it shall be the responsibility of our EMS officer to see that this equipment is retrieved. Other personnel are asked to refrain from contacting outside agencies as it creates confusion with the outside agencies.

## 18.18 PRE-INCIDENT SURVEY

- A. Purpose: To provide essential data regarding the size, construction, layout, fire protection features and use of building within our fire protection area. It shall be the policy of the Palm Coast Fire/Rescue Department to conduct pre-incident surveys of buildings in our service area.
- B. Procedure: Initial efforts will be directed towards conduction surveys of “target Hazard” building and premises.
- C. “Target Hazards” shall be defined as those buildings and premises which present the potential for a large loss of life or sever fire experience by reason of the presence of large number of occupants or the processing or storage of highly flammable or hazardous materials consisting but not limited to chemicals, gasses, liquids, poisons, radioactive materials and all of the “EXTREMELY HAZARDOUS SUBSTANCES” which are listed under SARA TITLE III.
- D. Some “TARGET HAZARDS” may include the following:
  - 1. Shopping center;
  - 2. Buildings three or more stories;
  - 3. Flammable liquid bulk storage;
  - 4. Hospitals, nursing homes;

5. Homes for the aged; rooming houses;
  6. Marinas;
  7. Hotels and motels;
  8. Occupant processing or storing highly flammable or dangerous materials as per item "A: above;
  9. Large capacity occupancies posing potential high life loss; i.e., schools, churches, large apartment complexes large assembly areas, i.e., restaurants, lodges;
  10. Any occupancy that the Shift Commander has reason to believe that it should be considered as a "TARGET HAZARD."
- E. Each station will return to the Chiefs office the completed pre-incident survey forms.
  - F. After review by the Chief's office forms will be forwarded for entry into the computer.
  - G. Upon completion of survey of the "TARGET HAZARDS" station personnel will then conduct surveys for the remaining building and premises.
  - H. Surveys will be conducted by the instructions and forms provided.
  - I. If, during a survey, a direct life safety condition is discovered locked (emergency exits or blocked access to emergency exits) or a direct fire hazard (leaking fuel, chemicals, gases, etc.) indicate such conditions to the person in charge and request by radio or telephone, that a member of the City Fire Prevention Bureau respond immediately to follow through on corrective action.
  - J. If a question is asked relative to matters regarding the provisions of the Fire Prevention Codes or Standards, advise the person to contact the Fire Prevention Bureau, so that the question or concern can be properly addressed.
  - K. In consideration of special events that may impact the requirements of Item "C", Shift Commanders may request a variance from the Chief's Office.

#### 18.19 CARE OF CITY PROPERTY

- A. Employees of the Department shall promptly report in writing to their immediate supervisor the loss, damage, or unserviceable condition of any City property assigned to them or under their control. The supervisor shall forward the report to the Fire Chief or his designee.

#### 18.20 CARE AND TESTING OF HOSE

- A. All Fire Department hose(s) shall be tested annually at NFPA 1962 specifications for a period of 5 minutes. The following steps should be followed when testing hose(s). Adequate personal protective equipment will be worn.
- B. Location: A fairly level and clean location shall be selected that will allow connection of a pumper and testing equipment to an adequate water source.

- C. **Hose Lines:** The total length of each hose line to be tested shall not exceed 300 feet. The hose lines shall be straight and without kinks or twists. Moreover, all identifying numbers of length being tested shall be recorded.
- D. **Hook Up:** The hose lines to be tested shall be connected to the hose test gate valve of the pump. The hose test gate valve shall be used to prevent an excessive pressure surge to the equipment should a hose burst during the test. Shutoff nozzles shall be attached to the far end of the line. The shutoff nozzle shall be held or secured to avoid possible whipping or other uncontrolled reaction until hose is filled.
- E. **Removing the Air:** With the hose test gate valve open and the nozzle valve open, the pressure shall be gradually raised approximately 50 PSI. After the line is charged and all air has been exhausted from the hose, the nozzle valve shall be slowly closed and the hose test gate valve shall almost be closed, which will allow just enough water to pass to keep pressure on the hose line.
- F. **Marking for Coupling Slippage:** After filling hose each coupling shall be marked at the end, at the back of the coupling, to determine whether the coupling slips during the test. All couplings shall be checked for leakage and tightened with spanner wrench where necessary.
- G. **Pressure Test:** The pressure shall be raised slowly to 250 PSI and held for 5 minutes. During the test, walk down the line and inspect for leaks, never stand in front of the free end nor straddle a hose line under pressure. Inspection personnel shall always keep at least 15 feet to the side of the hose.
- H. **Draining:** After 5 minutes, the pressure shall be reduced slowly; the pump discharge gates closed and each nozzle valve open to drain the hose.
- I. **Recording Data:** Hose records shall be updated to indicate the results of each length tested. If the length is defective, a tag explaining what the defect is, and, if applicable, a distinguishing mark noting the location of the defect shall be placed on the hose.
- J. **Inspection:** Observe marks placed on hose at each of the couplings. If the coupling has moved during the test the coupling shall be tagged and sent for re-coupling. All couplings shall be examined when the hoses are uncoupled and any leaking gaskets or defective couplings shall be replaced. Any burst or leaking lengths shall be tagged, taken out of service, and sent for repair.
- K. **Completion:** After testing, all hose shall be thoroughly cleaned and drained before being placed back in service or stored.
- L. **Hose carried on equipment shall be removed at least once every four months and be visually checked for defects such as burns, missing gaskets, etc. Serviceable hose will then be put back on the equipment in such a manner as to eliminate the setting of permanent bends over a prolonged period of time.**

## 18.21 PUBLIC RELATIONS REQUEST

- A. To provide requested programs to the public in order to enhance the positive image of the Department.
- B. To provide a means of coordinating and maintaining records of programs given to the citizens of Palm Coast by members of the Fire/Rescue Department.
- C. Request for Programs
  - 1. Whenever possible request should be directed to Fire Prevention Officer
  - 2. On occasions when requests are received by other department personnel, the attached form will be used and filled out as completely as possible and forwarded in a timely manner to the Fire Prevention Officer.
- D. Request Form
  - 1. All possible information should be filled out by the person receiving the request.
  - 2. Once received by the Fire Prevention Officer, the form will be forwarded to the appropriate shift commander for assignment or denial.
  - 3. The individual assigned will make contact with the requesting person for confirmation of the program.
  - 4. Upon completion of program record the actual attendance and return the completed form to the Fire Prevention Officer.
  - 5. Should denial of a request be made at any point, the form with the reason for denial should be returned to the Fire Prevention Officer in a timely manner so contact can be made with the requesting individual with reason for denial and possible rescheduling.

## 18.22 FIRE/EMS OBSERVER PROGRAM

- A. The purpose of this procedure is to allow for students, representatives of the media, government officials and others approved by the Fire Chief, to accompany certain designated personnel in department vehicles for purposes of observation of emergency operations.
- B. Procedures:
  - 1. Observers must be at least 18 years of age.
  - 2. There shall be no more than one observer per unit.
  - 3. The officer of the unit shall be responsible for the observer.
  - 4. The observer shall obey all orders or instructions issued by the officer of the unit
  - 5. The observer must read, understand and sign the department liability release form.
  - 6. The observer must read, understand and sign the department observer statement of understanding.
  - 7. The observer is there to observe only, not to participate.
  - 8. The responsible officer shall assure that the observer understands all requirements and associated risks prior to riding.



9. The observer must be familiar with the state rules and regulations concerning the privacy act (see below) and may share information obtained on calls only for purposes approved by the Fire Chief.
  10. All observers will report to the shift Commander who will then make a record of their presence in the logbook.
  11. All requests to participate in the observer program must be submitted to the Fire Chief's Office a minimum of three (3) working days prior to the scheduled ride-along. All requests shall be simultaneously presented to Human Resources to ensure liability issues are addressed. Request will be approved/denied within two (2) working days after receipt. Any request not approved within this time frame should be considered denied.
- C. Rules and regulations of the Board of Health of the State of Florida governing Emergency Medical Services. (Medical information concerning any individual is confidential and shall not be shared or disclosed except for continuing medical care or for investigations by the Department of Health.)

#### 18.23 TURN OUT GEAR

- A. Turnout gear is issued to each firefighting member upon his or her entry into the Department. It is expected that each member will take care of their gear and keep it in as clean and serviceable condition as practical. Any defects resulting in use shall be reported to the Shift Commander.
- B. Turn-out gear consists of the following: Turn out coat, Bunker pants, Bunker boots, Helmet, Gloves, Hood, Brush coat.
- C. Turn out gear shall be utilized as follows:
  1. Structure Fire: Complete Structure Gear including SCBA.
  2. Vehicle Fire: Same as Structure Fire.
  3. Brush Fire: Issued brush equipment may be utilized. When personnel are set up in a "defensive" operation protecting structures, structure gear including SCBA shall be utilized.
  4. Motor Vehicle Accident: Bunker pants, helmet and gloves, shall be utilized. Should extrication operations commence, turnout coats shall be added.

#### 18.24 OPERATION OF VEHICLES

- A. During non-emergency travel, drivers of Fire Department vehicles are seated and secured with seat belts in approved riding position (Florida Statute 316.614).
- B. The fire department shall develop standard operating procedures for safely driving fire department vehicles during non emergency travel and emergency response and shall include specific criteria for vehicle speed, crossing intersections, traversing railroad grade crossings, and the use of emergency warning devices. Such procedures for emergency response shall emphasize that the safe arrival of fire department vehicles at the emergency scene is the first priority.

- C. During emergency response, drivers of fire department vehicles shall bring the vehicle to a complete stop under any of the following circumstances:
  - 1. When directed by a law enforcement officer
  - 2. Red traffic lights
  - 3. Stop signs
  - 4. Negative right-of-way intersections
  - 5. Blind intersections
  - 6. When the driver cannot account for all lanes of traffic in an intersection
  - 7. When other intersection hazards are present
  - 8. When encountering a stopped school bus with flashing warning lights
- D. Drivers may exceed the maximum speed limits so long as he/she does not endanger life or property.
- E. Drivers may disregard regulations governing direction of movement or turning in specified directions, so long as he/she does not endanger life or property (Florida Statute 317.041).
- F. Drivers shall proceed through intersections only when the driver can account for all lanes of traffic in the intersection.
- G. During emergency response or non-emergency travel, drivers of Fire Department vehicles shall come to a complete stop at all unguarded railroad grade crossings. Drivers shall assure that it is safe to proceed before crossing the railroad track(s). Drivers shall also use caution when approaching and crossing any guarded grade railroad crossing.
- H. The foregoing provisions shall not relieve the Driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the Driver from the consequences of his reckless disregard for the safety of others (Florida Statute 317.041).
- I. Drivers of fire department vehicles shall be directly responsible for safe and prudent operation under all conditions. When the Driver is under direct supervision of an Officer, that Officer shall also assume responsibility for the action of the Driver. Driver's Licenses shall be reviewed upon hire, annually and periodically, as needed.
- J. Refer to City of Palm Coast Personnel Policies and Procedures Manual for consequences for violation, Section 11.

#### 18.25 SEAT BELTS

- A. Personnel shall be required to use seat belts at all times, Florida Statute 316.614. Drivers shall not move fire department vehicles until all persons on the vehicle are seated and secured with seat belts or safety harnesses in an approved riding position.
- B. When responding to an incident requiring SCBA donning, at the completion of the donning of the SCBA, the seat belt shall be secured and the vehicle shall proceed to the call.

## 18.26 FIRE APPARATUS

- A. When the vehicle is not in quarters, vehicle will have someone assigned at all times for security. No vehicles shall park in the fire lane when there is no emergency. The driver shall be responsible for care and operation of that vehicle while it is in service.
- B. Fire Department personnel, under the direction of the Engine Company Officer, may utilize department vehicle for the purpose of obtaining meals.
- C. Drivers shall remain at the Engine during an emergency for the purpose of operation as needed and security.

## 18.27 REFUELING OF VEHICLES

- A. All vehicles shall maintain a minimum of  $\frac{3}{4}$  (three quarters) of a tank of fuel when in quarters. Only extraordinary conditions shall be cause for variation. Smoking during refueling is prohibited.
- B. There shall be no smoking on Fire Department apparatus. Refer to City of Palm Coast Personnel Policies and Procedures Manual.
- C. Fuel logs shall be maintained in the dispatch area at each station. These reports shall be forwarded to the Department Staff Assistant at the completion of each month. Fuel records shall also be recorded in the apparatus logbook assigned to each vehicle.

## 18.28 BACKING OF FIRE APPARATUS

- A. It shall be the standard policy for the City of Palm Coast Fire/Rescue Department that when backing apparatus, the emergency warning lights shall be activated. Two short blasts of any horn to indicate the vehicle movement. Whenever a piece of apparatus is backing, a spotter shall be placed at the #2 side rear, with a hand held radio, to warn the driver of collision or hazards. Proper hand signals should be utilized.
- B. These hand signals include:
  - 1. Stop: A clenched fist held up and to the side of the body.
  - 2. Proceed Backing: Both hands extended out in front of the body, palms up, the making a 90-degree motion bringing hands toward the body.
  - 3. Left and Right
  - 4. Turn: Using one arm, extend arm out in direction of desired apparatus movement.

## 18.29 INCIDENT RESPONSE

- A. It shall be the policy of the Palm Coast Fire/Rescue Department that volunteers shall not respond in private vehicles to incidents involving fire or rescue. Our system is set up to allow volunteer firefighters to respond to predetermined stations, for the purpose of obtaining protective clothing and assignment to apparatus for response. **NO** personnel shall respond in private vehicles unless instructed to do so by the Shift Commander. The

exception to this policy will be the Fire Police who already have a policy regarding responding to incidents.

- B. It is critical that Volunteer Firefighters and Department Members respond to calls only in a manner that ensures that on the occasion of each call to duty the Volunteer Firefighter or Department Member called arrives at the scene safely and in a manner that is conducive to the public health, safety and welfare.
  - 1. The use of motorcycles as a means of transportation to call scenes is not conducive to safety and results in an unreasonable risk to both the Volunteer Firefighter and Department Member called to duty as wells as the traveling public.
  - 2. Based upon the foregoing, it is the policy of the City Of Palm Coast Fire Department that the use of motorcycles by Volunteer Firefighters or Department Members to respond to calls is prohibited.
  - 3. In the event that a Volunteer Firefighter or Department Member arrives at a scene after using a motorcycle for transportation, the City shall take appropriate action to discipline the Volunteer Firefighter or Department Member, but in no event shall be responsible for any damage, injury or loss resulting from the use of the motorcycle by the Volunteer Firefighter or Department Member. The fact that immediate action is not taken to address a violation in the face of exigent circumstances arising as a result of the event involving the call to duty shall not result in a waiver of this Policy.
  - 4. Should a Volunteer Firefighter or Department Member make a claim for any worker's compensation benefit or any other benefit, or file any claim, of whatsoever type or nature, against the City on the basis of any legal theory, the City shall deny such claim or assertion and shall deny any liability for any loss or damage resulting to the Volunteer Firefighter, or Department Member, or to any other person arising, in any way, from the use of the motorcycle.

#### 18.30 RIDE-IN CRITERIA

- A. Rescue personnel will be asked to ride in and assist the Paramedic crew during transport to the hospital:
  - 1. When the Paramedic deems the patient's condition to be Critical or
  - 2. So unstable that 1 person would be inadequate to provide optimal patient care, or
  - 3. Multiple patients and 1 patient's condition is considered serious.
- B. If the engine drops below 2 people due to a ride-in, the engine will return to its station reporting to the Shift Commander out of service due to manning.
- C. The shift commander will make arrangements to pick up the firefighter from the hospital. This will be done utilizing the station car or notifying the Station Chief, Fire Marshall, or Flagler County E.M.S. supervisors during day hours.

### 18.31 FIRE POLICE ON INTERSTATE 95

- A. It shall be the policy of the Palm Coast Fire/Rescue Department that no Palm Coast Fire Police shall respond to Interstate 95.
- B. The only exception to this shall be if Florida Highway Patrol, Flagler County Sheriff's Department or the City of Palm Coast Fire/Rescue personnel, requests Fire Police.
- C. When requested, all Fire Police shall report to Interstate 95 overpass as a staging location. When assignments have been given, the Fire Police shall report to the incident. All unassigned Fire Police personnel will report to Station 21.

### 18.32 SELF CONTAINED BREATHING APPARATUS (SCBA) and PERSONAL ALERT SAFETY SYSTEM (PASS) DEVICE USE

- A. It shall be the policy of the Palm Coast Fire Department that no firefighter is permitted to enter a building or hazardous atmosphere that may be charged with smoke or gas unless the firefighter is equipped with Self Contained Breathing Apparatus (SCBA).
- B. All firefighters shall use proper respiratory protection when in any of the five hazardous atmospheres. An atmosphere is considered hazardous if it contains heat, smoke, toxic gases, is oxygen deficient or if flashover is likely.
- C. Personal Alert Safety System (PASS) shall be worn on all air packs designed for use and activated immediately after the air pack is donned. This PASS device emits an audible alarm to notify others and assist in locating firefighters in danger.
- D. All equipment in this policy shall be maintained in accordance with manufacturers' recommendations. The air officer will ensure that these recommendations are followed.

### 18.33 ON DUTY INJURY

- A. Refer to City of Palm Coast Personnel Policies and Procedures Manual, Section 10.
- B. In the event an employee is injured while on duty, he or she shall report the injury promptly to their immediate supervisor. The supervisor shall ensure the appropriate documentation is submitted as soon as possible. Failure to report an injury is grounds for dismissal.
- C. When an injury occurs that is not life threatening, the employee must immediately report it to a supervisor and complete an accident report. The supervisor is responsible for assuring completing an accident report and forwarding it to Human Resources.
- D. Human Resources will contact Worker's Compensation and report the accident. If it is after hours, the department may report the accident to Worker's Compensation at 1-800-574-8183 and forward the accident report to Human Resources the next business day. Please note on the accident report that it has been reported to Worker's Compensation. Worker's Compensation will give you a confirmation number and this number must be

on the Accident Report. The employee will then be instructed as to what facility (i.e., MediQuik, Memorial Hospital-Flagler) he/she should go to for treatment. **Memorial** will only be used for emergencies after hours.

- E. After the employee's injuries are treated, the facility that he/she went to will contact Human Resources regarding the injury and any work restrictions. Human Resources will verbally inform the Department Head of any restrictions and follow up with a memo.
- F. It is the employee's responsibility to inform the supervisor of any follow-up appointments. Human Resources should be kept informed of all appointments related to injury to ensure proper follow up of procedures.
- G. Employees should note on their payroll time sheets the time spent going to any Doctor's appointments related to the injury and note that it was a worker's compensation appointment. A note from the Doctors office will be required and need to be attached to the payroll time sheet showing that there was an appointment on that day in relation to a Worker's Compensation injury.
- H. The employee must notify Human Resources immediately when released to resume regular work duties. Human Resources will require a written release from the doctor indicating that the employee is not under any work restrictions.
- I. If a life-threatening injury occurs call 911 or go to the emergency room. Notify supervisor and Human Resources as soon as possible under the circumstances.

#### 18.34 VALUABLES FOUND

- A. When articles of value such as money, jewelry, wallets, handbags, cash registers, safes, or other items of similar nature are found at fires or other emergencies, the following procedure shall be followed in every instance:
- B. Any member or employee who finds valuables, while at a fire or other emergency, shall see that they are not moved or touched in any way and will notify the Officer in Charge without delay. This also includes firearms and explosives.
- C. Remove articles with witness only if item(s) is in danger.
- D. Cash registers, safes and similar repositories shall not be opened, but shall be handled in the manner outlined above.
- E. No officer or member, nor anyone connected with the Fire Department shall, at any time during or after a fire or emergency, take or remove for his own use, anything from a building, premises, or area involved in the emergency.

#### 18.35 GENERAL GUIDELINES FOR FIRE DEPARTMENT DISASTER OPERATIONS

- A. A disaster such as wildfire could result in fires, which would rapidly become conflagrations and/or secondary fires of widespread proportions, which could require the service of all firefighting apparatus. The collapse of many buildings and other structures could result in the injury and/or trapping of large numbers of people. Prompt

- mobilization and maximum utilization of all firefighting and rescue resources, including the call back of off-shift personnel, would be necessary. Other types of large-scale incidents could include riots, civil disorders, multiple fires or large hazardous material incidents. This General Order is intended to assist Palm Coast Fire Department officers and firefighters in performing their duties before or during such disasters.
- B. These procedures are not intended to replace the Palm Coast Fire Department policies. The Palm Coast Fire Department operational plans are designed to maximize the use of Palm Coast's own resources based on the assumption that we will be cut off from outside help for a certain period of time, from a few hours to a few days.
  - C. The Fire Department response to any major emergency in the Palm Coast area will vary with the magnitude and location of the problem.
  - D. Types of Major Emergencies
    - 1. Natural Disasters -- Fire (conflagration), Earthquake, Storm (rain, wind), Tsunami (tidal wave), Flood and landslides
    - 2. Civil Disturbance
    - 3. Hazardous Material
    - 4. Major accident – Transportation and Industrial
    - 5. State of War Emergency
  - E. The Mission of the Fire Department is to prevent the loss of life and property regardless of the cause or type of emergency and to assist in providing the earliest possible warning to the public as to probable or imminent attack or occurrence of natural disaster and to disseminate the all clear message.
  - F. The primary objectives of the Fire Department shall be:
    - 1. Fire suppression, control, and prevention
    - 2. Provide light rescue and coordinate heavy rescue operations
    - 3. Coordinate radiological monitoring necessitated by nuclear weapon fallout or a radiological accident
    - 4. Coordinate Hazardous Material incident and assist in decontamination procedures
    - 5. Support police activities in warning the populace of an impending emergency.
  - G. Dependent upon the magnitude of the emergency, the Fire Chief and the Deputy Chief will respond to the Emergency Operations Center (EOC) and serve as the Operations Section Chief. They will be primarily involved in decision-making processes with the City Manager and/or designee and other Section Chiefs.
  - H. If the Fire Chief or the Deputy Chief is unavailable, the line of succession will be through the normal chain of command.
  - I. One of the off-duty Captains will respond to the Department Operations Center (DOC) as Operations Officer. He/she will primarily be involved in fire operations at the DOC and be the information link and intelligence Officer between the Fire Chief at the City EOC

and the Operations Officer at the DOC. The DOC is located in the main fire station (Station 21).

- J. The DOC is the site at which the majority of the detailed fire/rescue operations will be formulated and initiated. The City EOC itself is looked upon as being primarily a policy making center whereas the DOC is responsible for the planning and coordination of Fire/Rescue operations. The housing of the DOC is outfitted to coordinate Fire Department efforts during a disaster. If the pre-designated DOC becomes inoperable or unsafe, an alternate center will be established.
- K. There are two major mobilization areas for most Fire Department personnel. Suppression personnel will report to the fire station they last worked. Fire Prevention and Fire Office Staff will report to the main station (Station 21). From these locations personnel will be given specific assignments.
- L. Mobilization Charts will be posted in the Fire Department.
- M. Employee's Instructions During or Immediately After a Disaster
  1. In the event of a disaster, all fire department employees are responsible for the health and well being of the citizens of Palm Coast and City employees. All City employees are automatically classified as State Disaster Service workers and are expected to report to their designated work locations. Be sure to carry your City of Palm Coast identification card or badge.
  2. When the disaster is self-evident, you are expected to report to work without receiving formal notification. For the location, please refer to Mobilization and Assignment Chart. Locations may vary depending on the size of the incident.
  3. If the situation warrants, the Fire Chief may suspend normal shift rotation and establish a 12-hour or 24-hour rotation for the duration of the event. All leave time may be canceled.
  4. If you are at work report to or stay at your normal workplace. If it is destroyed or not habitable, you will be given instructions for a new mobilization area and/or given specific assignments.
  5. If you are not at work, take care of your family first, then use the following table as a guide to determine your actions. If you live outside of the City of Palm Coast, and you are unable to report to the City, contact your local jurisdiction and advise them that you are a City worker, available for work in their jurisdiction, and that you have the following job title or skills.



<b>SITUATION</b>	<b>ACTIONS TO BE TAKEN</b>
Damage NOT widespread, travel is easy	Report to your mobilization area. See Mobilization and Assignment Chart
Damage widespread but travel is possible	Report to your mobilization area
Damage widespread and travel is difficult	Move to a safe location. Contact the Fire Department if possible, and report your status. Use whatever means of communications are available.
Workplace is destroyed or not habitable	Report to your mobilization area for further instructions
Family responsibilities keep you from responding to work immediately	Contact the Department, if possible, and report your status. Give an estimate of when you can report to work. If you cannot make contact, report to your mobilization area as soon as you can

- N. Upon cessation of an earthquake, or attack, all company commanders will survey the condition of personnel, apparatus and Fire Department structures and cause apparatus and personnel to move from structure to open areas.
- O. Complete station checklist. Make a quick check of the following and notify the Communication Center of any problems.
1. Condition of personnel
  2. Apparatus condition – Damage, Moveable, Radio
  3. Structure Condition
  4. Utilities Condition – Gas, Electric, Water
  5. Telephone operation
  6. Are apparatus doors operable?
  7. Station Security
  8. Fuel – Amount, Pump Operation
  9. Start a journal or log of company activities for the first 24-hours. Keep the log on the apparatus
- P. Make a Damage Assessment or Survey Report for your district. – Note: Company Commanders are responsible for preparing current lists of target hazard/critical facilities that must be surveyed during the initial stage of an emergency
1. Roads or streets that are open or closed.
  2. Number of building fires
  3. Number of collapsed structures
  4. Critical facilities or target hazards
  5. Status of rest homes and nursing homes
  6. Condition of school sites (public and private)
- Q. Complete Hospitals, rest home checklist.

- R. Complete Street priority checklist.
- S. Complete a Damage Assessment Report for your district.
- T. If communication with the Comm Center is impossible, fire companies will operate independently using the previously mentioned “Mission” and “Objectives” and the following priorities as guides. Immediately establishing radio communications with the Comm Center, Fire Department units, DOC and EOC Centers is essential.
- U. The primary response will be to fire suppression and rescue of victims in life threatening environments.
- V. If no immediate fire or rescues are obvious, companies will begin surveying their districts using Survey guides. They will also continue efforts to contact the Comm Center.

### 18.36 STANDARD 2-IN-2 OUT GUIDE

- A. Fire Departments often respond to incidents that present an unusually high risk to firefighter safety. This procedure identifies the requirements for the implementation of the OSHA and NFPA standards when an Immediately Dangerous to Life and Health (IDLH) atmosphere exists.
- B. It shall be the responsibility of all fire department personnel to be familiar with this guideline.
- C. Definitions:
  1. Interior Structural Firefighting: The physical activity of fire fighting suppression, rescue or both inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.
  2. Working Structural Fire: (As defined by National Fire Protection Association (NFPA) “any fire that requires the use of a 1-1/2 inch or larger fire attack hose line that also requires the use of self-contained breathing apparatus (SCBA) for members entering the health hazardous area.”
  3. IDLH – Immediate Danger to Life and Health.
  4. Immediate Danger to Life and Health IDLH Atmosphere: For this purpose, any area inside a structural fire that requires the use of SCBA for protection from smoke; by-products of combustion or vapors, or particulate matter given off from any material; or oxygen deficient atmospheres.
  5. Initial Stage of an Incident: Includes the period of an incident where the first arriving company is undertaking tasks with only one team assigned or operating in the hazardous area.
  6. Incipient Stage: As defined by OSHA “Fire which is in the initial or beginning stage and which can be controlled or extinguished by a portable fire extinguisher.

Class II standpipe or small hose system without the need for protective clothing or breathing apparatus.”

D. Procedures:

1. At least four firefighters shall be assembled before initiating interior fire fighting operations at a working structure fire. At any time during an incident the incident commander may request additional units/resources to maintain a safe emergency scene. On-scene operations shall be limited to those that can be safely performed by the personnel on scene. This policy is intended to compliment the Incident Commander’s use of discretionary judgment.
2. The Two-in-Two out rule will be used whenever firefighters begin the interior attack on a structural fire. OSHA defines interior structural fire fighting “as the physical activity of fire suppression, rescue or both inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.”
3. When a company arrives on the scene of a working structure fire an arrival/situation report shall be made over the radio and must include an accurate description of the conditions in the IDLH situation. The Incident Commander shall determine if additional assistance is required.
4. If a company arrives on the scene of a “working structural fire” with less than four persons being on the scene the company must wait until four persons are assembled on the scene before initiating interior fire operations in an IDLH atmosphere. The four firefighters assembled for initial fire fighting operations can include any combination of firefighters arriving separately at the incident scene.
5. Firefighters operating in a hazardous area at an emergency incident shall operate in teams of two or more. Personnel operating in an IDLH area, or engaged in interior structural fire fighting operations beyond the incipient stage, are required to wear SCBA and shall at no time enter the IDLH area alone. Firefighting operating in hazardous areas shall be in communication with each other through visible, audible, physical, safety rope, or electronic means. Firefighters must be in close proximity to each other to provide assistance in case of emergency. Firefighters should not rely on portable radio systems as a means of maintaining contact with team members.
6. During the initial stages of an incident, two (2) of the required four persons minimum on the scene must remain outside the hazardous IDLH atmosphere as Stand-by Team.
7. Members who arrive on the scene of a “working structure fire” prior to the assembling of the four persons shall initiate exterior actions in preparation for an interior attack. This may include, but not limited to, actions such as establishment of a water supply, shutting down utilities, placement of ground ladders, positioning of attack lines to the entrance of the structure, or exposure protection.

8. Non High-Rise Fires - When the first arriving unit is staffed with two (2) or three (3) persons, the company will operate in accordance with Section 4.03 until another member or unit arrives. The driver of the first unit and a member assigned by the officer of the second unit or by the Incident Commander will serve as the stand-by person.
9. Incidents involving high-rise buildings will require the stand-by team to assemble outside the IDLH area. This area would routinely be considered to be at the floor below the working fire crew but would be at the discretion of the Incident Commander.
10. One of the stand-by persons must provide constant awareness and maintain communications with the members of the interior team. This member is to be equipped with a portable radio. The other stand-by person is permitted to perform other duties outside the IDLH atmosphere, such as Apparatus Operator, Incident Commander, and other positions.
11. The duties of this stand-by person must not interfere with his/her ability to perform duties of a stand-by person and assist in the event of an emergency. Any task that the outside firefighter (s) performs while in stand-by rescue status must not interfere with the responsibility to account for those individuals in the hazard area. Any task, evolution, duty or function being performed by the individual must be such that the work can be abandoned, without placing any employee at additional risk, if rescue or other assistance is needed.
12. All firefighters engaged in interior structural fire fighting, and the stand-by crew must have full protective equipment necessary to enter an IDLH atmosphere. The stand-by crew shall have their protective clothing donned including helmet, jacket, bunker pants and boots with gloves and protective hood donned or with the clothing. The stand-by crewmembers will also have a SCBA and mask immediately accessible for rapid use in the event a rescue is required.
13. If the stand-by firefighters are required to enter the structure to rescue a team member(s), the stand-by person must notify dispatch and any incoming units. Dispatch shall inform the responding chief officer of the actions being taken.
14. Any entry into an interior structure fire beyond the incipient stage, regardless of the reason, must be made in teams of two or more.

F. Exceptions:

1. OSHA requires the fire department or fire department designee (i.e. incident commander) be notified prior to any rescue effort by fire fighters operating in an IDLH atmosphere. The fire department must provide any additional assistance appropriate to the emergency, including notification of on-scene personnel and incoming units.
2. If, upon arrival at the scene, firefighters find a situation where immediate action may prevent the loss of life or serious injury, such action shall be permitted with

less than four (4) persons on the scene when conducted in accordance with normal size-up indicators and fire ground evaluation factors.

3. Any such actions taken in accordance with the “exception” provision shall be thoroughly reported in writing by the incident commander permitting the violation of this guideline. The detailed report shall be submitted to the Fire Chief and Safety Officer.
4. Residential Occupancies: In the absence of a report from a responsible person on the scene that everyone is out of the residence, it may be assumed that a life hazard exists; however, this does not automatically allow for violation of this guideline. The incident commander must establish factual or reasonable evidence that a victim may exist. The primary search will be conducted as soon as feasible.
5. Business or Commercial Occupancies. The company officer will have to evaluate the situation, considering the occupancy, time of day, day of the week, reports from people on scene, signs that people are in the structure.
6. Vacant or Abandoned Structures. Entry into IDLH atmosphere with less than the minimum four (4) persons on the scene is not allowed unless there are clear signs of a report from a responsible person on the scene that people are in the structure.
7. When less than four (4) firefighters are on scene, personnel should carefully evaluate the level of risk they would encounter before entering a structure. If this action is warranted, the person making the decision must include a detailed statement in the fire report describing the condition (s) that warranted such action. Entering a structure under the aforementioned circumstances might be warranted by one of the following situations:
  - a. There is an imminent life-threatening situation, and,
  - b. Without immediate action loss of life or serious injury could occur.
8. The Two-In/Two-Out regulation does not require a separate “Two-Out” team for each team operating within the structure. However, if the incident escalates, accountability cannot be properly maintained from a single exposure, or if rapid rescue becomes infeasible, additional crews must be added. For example, if the involved structure were large enough to require entry at different locations or levels, additional “two-out” teams would be required.



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## INVESTIGATIVE REPORT

**To:** Matthew Morton, City Manager  
**From:** Jeffrey E. Mandel, Esquire  
**Date:** June 29, 2020  
**Subject:** EthicsPoint Case Nos. 43, 53, and 60;  
Compliance Manager Jay Maher's May 6, 2020 email

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The following is the report of my investigation into the allegations raised in (a) EthicsPoint Case Nos. 43, 53, and 60; and (b) Compliance Manager Jay Maher's May 6, 2020 email.

### **Background**

On December 20, 2019, Compliance Manager Jay Maher opened EthicsPoint Case No. 43 to investigate concerns raised by City Manager Matt Morton about employees searching through City emails and then releasing them to the media in violation of City policy. In February 2020, Mr. Maher closed EthicsPoint Case No. 43, and opened EthicsPoint Case No. 53 to investigate potential violations of Chapter 119, Florida Statutes discovered during the investigation of EthicsPoint Case No. 43. Mr. Maher closed EthicsPoint Case No. 53 on March 6, 2020. On March 27, 2020, Mr. Morton reopened EthicsPoint Case Nos. 43 and 53. I was assigned to review EthicsPoint Case Nos. 43 and 53. I was also asked to address any process issues I observed during the course of my investigation and make recommendations regarding any such issues.<sup>1</sup>

Thereafter EthicsPoint Case No. 60 was opened. As the allegations in that case are similar to those raised in EthicsPoint Case No. 53, my investigation was expanded to include EthicsPoint Case No. 60. In an effort to investigate EthicsPoint Case No. 60, which was an anonymous complaint, I sent a message through the EthicsPoint system asking the complainant if he/she would

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<sup>1</sup> It has been both stated and implied that I was asked to reopen the investigations in EthicsPoint Case Nos. 43 and 53 to keep Mr. Maher's investigations from becoming public record and hide his findings of potential wrongdoing by City officials. Nothing can be further from the truth. I was asked to take a fresh look at these cases from the standpoint of my 30 years of legal experience interpreting and advising municipal and county governments on public records matters, and my 34 years of experience with public sector investigations. Mr. Morton has made clear to me since day one that I was to reach whatever conclusions the evidence led me to, even if they implicated City elected and/or appointed officials (including him). I have taken that charge very seriously.

Speak with me. I never received a reply to my message and therefore was never able to interview the reporting individual and determine the factual basis for the complaint.

On May 6, 2020, Jay Maher sent an email to Mr. Morton raising a number of allegations, including ones touched on in EthicsPoint Case Nos. 43, 53, and 60. At the direction of Mr. Morton, my investigation was expanded to include those allegations as well. I met with Mr. Maher on May 28, 2020 to interview him regarding the allegations in his email. (I previously had two meetings with Mr. Maher regarding Case Nos. 43, 53, and 60, one telephonic and one in person.) Mr. Maher informed me that he was uncertain whether he could meet with me in light of the Ethics Commission and State Attorney General's Office investigations that were purportedly initiated based on his complaints. Mr. Maher represented that he would contact the investigators with both entities and let me know if he could speak with me about his May 6, 2020 email allegations. On June 16, 2020, I followed up with Mr. Maher regarding whether he could speak with me about his May 6, 2020 email allegations. On June 17, Mr. Maher responded that he had reached out to the investigator from the Ethics Commission and was attempting to locate the second investigator from a different agency that part of the case has been referred to, and would let me know as soon as he head back from them. To date, I have not received any follow-up from Mr. Maher.

During the course of my investigation the following individuals were interviewed: Mr. Morton, City Attorney William Reischmann, Mayor Milissa Holland, City Clerk Virginia Smith, Director of Finance Helena Alves, Director of Information Technology Doug Atkins, Chief Innovations Officer Don Kewley, Mr. Maher, and Compensation Analyst Laura Bukolt. Additionally, I reviewed all of the documents and electronic files associated with EthicsPoint Case Nos. 43, 53, and 60. I also reviewed a number of other cases in the EthicsPoint system from a process standpoint. Lastly, I reviewed the City's policies regarding Fraud, Waste, Abuse and Whistleblower Protection.

## **Investigation Findings and Conclusions**

### **A. The City's Fraud, Waste, Abuse and Whistleblower Protection Policy**

1. In November 2015, the City implemented a Fraud, Waste, Abuse and Whistleblower Protection Policy which was subsequently incorporated into the City's Personnel Policies and Procedures Manual as Section 3.31. The stated intent of the Policy "is to provide a mechanism for Reporting Individuals to provide information or complaints, even when the information or complaint may not rise to the level of an illegal activity." Under the Policy, Reporting Individuals can report suspected fraud, waste, abuse, and other violations of the Code of Ethics for Public Officers and Employees (Chapter 112, Fla. Stat.) by one of the following methods: (a) providing a written, signed statement to the City's Internal Controls Investigative ("ICE") Team; (b) using the City's Fraud & Waste Hotline or the City's website; or (c) reporting the suspected violations to the City management or elected officials. The Policy allows Reporting Individuals to submit complaints anonymously and to remain anonymous during the investigation of their complaints.

2. Investigations into complaints brought under the City's Fraud, Waste, Abuse and Whistleblower Protection Policy are conducted by a team of City employees who are part of the

broader ICE Team. This investigative team is headed by Mr. Maher, and includes a Human Resources Department member and a Finance Department member. Mr. Maher has been primarily responsible for conducting the investigations, with the other team members normally serving in support roles.

3. Complaints brought under the City's Fraud, Waste, Abuse and Whistleblower Protection Policy are tracked through NAVEX Global's EthicsPoint on-line reporting tool. Each complaint, regardless of the method in which it is raised, is assigned an EthicsPoint case number, and all pertinent information related to the complaint and the investigation thereof is recorded in EthicsPoint under the corresponding case number. The status of each EthicsPoint case is tracked as well, normally denoted as New, In Progress, or Closed. Under the City's Fraud, Waste, Abuse and Whistleblower Protection Policy, complaints are to be fully investigated and evaluated. If an investigation results in a recommendation to discipline an individual employee, the recommendation and disciplinary action are to be handled in accordance with the City's Personnel Policies and Procedures. Decisions to prosecute or refer the investigative results to the appropriate law enforcement and/or regulatory agencies for independent investigation are to be made by the City Manager, as are final decisions of disposition of the investigation.

4. While the City's Fraud, Waste, Abuse and Whistleblower Protection Policy provides that final decisions of the disposition of investigations are to be made by the City Manager, in practice, the investigation results are not provided to the City Manager. In this regard, at some point the decision was made that the City Manager and the Human Resources Director should not be informed of the complaints, investigations, and investigation results as they would be involved in the review of any resulting discipline. To comply with the Policy, the investigation results were provided to the Assistant City Manager. Since October 2019 and the resignation of the Assistant City Manager, the City Manager's office has been excluded from the process.

5. The City's Fraud, Waste, Abuse and Whistleblower Protection Policy does not contain any processes or procedures for conducting investigations. Instead, such matters are by default left to the discretion of the ICE investigation team. Thus, the ICE investigation team, primarily through Mr. Maher, determines how long an investigation will last, what complaints fall within the ICE investigation team's jurisdiction, whether determinations as to the merits of the complaint are made, whether determinations as to policy violations are made, and whether cases are ever closed. Moreover, the ICE investigation team decides whether to inform employees that they are under investigation, and whether to take the steps necessary to ensure that employees' statutory and constitutional rights are being protected.

6. While the vast majority of EthicsPoint cases involve alleged employee misconduct, there are some raised through the Hotline that involve allegations raised against citizens. This is contrary to the intent of the City's Fraud, Waste, Abuse and Whistleblower Protection Policy, which is to address concerns over the actions/inactions of "the City, its officers and its employees." For example, three cases were opened based on anonymous allegations that certain named members of the public are dangerous criminals and should be arrested. All three remain open in the EthicsPoint system with no investigatory activity and no listed resolution. There is no indication in the EthicsPoint system that these citizens are aware that these allegations have been



raised against them, that these allegations are memorialized in the EthicsPoint system, or that no determination has been made as to the merits of the allegations against them.

7. Additionally, a number of cases exist in which the case was closed, but no resolution of the complaint is identified in the system. As a result, allegations of wrongdoing against City employees are in the public record without any specific findings as to the validity of the allegations or any evidence that the employees involved were ever made aware of the allegations against them. Additionally, while small in number, there are EthicsPoint cases that have been open for long periods of time with no resolution. For example, two cases are still open from March 2016 alleging that someone ate an employee's salad at work and implicating the former City Human Resources Director as a witness or perpetrator. There is no indication in the system that the compliant was investigated, or that the former City Human Resources Director was interviewed and/or given an opportunity to respond to the allegations. Similarly, there is a case of alleged theft by a City employee that is being intentionally held open just in case more information is discovered in the indeterminable future. Lastly, there is at least one case in which a finding of violation of City policy exists for which there is no evidence that the employee was even aware of the investigation, much less the documented finding, and the City Manager was never informed of the finding.

8. There is no doubt that the City's Fraud, Waste, Abuse and Whistleblower Protection Policy was well intended. However, the lack of any written processes for conducting investigations has rendered the Policy seriously flawed in its application.<sup>2</sup> As it currently exists, the Policy allows anyone to anonymously place allegations against employees and members of the public, regardless of how slanderous, into the public record without their knowledge and without an opportunity for rebuttal. And, it allows members of the ICE investigations team to make determinations that employees have violated the law regardless of whether they have any expertise in interpreting or applying the law at issue. Moreover, the Policy as it currently exists allows investigations to be conducted without due process protections or without fundamental fairness, such as letting employees know they are under investigation before questioning them, or having formal interviews with witnesses instead of speaking with them in the hallway or contacting them without indicating why they are being questioned. This potentially exposes the City to liability.

9. Further, the current practice of not sharing allegations with the Human Resources Director or the City Manager is contrary to the principles of good government. First, the fact that the Human Resources Director or the City Manager are aware of the allegations in the investigatory phase does not compromise their role in the appeal of any disciplinary action – it is common in the public sector for individuals in their positions to be aware of issues that may give rise to discipline before discipline is taken. Second, under Article V of the City Charter, the City Manager is the City's Chief Executive Officer and the City Manager is responsible for all City employees except

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<sup>2</sup> While I recognize that the members of the ICE investigations team, particularly Mr. Maher, will likely view this as an indictment of their handling of investigations under Policy 3.31, I am not accusing any ICE investigation team member of any intentional wrongdoing. And, I recognize that they were operating without any written guidelines. Instead, I am detailing the concerns I have with the Policy and current process so that the City can address them. Whether there has been any intentional wrongdoing in the investigation of any complaint is beyond the scope of my investigation, and I am not making any findings either way on the subject.

for the City Attorney. The City Manager cannot properly execute his/her functions if, for example, the City Manager is not made aware that an employee with control over the City's finances is under investigation for defrauding the City. Those and similar circumstance may warrant that the employee be suspended pending the investigation; however, the City Manager is deprived of the ability to make that decision as he/she is not made aware of the allegations or the investigation. If the City intends to continue the current process, which it is not legally required to do (and is out of the ordinary for municipalities in Florida), I recommend that the current process be suspended and revamped prior to being reinstated. I also recommend that the City conduct a review of the EthicsPoint cases in the system to correct any of the issues raised above.

**B. Case No. 43**

10. On November 20, 2019, Brian McMillan of the Palm Coast Observer submitted a public records request to City Clerk Virginia Smith stating in pertinent part:

Can you please send me the Gartner report that was commissioned by the City Council?  
And can you tell me the price the city paid for the report?

On November 25, 2019, after returning from vacation, Ms. Smith conducted a comprehensive search for a Gartner report, but found none. As such, Ms. Smith responded to Mr. McMillan as follows:

Brian, I have attached the contract with Gartner for their consulting services. I do not have a document responsive to your request for a report.

11. During her search for the "Gartner report," Ms. Smith found a four-page PowerPoint slide deck prepared by City staff. Ms. Smith did not provide that document to Mr. McMillan as she interpreted his request as asking for a report prepared by Gartner, Inc. Ms. Smith's interpretation of this request, and her determination that the PowerPoint slide deck was neither a report nor a document prepared by Gartner, Inc., are both reasonable. In fact, it would have been unreasonable for Ms. Smith to assume that Mr. McMillan was requesting a document prepared by City staff as he also asked Ms. Smith for the price the City paid for the report he was requesting. Undoubtedly, Mr. McMillan is aware that the City doesn't charge itself for City staff to prepare reports, and, therefore, he was referring to an externally prepared report that the City paid for.

12. On Sunday, December 15, 2019, Mr. McMillan submitted a public request to Ms. Smith for copies of emails sent by Mayor Milissa Holland on October 24, 2017, January 29, 2018, and February 1, 2018. Ms. Smith responded to Mr. McMillan by email on December 16, 2019 stating as follows:

I will do my best to get through the emails today. If you have a topic it may assist me in processing quicker.

Ms. Smith often requests topics when running email searches as it normally speeds up the search process, and her request of Mr. McMillan was not intended to keep documents from being

produced. Mr. McMillan responded that same day: “Sure, if you can start with anything mentioning Costal Cloud, that would be good.”

13. Thereafter, on December 16, Ms. Smith did a search of the City’s email archiver for any emails sent from Mayor Holland’s City email address that mentioned Costal Cloud on the specified dates. The search results included the following emails mentioning Costal Cloud:

a. A January 29, 2018 email from Mayor Holland to Sherry Gutch (Business Development Manager for the City of Orlando), subject “Thank You!”, sent from Mayor Holland’s City email and containing her City signature block.

b. A February 1, 2018 email from Mayor Holland to Rosa Akhtarkhavari (Chief Information Officer for the City of Orlando), subject “Sherry Gutch meeting,” sent from Mayor Holland’s City email and containing her City signature block.

Ms. Smith was unsure whether these emails were public records as they appeared personal in nature. Thus, she reached out to City Attorney William Reischmann for legal guidance as was her practice in such situations.

14. After his initial communications with Ms. Smith, Mr. Reischmann reached out to Mayor Holland to ask about the context of the two emails in question. Mayor Holland, who was out of town at the time and had not seen Mr. McMillan’s request, confirmed that the emails were not related to City business. However, she did not weigh in on whether the emails should be produced, and did not instruct Mr. Reischmann to withhold them. Mr. Morton also contacted Mayor Holland that day to let her know that a request had been made for her emails. Mayor Holland did not ask or direct Mr. Morton to withhold the emails, and Mr. Morton never asked or directed Ms. Smith to withhold the emails. To the contrary, it was Mr. Morton’s position that if the emails were public records they should be turned over.

15. On December 16, after researching the matter, Mr. Reischmann advised Ms. Smith by phone that the emails in question were not public records as they did not reflect City business and were personal in nature. Mr. Reischmann also provided Ms. Smith citation to an Attorney General Opinion (“AGO 04-33”) supporting his position. Mr. Reischmann was not influenced in his decision by Mayor Holland, Mr. Morton, or Ms. Smith – he made the decision that he believed was legally correct.

16. Later in the day on December 16, Ms. Smith sent Mr. McMillan an email that stated in pertinent part:

I verified the emails. There is only one responsive to Coastal Cloud, which is what I have attached. There were two identified that are personal in nature and therefore are not responsive to your request.

Prior to sending this email, Ms. Smith had informed Mr. Morton that she had received a request from Mr. McMillan for the Mayor’s emails. This was Ms. Smith’s standing practice. Mr. Morton did not instruct Ms. Smith to withhold any emails, and Mr. Smith relied solely on Mr.

Reischmann's legal advice in not providing the emails in question to Mr. McMillan. There is no evidence that Mr. Morton, Mr. Reischmann, Ms. Smith, and/or Mayor Holland conspired to withhold the emails in question from Mr. McMillan.

17. Mr. McMillan responded to Ms. Smith in pertinent part by asking her to send him the emails that were personal in nature. Ms. Smith replied, consistent with Mr. Reischmann's legal advice, in pertinent part:

Those personal in nature do not relate to the City and therefore are not City emails to be released.

Mr. McMillan replied back on December 20, 2019 asking Ms. Smith to "share with me the Florida Statute that says why they can't be released." Ms. Smith responded that same day with the following excerpt she found in her research from the Florida Government in the Sunshine Manual:

**Personal records not made or received in the course of official business**

As noted in AGO 04-33, the broad definition of "public record" makes it clear that the "form of the record is irrelevant; the material issue is whether the record is made or received by the public agency in connection with the transaction of official business." *See s. 119.011(12), F.S.*, defining the term "public records" to mean materials "made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." *See also Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980), stating that in order to constitute "public records" for purposes of Ch. 119 disclosure requirements, the records must have been prepared "in connection with official agency business" and be intended to "perpetuate, communicate, or formalize knowledge of some type."

Mr. Reischmann reviewed a draft of this response prior to Ms. Smith sending it to Mr. McMillan.

18. Thereafter Mr. McMillan spoke with City Attorney William Reischmann about not being provided records that were on the City's email server. During the conversation, Mr. McMillan detailed the contents of the emails that had not been provided to him. Mr. Reischmann responded that the emails were not public records. That night, Mr. McMillan sent Mr. Reischmann a text message which led Mr. Reischmann to believe that Mr. McMillan was going in a different direction with his story and that he was no longer seeking the emails in question.

19. Similar to Mr. Reichsmann, Mr. Morton had a conversation with Mr. McMillan that led him to believe someone at the City had provided the emails in question or the contents thereof to Mr. McMillan in contravention of the City's established processes. In this regard, the City's Policies and Procedures Manual includes policies regulating Release of Information (Policy 3.08) and Statements by City Employees (Policy 3.09) intended to make sure that information being provided to the public is truthful and accurate, and is legal to disclose.

20. On the morning of December 20, 2019, Mr. Morton sent Mr. Maher an email asking to discuss a matter and attaching highlighted City Policies 3.08, 3.09, and 3.31. Later that morning, Mr. Morton visited Mr. Maher's office and relayed concerns he had about employees searching

through emails and then releasing them to the media. After discussing the matter with Mr. Maher and Human Resources Director Debbie Streichsbier, who had joined the meeting, Mr. Morton told Mr. Maher it was up to him to investigate or not. Mr. Maher did not believe that he should be opening what he viewed as an investigation into the motives behind a public records request. However, Mr. Maher opened EthicsPoint Case No. 43 as a result of this conversation. The scope of the investigation was “to determine if there has been a violation of City policy 3.08- Release of Information, 3.09- Statements by City employees or 3.31- Fraud Waste Abuse and Whistleblower policy.”

21. That same day, Mr. Maher interviewed Director of Information Technology Doug Akins. Mr. Akins informed Mr. Maher that while the City’s email archiver system had an auditing option to track users, that option was not turned on until the week prior. Therefore, there was no way to determine who had accessed the emails in question. I have verified this with Mr. Akins. Additionally, I had Mr. Akins perform an email archiver search to determine if anyone had forwarded the emails in question to someone outside of City government. The search determined that the emails in question had not been forwarded to anyone outside City government or to anyone who did not have a legitimate purpose in reviewing the emails in question.

22. On January 2, 2020, Mr. Akins provided Mr. Maher a list of then-current City employees who had full access the City’s email archiver, and thereby the emails in question. This list consisted of 14 individuals, including Mr. Maher. However, as Mr. Akins indicated to Mr. Maher, a number of former City employees also had access to the emails in question during their employment with the City. These individuals were not questioned by Mr. Maher as to whether they provided the emails in question, or the information contained therein, to the media as he did not believe it was appropriate to investigate the reasons behind public records requests. I disagree with Mr. Maher’s position on this – just because a document is a public record does not mean that it can be provided to anyone who wants it outside of the City’s public records request process. As such, there was nothing inherently wrong with investigating whether an employee violated City policy in this regard. However, I also have not questioned those individuals about the disclosure of the emails as I do not believe it would be productive or fruitful at this point trying to track down and interview every individual who potentially had access to the emails in question.

23. On February 12, 2020, Mr. Maher queried the City’s email archiver for emails from Mr. McMillan to determine what information may have been “leaked” to him. The query results disclosed Mr. McMillan’s November 20, 2019 request for the “Gartner report that was commissioned by the City Council,” as well as Mr. McMillan’s December 15, 2019 request for copies of emails sent by Mayor Holland on October 24, 2017, January 29, 2018, and February 1, 2018.

24. During the course of the investigation in Case No. 43, Mr. Maher discovered the following documents in the City’s possession that had not been provided to Mr. McMillan in response to his requests detailed above:

- a. The January 29, 2018 email from Mayor Holland to Sherry Gutch (Business Development Manager for the City of Orlando), subject “Thank You!,” sent from Mayor Holland’s City email and containing her City signature block.

b. The February 1, 2018 email from Mayor Holland to Rosa Akhtarkhavari (Chief Information Officer for the City of Orlando), subject “Sherry Gutch meeting,” sent from Mayor Holland’s City email and containing her City signature block.

c. An October 24, 2017 email from Mayor Holland to Councilmember Robert Cuff, subject “What I learned from Hurricane Irma,” sent from Mayor Holland’s personal email to Councilmember Cuff’s City email.

d. An October 24, 2017 email from Mayor Holland to Councilmember Nick Klufas, subject “What I learned from Hurricane Irma,” sent from Mayor Holland’s personal email to Councilmember Klufas’ City email.

e. A July 2019 30-page PowerPoint slide deck entitled “Technology Assessment Gartner Best Practices Driven” prepared by the City’s Information Technology Department.

Mr. Maher concluded that each of these documents were responsive public records that should have been provided to Mr. McMillan pursuant to the Florida Public Records Act, Chapter 119, Florida Statutes. Mr. Maher has no expertise in Florida’s Public Records Law and did not conduct any legal research into the matter.

25. On February 25, 2020, Mr. Maher closed Case No. 43, stating as follows:

This case is being closed at this time. Based upon issues discovered during this case a new case has been opened (#53) related to violations of FS 119 in the denial of public records that appear to have been inappropriately withheld from release based upon FOIA requests from a reporter Brian McMillan. This case is being closed and referred.

No findings were made as to the matters under investigation in Case No. 43. And, contrary to City Policy 3.31, Case No. 43 was not presented to the City Manager for final disposition of the investigation. Thus, while Mr. Maher identified Case No. 43 as being closed in the EthicsPoint system, it technically was never closed. Moreover, Mr. Morton was not informed by the ICE investigations team of any concerns that Chapter 119 may have been violated. Aside from failing to satisfy the notification requirement in City Policy 3.31, it is problematic that the City’s Chief Executive Officer was not informed of a possible violation of the law by the City Clerk.

26. While the foregoing facts led to the conclusion that someone either provided Mr. McMillan with Mayor Holland’s emails in question or disclosed their existence to him, I am unable to determine that any identifiable City employee provided Mr. McMillan with emails or other information in violation of City Policy 3.08, 3.09, or 3.31. Thus, the complaint in Case No. 43 is not sustained. I recommend that Case No. 43 be closed without further action.

### C. Case No. 53

27. On February 12, 2020, Mr. Maher opened Case No. 53 to address what he believed to be the public records law violations he discovered in Case No. 43. Mr. Maher specifically identified Ms. Smith as the “person engaged in this behavior.”

28. In the February 25, 2020 case notes in Case No. 53, Mr. Maher details the following:

During a subsequent interview of an employee related to Coastal Cloud it came to light that the employee was aware of a conversation between Matt Morton, Mayor Holland, City Clerk and the former communications manager Michael Schottey. The conversation was subsequent to a flurry of public records requests regarding Coastal Cloud. It was reportedly decided at this meeting that the participants would tailor future communications so to not be discovered by future public record requests. The decision was to only communicate by phone or text message.

During my interview of him, Mr. Maher identified the unnamed individual in the foregoing case notes as the Chief Innovation Officer “Don,” who I later discovered to be Chief Innovation Officer Don Kewley. In my interview with Mr. Kewley, he stated that the conversation he overheard was not about Coastal Cloud, but instead was about whether an invoice for Salesforce (a cloud-based system used by the City) that had not yet been paid was responsive to a public records request. Moreover, the conversation he recounted was not about tailoring communications, although he has heard a comment made that communications should be over the phone and not by text or email.

29. Mr. Morton in my interviews of him verified that the conversation Mr. Kewley overheard was about whether an unpaid invoice was responsive to a public records request for documents reflecting what had been paid to Salesforce. The unpaid invoice was not responsive as it did not reflect what had been paid, and did not even necessarily reflect what would be paid in the future as the City was determining how many licenses it would need in the future. As to what Mr. Kewley heard about conducting communications over the phone and not by text or email, Mr. Morton explained that the comment was made in the context of the Tech Beach Hackathon, and the need to communicate by phone for more immediate responses due to the timing of the issues they were dealing with.

30. On February 26, 2020, Mr. Maher sent Neysa Borkert, an attorney in Mr. Reischmann’s office who works on City matters, an email asking whether AGO 04-33 (the AGO cited in Ms. Smith’s December 20, 2019 email to Mr. McMillan) applies to the Mayor’s emails in question. Ms. Borkert responded that she did not render the initial opinion, and copied Mr. Reischmann on her response. This led to a phone call between Mr. Maher, Ms. Bukolt, and Mr. Reischmann on February 26, 2020.

31. During the phone call, Mr. Reischmann asked Mr. Maher why they were asking about an old public records request. Mr. Maher explained that “it was based upon an investigation that we were given from Matt Morton.” Mr. Maher did not disclose that the investigation initiated by Mr. Morton had been closed, that he was conducting a newly opened investigation into whether

the emails in question had been illegally withheld, or who were the targets of the investigation. Later in the conversation Mr. Reischmann specifically asked if Ms. Smith was being investigated. Mr. Maher responded that they were investigating whether a public records request was properly handled, even though they were actually investigating what Mr. Maher had already concluded was a potential public records law violation by Ms. Smith.

32. The February 26, 2020 case notes in Case No. 53, detail the phone conversation with Mr. Reischmann in pertinent part as follows:

Bill states he recalled the request for the emails were problematic. He stated that his initial response was that they should be released. He further states that he is always conservative when it comes to public records requests and believes barring specific exemptions they should always be released. He was asked to take a closer look at the content of the emails. Bill states he found several potential exemptions in the public records handbook that he provided to Virginia Smith. Bill stated he thought two of the four emails in question had been released. He was advised that they do not appear to have been released. Bill said he could not give a yes or no answer to whether AGO 04-33 applies because it is an extremely grey area. Jay inquired specifically about the emails sent from the Mayors City of Palm Coast used her city title in the subject and identifying herself in the body. Bill responded that the business she was discussing was related to coastal cloud so it could possibly be construed as being personal in nature. Bill stated that if he was asked about writing these emails beforehand, he would have cautioned against doing so, as he stated these emails are problematic. .... Bill stated just like he, Virginia is just doing as she is told. Bill added that there was very little push back from Brian McMillan regarding his request for public records being rejected. Bill stated that had Brian pushed back he probably would have told Virginia to release the emails.

Mr. Reischmann's statement reaffirmed Mr. Maher's belief that the emails in question were public records that should have been provided to Mr. McMillan.

33. In my interviews of him, Mr. Reischmann recognized that in having what he thought was a conversation with Mr. Maher and Ms. Bukolt and not an investigatory interview, he was not as precise in his statements as he could have been. This resulted in a number of his statements being misconstrued. While he may have said that the two emails in question – the January 29, 2018 email from Mayor Holland to Sherry Gutch, and the February 1, 2018 email from Mayor Holland to Rosa Akhtarkhavari (Mr. Reischmann was not aware of the October 24, 2017 emails) – were problematic, he was referring to the fact that Mayor Holland identified herself as the Mayor of Palm Coast in the emails, thereby opening the emails up to debate on whether they were public records. Mr. Reischmann further stated that he did not say he was asked to take a closer look at the content of the emails, but instead stated that after initially viewing them he took a closer look at their context to determine if they were public records. And, while Mr. Reischmann did say that the issue was not black and white (which was interpreted as him saying it was gray), and that the question whether AGO 04-33 applied to the two emails in question was not a simple “yes” or “no,” Mr. Reischmann never meant to imply that AGO 04-33 did not apply. Instead, after weighing all the factors, Mr. Reischmann determined that AGO 04-33 did apply and the two emails in question were not public records. Mr. Reischmann denies ever saying that he was doing what



he was told, especially as he was never told to do anything, and further denies saying that if Mr. McMillan had pushed back, he probably would have told Ms. Smith to release the emails.

34. On March 4, 2020, Ms. Smith was asked by Mr. Maher to come down for what she thought was going to be a friendly conversation. Ms. Smith did so, and a meeting ensued between Mr. Maher, Ms. Bukolt, and Ms. Smith. Ms. Smith was told during the meeting that Mr. Maher and Ms. Bukolt had some questions regarding the response to Mr. McMillan's public records; however, she was never informed that she was being questioned as a target of an investigation. And, despite the fact that Ms. Smith was being questioned about her suspected violation of Chapter 119, which carries potential criminal penalties, Ms. Smith was never provided a Garrity warning to protect her Fifth Amendment rights.

35. The March 4, 2020 case notes in Case No. 53 detail the phone conversation with Mr. Reischmann in pertinent part as follows:

Virginia stated she received the request and located two emails that appeared to be responsive to the request. Both emails were sent from the mayors email address, were signed as the mayor of Palm Coast and stated that she was the Mayor of Palm Coast. Virginia explained that when she receives record requests of concern she contacts our city attorney. Virginia stated that there was a meeting with herself Bill Reichmann and Matt Morton the city manager in the city manager's office related to the records request. She recalls there may have also been several call that took place but cannot remember for sure. Virginia stated that she received an AGO opinion regarding personal emails and was instructed to use that as an exemption to withhold the emails. Jay went over the email with Virginia pointing out that it was sent on the day requested by the reporter from the Mayors city email using the title of the Mayor of Palm Coast and even included the words Coastal Cloud so that a common person might believe that this clearly fits the parameters of the public records request. Virginia stated that she felt so as well but the city attorney had provided her with an AGO that allowed us to keep it from being released. Virginia added that it was the first time she had done this in 12 years. Jay asked for a clarification from Virginia. She stated she does not believe she has ever withheld a complete document before as she was told to do in this case. Virginia states usually the information that is personal in nature is redacted and the rest of the document is released but in this case she was told to withhold the entire email. Jay questioned why the entire email would be withheld and Virginia stated she did not know other than the email itself is a problem and could be considered an issue. Jay asked if she meant possibly evidence of misuse of her office to which Virginia responded yes.

Ms. Smith was not questioned during this meeting, or at any time during the investigation, about the October 24, 2017 emails from Mayor Holland or the June 2019 30-page PowerPoint slide deck.

36. Similar to my interview with Mr. Reischmann, Ms. Smith stated during my interview of her that a number of the statement's attributed to her by Mr. Maher and Ms. Bukolt were either taken out of context or were untrue. Ms. Smith asserts that she never stated that there was a meeting with herself, Mr. Reichmann and Mr. Morton in the City Manager's office related to the records request at issue. Ms. Smith also denied that she stated that she felt that the emails

in question were public records, but that the City Attorney had provided her with an AGO that allowed the City to keep them from being released. Ms. Smith did say that this was the first time in 12 years that she had withheld complete documents, and that usually the personal information is redacted and the remainder of the email is released. However, what Ms. Smith was referring to was the redacting of social security numbers, home addresses of certain classes of employees, etc. in documents that are otherwise public records. The distinction in this case is that the documents themselves were not public records subject to disclosure per Mr. Reischmann. Lastly, Ms. Smith denies ever saying that the emails in question were possibly evidence of the Mayor misusing her office. Instead, she was conveying that the emails could be a problem from the standpoint of sending personal emails through the City's email system. (Under City policy, the use of the City's email system for personal reasons is discouraged, but not prohibited.)

37. Regarding the two October 24, 2017 emails from Mayor Holland, those emails did not come up in Ms. Smith's December 16, 2019 search of the email archiver for emails sent from the Mayor's City email account as they were sent from Mayor Holland's personal email account. However, those emails did come up in a search for emails responsive to a later public records request and were turned over when discovered by Ms. Smith. As to the June 2019 30-page PowerPoint slide deck, Ms. Smith never saw it and was never made aware of its existence by IT. Having now become aware of it, Ms. Smith does not believe it is responsive to Mr. McMillan's November 20, 2019 request for the Gartner report that was commissioned by the City Council, and would not have produced it if she was aware of it.

38. On March 26, 2020, Mr. Maher concluded his investigation in Case No. 53, writing: "Based upon this investigation it appears that there may have been violations of the public records laws FS 119 committed by the city clerk's office on behalf of Coastal Cloud and the Mayor of Palm Coast." In rendering this conclusion, the ICE Investigations team never spoke to Mayor Holland to determine the context of her emails at issue. Moreover, the ICE investigations team never spoke with Mr. Morton regarding any of the issues in Case No. 53. And, as previously mentioned, the ICE investigations team never asked Ms. Smith about the October 24, 2017 emails from Mayor Holland or the June 2019 30-page PowerPoint slide deck. Contrary to City Policy 3.31, Case No. 53 was not presented to the City Manager for final disposition of the investigation. As such, while Mr. Maher listed Case No. 53 as being closed in the EthicsPoint system, it technically was never closed. Moreover, Mr. Morton was once again not informed by the ICE investigations team of any concerns that the Florida Public Records Act, Chapter 119, Florida Statutes, may have been violated.

39. While the Florida Public Records Act, Chapter 119, Florida Statutes, is liberally construed in favor of access to public records, not all written communications sent or received by public officials or employees of a government agency are public records subject to disclosure upon request under the Act. *State v. City of Clearwater*, 863 So.2d 149, 150 (Fla. 2003). The mere fact that an email is a product of the City's email system does not automatically make it a public record. *City of Clearwater*, 863 So.2d at 154; *Shevin v. Byron, Harless, Schaffer, Reid & Assocs., Inc.*, 379 So.2d 633 (Fla.1980). Instead, "[t]he determining factor is the nature of the record, not its physical location." *City of Clearwater*, 863 So.2d at 154. "Based on the plain language of section 119.011(1), ... "private" or "personal" e-mails "simply fall[] outside the current definition of public records.'" *City of Clearwater*, 863 So.2d at 153; citing *Times Publishing Co. v. City of*

*Clearwater*, 830 So.2d 844, 848–49 (Fla. 2d DCA 2002). The real question, therefore, is whether the email was prepared in connection with official agency business and intended to perpetuate, communicate, and formalize knowledge of some kind. *City of Clearwater*, 863 So.2d at 154.; *Butler v. City of Hallandale Beach*, 68 So.3d 278, 281 (Fla. 4<sup>th</sup> DCA 2011); AGO 04-33.

39. Concerning the January 29, 2018 email from Mayor Holland to Sherry Gutch, and the February 1, 2018 email from Mayor Holland to Rosa Akhtarkhavari, I agree with Mr. Reischmann’s assessment that the issue of whether they are public records is not black and white. Following the court decisions referenced above, these emails are not public records merely because they are on the City email server, identify Mayor Holland as the Mayor of Palm Coast, or include Mayor Holland’s City signature block (which automatically populates on her City emails). Instead, a closer look must be made of the content and purposes of the emails. The emails in question were not prepared in connection with official City business – the City does not have any official business with the City of Orlando, and Mayor Holland’s emails do not reflect any prospective or potential City business with the City of Orlando. Moreover, the emails clearly were not intended to perpetuate, communicate, and formalize knowledge of some kind. Weighing this against the factors supporting the conclusion that the two emails are public records (e.g., the fact that the Mayor identified herself as the Mayor of Palm Coast in the emails), I agree with Mr. Reischmann’s conclusion that they are not public records.

40. Regarding the June 2019 30-page PowerPoint slide deck, I disagree with the conclusion that the City may have violated Chapter 119 by not providing it to Mr. McMillan in response to his November 20, 2019 request for the Gartner report that was commissioned by the City Council. The PowerPoint slide deck is not a report and it was not commissioned by the City Council. As such it is not responsive to Mr. McMillan’s request. Contrary to Mr. Maher’s belief, the City is under no legal obligation to interpret a request by giving words something other than their plain meaning or to provide records other than what has been requested.

41. For the reasons stated above, I conclude that neither Ms. Smith nor the City violated Chapter 119 or engaged in any other wrongdoing with respect to Mr. McMillan’s November 20 and December 15, 2019 public records requests. Thus, I recommend that Case No. 53 be closed without further action.

42. As a final note, the issues identified herein with respect to Case No. 53 further highlight the need for the City to revamp its investigatory process. It is beyond dispute that Ms. Smith relied upon and followed the legal advice of the City Attorney in not producing the January 29, 2018 email from Mayor Holland to Sherry Gutch, and the February 1, 2018 email from Mayor Holland to Rosa Akhtarkhavari. Thus, to the larger extent, Case No. 53 was an investigation into the appropriateness of Mr. Reischmann’s legal advice. An ICE team investigation is not the proper forum for determining whether the City’s legal position is correct.

#### **D. Case No. 60**

43. On March 31, 2020, an anonymous complaint was entered through the City’s website stating as follows:

The City Manager, Matthew Morton, the City Clerk, Virginia Smith, and the City Attorney, William Reischmann, all conspired together about withholding a few emails related to a public records request. They were discussing this in the City Managers conference room. The public records request was in regards to the Mayor Holland emails promoting Coastal Cloud and salesforce. Records were found by Virginia Smith. Morton specifically asked the Attorney if they are considered personal in nature. The City attorney was hesitant, but cited a statute that may allow them to exclude these specific emails from public records. Since then an investigation has been opened, the investigation concluded that these emails should not have been excluded and they are in fact public record. The investigation was closed early March and then the City Manager insisted that the lead investigator Jay Maher, re-open this case and one other case. Jay Maher referred to his Director, Helena Alves at this time and explained that the only reason an investigation is to be re-opened is to prevent the entire investigation from public records.

44. The anonymous Reporting Individual has not responded to my request for an interview, and has not provided any factual support for his/her allegations. Thus, I am left to assume that no basis exists for these claims other than what has been addressed with respect to Case No. 53 above. As previously stated, there is no evidence that Mr. Morton, Ms. Smith, and/or Mr. Reischmann conspired about withholding documents responsive to a public records request for Mayor Holland's emails.

45. Regarding the claim that Mr. Maher told Ms. Alves that the only reason these investigations were being re-opened was to prevent the investigations from becoming public records, Mr. Maher stated during my interview with him that he does not recall making that statement to Ms. Alves. Moreover, that statement is not true. As discussed above, Case Nos. 43 and 53 were never truly closed under Policy 3.31 as they were not presented to the City Manager for final decisions of disposition. And, as addressed in footnote 1 above, my investigation was not initiated to prevent Mr. Maher's investigations from becoming public records.

46. Based on the foregoing, the complaint in Case No. 60 is unfounded. Thus, I recommend that Case No. 60 be closed without further action.

**E. Mr. Maher's May 6, 2020 email**

47. On May 6, 2020, Mr. Maher sent Mr. Morton what he identified as a complaint under Section 112.3187, Florida Statutes (the Florida public sector Whistle-Blowers Act). Therein, Mr. Maher raised a number of concerns, including those related to public records requests. Therein, Mr. Maher stated:

I am requesting a full investigation of these concerns and objections. I am prepared to present to you documents, meeting notes, public records requests, agendas and meeting minutes, and related accounts and reports fully supporting these allegations including the complaint I filed with the Florida Ethics committee on April 1st 2020 and the Complaint filed with the State Attorney General's Office on April 1st 2020.

I was assigned to conduct an investigation based on Mr. Maher's request. However, as detailed above, despite the assertions in his email to Mr. Morton, when I met with Mr. Maher to question him about his concerns and objections, Mr. Maher declined to speak with me about them or to provide me any of the documents, etc. that he told Mr. Morton he was prepared to present. And, as detailed above, my subsequent follow-up with Mr. Maher yielded the same result.

48. Given Mr. Maher's failure to provide me with any of the specifics regarding, or factual support for, the "concerns and objections" raised in his May 6, 2020 email to Mr. Morton, or any of the documents, etc. that he claims to have in support of his "concerns and objections," I am unable to investigate them. As such, I will not be taking any further action with respect to Mr. Maher's May 6, 2020 email to Mr. Morton.

## ERP Presentation to Council Outline Notes

---- Don Kewley--- acknowledged no project management, no change management or no business practice analysis built into the interim scope and why “his” ERP was cancelled.

RECORD on Video Business Presentation Meeting – 12/18/2020

Gartner (Beau discussed it under IT advisory services)

Chuck – Gartner partnership licensing approval – relates to 3 priorities

1. Security Master Plan
2. Smart City
3. Comprehensive IT strategy Plan

Technology, Local Gov research materials, case studies, best practices, contract negotiation

Who is the TBD 2<sup>nd</sup> – confirmed Beau was the 2<sup>nd</sup> license holder

Was Section 2.5 (reporting Schedule not followed?)

Council Member asked timeframe for THEM to develop those strategies, Chuck said we would want to use and leverage them right away.

No work found yet in record of Beau/Chuck (agenda bill) on Smart City Private Partnerships discussion or business strategy meeting

\*\*Gartner Executive Summary for Palm Coast – not done

annual opposite workshop never scheduled or brought back as Beau discussed

MAYOR and COUNCIL expected reports,

BEAU – December 18 – Beau’s --

3:22 in (original workshop) – Beau markets as a consultant – Chuck details the services to be delivered. Angie Russo from Gartner – SMART CITY, SECURITY MASTER PLAN, Comprehensive IT Strategy Plan

ANGIE – We teach your people to do it –Gartner has over 1,000 subject matter experts to advise your team. Subscription based service will take you “from soup to nuts”. What will be done -

Exhaustive cost optimization exercise city wide (never happened)

Angie Mentions 75% of ERP doesn't come in on time or on budget

You “have” to take the ERP assessment (Angie at gartner) this was never done

4 main pillars Angie identified – where is the product -

1. Enterprise app

[2.IT](#) strategic plan

3. Smart city

4. Cloud strategy

----Annual on-site workshop

GARTNER/Beau/Chuck promised but ever delivered:

-Workshop onsite

--Benchmarking assessment

-- look at digital government maturity

-- provide best practices

-- IT strategic Plan and make sure its part of the palm coast foundation

--vendor framework

--cloud strategy

--security strategy





**INVESTIGATIVE REPORT**

**To: Matthew Morton, City Manager**

**From: Richard V. Blystone, Esq., Board-Certified Labor and Employment Attorney ("Investigator")**

**Date: November 24, 2020**

**Subject: Conclusion of Investigation of Gartner and ERP Matters**

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The following is the report of my investigation into concerns raised over (a) a failure of the City to obtain the desired results from its engagement of Gartner, Inc. to provide IT Research and Advisory Services to the City; and (b) the City's decision to issue and/or motivation for issuing, a Notice of Non-award in relation to RFP-IT020-25-Enterprise Resource Planning (ERP) Software and Implementation Services. These matters were referred to the undersigned Investigator by the City Manager, Matthew Morton.

The Investigator interviewed the following persons:

Matthew Morton, City Manager, City of Palm Coast

Doug Akins, current IT Director, City of Palm Coast

Chuck Burkhart, former IT Director, City of Palm Coast

Craig Ledbetter, Enterprise Administrator and Project Manager, City of Palm Coast

Steve Harris, Director of Implementation & Architecture for Entrepreneurial Ecosystem, City of Palm Coast

Milissa Holland, Mayor, City of Palm Coast

The Investigator also reviewed and analyzed voluminous records, including but not limited to, current and former employee notes, documents pertaining to the above-referenced solicitations and/or agreements, email correspondence among City Employees related to the above-referenced issues, email correspondence between the City and Gartner, relevant procurement documents and contracts, and City Council business meeting records.

The Investigator was given timely access to all witnesses, documentation and information that were requested. No person attempted to alter or influence the outcome of this investigation.

## Definitions

**Gartner, Inc.** - Global research and advisory firm that provides information, advice, and tools for leaders in IT, finance, HR, customer service and support, communications, legal and compliance, marketing, sales, and supply chain functions.

**Gartner Magic Quadrant** - Gartner Magic Quadrant is a first step to understanding the technology providers one might consider for a specific business challenge or opportunity. It provides a graphical rendering of four types of technology providers, namely, leaders, visionaries, niche players, and challengers, to assist organizations with narrowing down provider choices.

**Enterprise Resource Planning (ERP)** - Refers to software and systems used to plan and manage core supply chain, services, financial and other processes of an organization.

**Customer Relationship Management (CRM)** - Technology for managing an organization's relationships and interactions with customers and potential customers.

**Request for Proposal (RFP)** - Business document that announces and provides details about a project, as well as solicits bids from contractors who will help complete the project.

**Request for Solution (RFS)** - Business document that describes a technological or organizational situation and requests a proposed solution (for example, a new IT arrangement) to possible suppliers of this solution. An RFS is sometimes more open than an RFP, thereby allowing room to innovate.

**Coastal Cloud** - Salesforce Platinum Consulting Partner, which provides consulting, implementation, and managed services to businesses, nonprofits, and the public sector.

**Salesforce** - CRM platform, which creates or supplies applications that automate business processes.

**Carahsoft** - Government IT solutions provider. Carahsoft and Salesforce team together to provide Salesforce products and services to the public sector. Carahsoft supports an ecosystem of vendor and consulting partners committed to helping government agencies transform their IT infrastructure.

**Munis** - Integrated ERP solution presently utilized by the City, which is designed to manage core functions. It is one of Tyler Technologies' three main ERP products.

**Government Finance Officers Association (GFOA)** - Provides ERP advisory services. Its services are organized into tasks, including process improvement, RFP Development, Vendor Selection, Contract Negotiations, Implementation Transitions, and Implementation and Acceptance.

## Chronology

7/13/2018-Email from Angie Russo at Gartner, addressed to Jim Landon, former City Manager, in which Gartner references prior discussions about the City's vision for Smart Technologies and possible modernization efforts for IT, and requests a meeting. Jim Landon sends email to Beau Falgout (7/14/18) and states "Let's discuss."

9/15/2018-Coast Cloud engagement by City for Innovation Partnership Agreement. Zero-dollar contract.

9/18/2018-Jim Landon terminated as City Manager. Beau Falgout, then Deputy City Manager, named Interim City Manager.

11/2018-Chuck Burkhart hired as IT Director.

12/11/2018-Gartner contract to offer IT advisory services to the City presented at City Council workshop.

12/18/2018-City Council business meeting agenda outlines deliverables from Gartner on ERP. Gartner contract approved. The contract value is \$71,471.00. Mayor Holland requests a hold on long term software renewals. Beau Falgout agrees to provide list of software and software renewals to City Council. Determined that Council would be provided with list in January 2019.

Resolution approved regarding purchase of Salesforce licensing from Carahsoft Technology, Inc. Mayor Holland recuses herself from voting on the Resolution. Resolution passes.

12/27/2018-Purchase Order for Salesforce licensing for citizen engagement platform. \$98,284.63.

1/7/2019-Doug Akins, who was at the time an applications analyst/programmer with the City emails a list of software to Chuck Burkhart, the then IT Director.

2/15/2019-Chuck Burkhart indicates to Beau Falgout that he has IT Strategy Roadmaps from Gartner, and that he will begin putting heavy focus on this starting next week.

2/22/2019-Chuck Burkhart receives email from Gartner as follow up to a conversation with a third party, Munis Subject Matter Expert. After this, some follow up emails were exchanged but still nothing substantial occurring related to the ERP.

3/12/2019-Purchase order regarding Carahsoft software licenses. \$10,157.34.

4/2019-Matt Morton becomes City Manager.

5/8/2019-Doug Akins emails Chuck Burkhart to ask if Mr. Burkhart would like him to “head up” software project.

5/28/2019-Mayor Holland asks about status of “Gartner Report” in City Council workshop. New date of June 20, 2019 for Report is offered.

6/6/2019-Doug Akins receives email from Chuck Burkhart asking him to update software spreadsheet and advising that he is under the gun to accelerate software recommendations. Chuck Burkhart resigns. Doug Akins, in turn, reaches out to Mayor Holland to clarify his understanding of the software assessment.

6/7/2019-Doug Akins reaches out to Gartner to clarify where Gartner stands with regards to software assessment, and to get a better understanding. Mr. Akins tasks Craig Ledbetter to assist with assessment.

6/9/2019-Doug Akins emails Craig Ledbetter to let him know that they need to get further clarification from Gartner that Gartner is doing the “heavy lifting” as it pertains to the software assessment.

Mid July 2019-Doug Akins and Craig Ledbetter, as opposed to Gartner, complete software assessment. Assessment is in the form of a PowerPoint that integrates various Gartner research data.

8/19-23/2019-Emails exchanged between Doug Akins and Jeff Kaplan of Gartner, regarding development of metrics for IT, Key Performance Indicators (KPI), budgeting, etc. Mr. Akins is provided with research tools to begin analyzing these issues.

8/20/2019-Doug Akins meets with Mayor Holland to discuss status of software assessment. Mr. Akins perceives that Mayor Holland is frustrated with lack of deliverables by Gartner and/or that she has lost

faith in Gartner. Meeting cut short, with intention to further discuss with Matthew Morton. Software assessment PowerPoint not discussed or provided to Mayor, and so she is not yet aware that it exists.

8/27/2019-Matthew Morton meets with Don Kewley, former Chief Innovation Officer at the City, and Doug Akins, to discuss new strategy in view of lack of confidence in Gartner deliverables, due in pertinent part, to lack of Gartner deliverables. This is, in effect, the genesis of discussion of ERP RFP.

9/20/2019-Email between Jeff Kaplan, Gartner, and Doug Akins. Identifies that City Leaders have lost confidence in Tyler suite, and have decided to pursue replacement. Email from Mr. Kaplan reflects that ERP replacement would cost millions and is risky, and that City leadership appears to have bias toward cloud-based solution. Mr. Kaplan provides Mr. Akins with sources of information to inform the decision-making process, and recommends that the City review sources, and understand the strategy, scope, and cost of replacement. Email references various organizations' proclivity to jump to soon to product selection.

10/2019-Don Kewley and Doug Akins tasked with developing ERP RFP. Don Kewley is known to have experience with ERPs.

10/2019-Don Kewley elects to bring in ½ day "Facilitator" to assist with information gathering and development of ERP RFP.

10/30/2019-Proposal by "Facilitator" addressed to Don Kewley. Facilitator engaged to assist with development of ERP RFP.

11/4/2019-Session with Facilitator occurs. Agenda is basic. Generally, it reflects that there would be a discussion about the objectives of the RFP, what additional information is necessary, and next steps that should be taken, "in order to build the best RFP possible."

1/15/2020-Open date of ERP RFP.

2/2/2020-Doug Akins indicates during a meeting that former IT Director, Chuck Burkhart, had thought that the City would provide Gartner with its information, and that Gartner would look into other software/do the legwork to make sure the software would work for the City, but in actuality, it was the opposite, and the City was expected to do the "legwork."

2/4/2020-Notice of non-Award regarding the ERP RFP.

2/5/2020-Job Posting regarding Salesforce-related position.

3/2020-Steve Harris, previously associated with Salesforce, hired by City as Director of Implementation and Architecture, Entrepreneurial Ecosystem.

7/22/2020-Open date of RFS-IT-20-63-Business Process Improvement and ERP.

7/30/2020-Don Kewley acknowledges in an email, as it relates to the decision to issue a Notice of non-Award for the ERP RFP, that the City Manager had expressed concerns about the RFP (and resulting contract award) delivering the same failed results as the Gartner process, and that the City Manager had expressed to him his belief that the City required a more comprehensive approach to look at cultural change, business practice change, staff support, a transition team/plan, etc. Mr. Kewley acknowledges that the RFP did not contemplate those factors, and that it potentially missed the mark.

9/2020-Don Kewley resigns.

10/1/2020-Award date of RFS-IT-20-63-Business Process Improvement and ERP-to GFOA.

11/17/2020-City Council approves GFOA.

## Analyses

### **Gartner**

Gartner was never going to provide the City with a step by step roadmap to take its software infrastructure from point A to point Z. This does not appear to be what Gartner does. It appears that what Gartner does is work with organizations to help them make informed choices about software selection, in part, by use of the Gartner Magic Quadrant, paired with one or more consultants. A Magic Quadrant provides a graphical competitive positioning of four types of technology providers (see definition above). Interactive features of the Magic Quadrant allow an organization to adjust the weightings applied to each of the evaluation criteria to generate a new, client-specific Magic Quadrant graphic. The organization can save and share these customized Magic Quadrants for its internal analyses and decision making. Users are also given access to research materials, expert opinion, and peer insights, to further assist with narrowing product choices, and which speak to, among other things, strategic considerations. It is apparently up to the Gartner end user to utilize the resources offered by Gartner to make the best product choices. Thus, while a “Gartner-backed” report would be possible, a report generated by Gartner of the nature that the City appeared to expect was not going to be produced. Ultimately, the report, or PowerPoint, would need to be prepared by the City. Such a report was indeed prepared by Doug Akins with the assistance of Craig Ledbetter. A significant amount of time was spent generating it, via research derived in part from Gartner. Gartner representative, Jeff Kaplan, provided feedback to Mr. Akins and Mr. Ledbetter about how the report might be structured and presented to the City.

To the extent that Gartner suggested anything about the selection of an IT infrastructure, it appeared to be to “stay put.” Gartner representatives seemed to be of the opinion that Tyler/Munis is a solid foundation utilized successfully by other municipalities, and while upgrades may be necessary, the cost of such upgrades were pale in comparison to a new ERP, which was estimated by Gartner to cost millions of dollars and would likely come with its own set of challenges or problems. While this may or may not be true, the Investigator found this a bit disconcerting. First, according to Doug Akins, Gartner does not have a Magic Quadrant offering for Munis/Government ERP, and if that is the case, making such a recommendation without what Gartner necessarily considers a valuable analysis tool, is a concern.<sup>1</sup> Second, Gartner apparently referred Chuck Burkhart/the City to a third party Subject Matter Expert on Munis, as opposed to someone internal to Gartner. Third, a determination that the City should not make an ERP change, did not appear to come because of any detailed analysis conducted by Gartner, or even warrant one. Gartner presumably was aware that the City utilized Munis when it entered into an agreement with the City. If Gartner’s position were that a change of ERP was too expensive or risky, that could have been stated at the onset. It may have narrowed the City’s expectations of Gartner and/or

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<sup>1</sup> The Investigator’s understanding is that instead of offering the Magic Quadrant for Munis, it put the City in touch with a third party who had relevant experience. Also, to be fair, the Investigator is not certain whether Gartner offers Magic Quadrants analyses with respect to any specific ERPs or CRMs, as opposed to something broader which identifies various software possibilities.

prompted the City to consider other consultants who might offer more thorough analyses of the risks and benefits of more comprehensive change.

As Matthew Morton noted, Gartner's advice to avoid a large-scale change, in the form of a new ERP, may well be good advice, but how do we know that, unless a thorough analysis is accurately and strategically conducted, taking into account the software, as well as personnel and processes. According to the City Manager, as well as Mayor Holland, Gartner failed to provide the deliverables the City expected. The basis for the City's expectation of deliverables appeared to be Gartner's presentation to City Council. In the end, the City was not provided with an executive summary, onsite workshop, benchmarking assessment, review of digital governmental maturity (qualitative improvement), best practices, an IT strategic plan to ensure cohesivity, vendor framework, or a cloud or security strategy.

Gartner, the Investigator suspects, would argue there was a misunderstanding of its role. Chuck Burkhart advised that Gartner provided exactly what he expected it to provide—a source of valuable information from which the City could make software decisions or selections. He indicated further that his choice would have been to “stay put” with Munis and focus on problem areas and/or upgrades where warranted. But again, this does not allow for a comprehensive evaluation of the risks and benefits of change in ERPs. That would take significant expertise, considering both macro and micro analyses, from the perspective of software, people, and processes, which neither Mr. Burkhart nor Gartner appeared poised to fully conduct or report.

Ultimately, the Investigator finds it difficult to assess culpability. Was it a matter of the City failing to ask Gartner representatives the right questions, or to understand precisely what Gartner does (and does not) do? Was it a matter of Gartner overselling itself, failing to acknowledge possible shortcomings it may have when it comes to evaluating Munis, or promising deliverables during the sales process that did not come to fruition? Was it, at least in part, Chuck Burkhart's failure for not being more vigilant or involved in achieving deliverables from the onset, or communicating sooner that what the City had expected would come from Gartner was not going to occur as planned? The answer likely lies somewhere in the middle, or a combination of these things. In turn, City Manager, Matthew Morton, appears to have acted prudently, by at first requiring a sense of urgency of applicable IT staff to facilitate completion of the software evaluation, and then upon realizing that this would not come from Gartner, by tasking staff with preparing the evaluation in house (with assistance by Gartner where possible), and finally, by ultimately concluding that without Gartner executing the expected deliverables, given the enormity of the task and/or analysis to be conducted, seeking out alternatives. The financial cost associated with an ERP change alone warranted this. Notably, the City's contract with Gartner came months before Mr. Morton even began as City Manager. Identifying that Gartner was not the right partner at this juncture, and electing to seek out an alternative, quite likely saved the City from incurring the cost of a renewal of the Gartner contact.

### **ERP RFP**

As referenced above, the ERP evolved out of an understanding that Gartner was not going to deliver what the City had anticipated. This meant that if the City were going to address shortcomings it had identified in its software system(s), or modernize it, or seek a cloud-based solution, the City would need to take the lead. As Mayor Holland indicated in an interview, for instance, since becoming Mayor, and likely before that, citizens commented on a lack of engagement from City Hall; the City receives approximately 10,400 customer service calls per month, and it is difficult to know exactly where the calls come from, what

happens after issues raised by citizens are disseminated to various City departments, and whether the City's systems are working together effectively to ensure efficiency and responsiveness to the City's residents. The City Council spends a significant amount of time annually discussing strategic processes, and is vested in ensuring that the City's technology is empowered in such a way that residents feel they are engaged by City Hall, and that their concerns are being efficiently addressed. Also, it had been approximately 2 years since former City Manager, Jim Landon, brought Gartner to the Council's attention, as a potential solution. It was not surprising then, upon learning that no comprehensive Gartner evaluation would be provided, that there would be frustration, and that the City would seek to pivot quickly to an ERP RFP approach. However, granting an award in response to RFP-IT020-25, absent somewhat blind luck, in the Investigator's view, would have been a mistake. It is the Investigator's opinion that the City Manager, Matthew Morton, again, acted prudently by electing to issue a Notice of Non-award.

At the very least, the City learned through Gartner, that Gartner expected a new ERP to cost millions of dollars. While the ERP RFP was pending, the City Manager and/or City designees spoke to numerous municipalities, and others, about costs and complexities involved with the potential modernization of its software suite, and any changeover. After several discussions, one theme predominated. Whereas the City Manager, and the City, frankly, initially thought of the issue as a software problem, which one would identify and "fix," the opposite is true. It is a people problem. The City would need to look at training, expertise, job functions, impact of new software on staffing, etc., and within that context, or from that perspective, select the appropriate software tools. If a technology upgrade or change of this scale does not come from the correct perspective, there is, in the City Manager's view (based upon research the City conducted and/or discussions with other municipalities that had gone through a similar process), a substantially increased chance of failure, and particularly after what occurred with Gartner, issuing the Notice of Non-award, and evaluating the next steps further, made clear sense. As mentioned above, Don Kewley acknowledged this, and the Investigator strongly suspects that Gartner would likewise agree.

#### **RFS-IT-20-63-Business Improvement and Enterprise Resource Planning Consultant**

RFS-IT-20-63 took into account what the City, including the City Manager, now understood. The City sought out, and identified, a partner which offers what Gartner apparently could not, or at least, did not—A consultant that could assist the City not with merely conducting an ERP analysis, but which also offered expertise in developing business processes improvement strategies, creation of a reimplementation plan of the current ERP, creation of an RFP that clearly defines critical requirements for an ERP system, and assistance in the RFP process as well as contract negotiations. This includes the "people component," and among other things, an analysis of business practices, identification of root causes of process or system deficiencies, improvements of business accuracy and efficiency, process mapping, education and training of City Staff and expertise regarding change management, in addition to high-level ERP assessment. Doug Akins, the City's current IT Director, is appreciative of where things ended up. While sometimes frustrated by delays, or holds on technology upgrades or changes, pending the outcome of the Gartner analyses, he feels that the City is in a much better position now than it would have been had it proceeded with the original RFP. To be frank, it is not surprising to the Investigator that there were some challenges, or "bumps" in the road, to get to this point. The enormity of the project is apparent, and the Investigator strongly suspects that other municipalities have faced similar challenges, frustrations, and incongruencies, before identifying the best-fit partner and/or approach.

### Other Issue(s)

The purpose of this investigation was not to investigate any person individually, but rather to look at what occurred with respect to Gartner, and RFP-IT020-25. However, the Investigator is aware that it has been espoused that Mayor Holland allegedly influenced the City's decision not to renew its contract with Gartner and/or to issue the Notice of Non-renewal as it relates to the ERP RFP. Allegedly, the motive for asserting such influence was that Coastal Cloud, the Mayor's private-sector employer, stood to benefit if, rather than keep the IT status quo, like Gartner suggested, or award a contract pursuant to the ERP RFP, the City could issue an RFS, which the City might conceivably award to Coastal Cloud (or perhaps benefit Salesforce or Carahsoft, and thereby somehow benefit Coastal Cloud and/or the Mayor). The Mayor's association with Coastal Cloud has been well-documented, and referenced by political adversaries, and prior employees of the City who appeared to be motivated to discredit Mayor Holland, and to some degree, the City Manager (for purportedly supporting the Mayor's efforts), at or near the point of their respective departures from the City.

To the extent that the Investigator reviewed information and/or documents relevant to what may be aptly described as conspiracy theories, the greater weight of the evidence DOES NOT support that any wrongdoing occurred. As it relates to Mayor Holland, she was originally supportive of the City's plans to move in the direction of an ERP RFP. Don Kewley acknowledged in an email that during a prior conversation between Doug Akins, Mayor Holland, and himself, that was scheduled to solicit ideas about the ERP RFP and plan to move forward, that Mayor Holland liked and appreciated the plan. The Mayor presumably would not have been supportive of the plan if she did not desire it to succeed. Doug Akins also acknowledged that he did not ever feel like he was being inappropriately directed or influenced by the Mayor with respect to the ERP. Also, neither Coastal Cloud, Salesforce, or Carahsoft responded to either the ERP RFP or the more recent RFS. In fact, as stated by Chuck Burkhart, Coastal Cloud is not an ERP. It is a CRM. It would not make any sense for Coastal Cloud to respond to any request by the City for an ERP or related solution. Finally, neither the Mayor nor Coastal Cloud receives any form of compensation or other remuneration from Salesforce or Carahsoft.<sup>2</sup> The allegations directed toward the Mayor seemingly espoused by former employees, and political adversaries, as tracked by the media, simply do not add up, again to the extent the Investigator reviewed information on that point.

As it relates to City Manager, Matthew Morton, the greater weight of the evidence likewise DOES NOT support any wrongdoing. Again, Mr. Morton was not the City Manager when the Gartner contract was procured. Gartner was introduced to the City Council by former City Manager, Jim Landon. In fact, Mr. Morton has taken steps to distance the City from Coastal Cloud, to mitigate any appearance of conflict or impropriety. For example, he hired Steve Harris as Director of Implementation and Architecture, Entrepreneurial Ecosystem, at the City. This was, in part, to bring Mr. Harris's Salesforce expertise in-house (Coastal Cloud is a Salesforce Platinum Consulting Partner), and thus, minimize reliance on Salesforce. It likely also resulted, or will result, in substantial savings to the City (as well as the advantage of the City's ability to utilize Mr. Harris's expertise). Of course, it necessarily follows that if Mayor Holland did not improperly interfere in the Gartner or ERP RFP process, the City Manager was not culpable of any wrongdoing either. Indeed, conversely, it appears that the City Manager acted prudently to put the comprehensive software assessment back on track, and avoid further unnecessary expense.

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<sup>2</sup> Mayor Holland also recused herself from key votes, e.g., City Council's vote on the resolution involving the purchase of Salesforce licensing from Carahsoft.



## **CONCLUSION**

This completes the Investigative Report.

# City of Palm Coast, Florida

## Agenda Item

Agenda Date : 12/18/2018

<b>Department</b>	Information Technology	<b>Amount</b>	\$71,471.00
<b>Item Key</b>		<b>Account</b>	65052525-034000
<b>Subject</b>	RESOLUTION 2018-XX APPROVING PIGGYBACKING THE FLORIDA DEPT. OF MANAGEMENT SERVICES CONTRACT WITH GARTNER, INC. FOR IT RESEARCH AND ADVISORY SERVICES.		
<b>Background :</b>			
<b><u>UPDATE FROM DECEMBER 11, 2018 WORKSHOP</u></b>			
This item was heard by City Council at their December 11, 2018 Workshop. There were no changes suggested to this item.			
<b><u>ORIGINAL BACKGROUND FROM THE DECEMBER 11, 2018</u></b>			
The City Council adopted priorities for FY2019 include a performance measure to engage an external consultant to evaluate existing software products. In addition, City Council adopted several additional priorities that could benefit from IT technical expertise and consulting services.			
Gartner is well known as a global leader in research and IT Executive services. Included in this engagement are the following planned outcomes:			
<ul style="list-style-type: none"> <li>• Diagnostic Benchmark of Digital Capabilities and IT Cost Optimization,</li> <li>• Enable Future Growth through Rationalization and Effective Cost Realignment,</li> <li>• Assist with Development of a Comprehensive IT Strategic Plan to include Cloud and Enterprise Applications Modernization Strategy,</li> <li>• Assist with Smart City Initiatives including search for Private Partnership,</li> <li>• Access to I.T. and Government-related research material including software/services reviews and a plethora of statistics data.</li> </ul>			
City staff is recommending piggybacking the Florida Dept. of Management Services (#81141902-Vita-18-AC) with Gartner through 3/12/2021 for IT research and advisory services. Piggybacking existing competitively bid contracts is advantageous since the pricing is generally better than what the City could obtain on its own, and the City does not incur the expense and delay of soliciting a bid.			
The underlying contract is a service agreement that is subscription based, meaning all services become available with the annual subscription payment. Attached is the services included in the subscription. The annual subscription costs for these services is \$71,471.00 in 2019. Funds for this project have been budgeted for in the FY2019 Information Technology Department.			
<b>SOURCE OF FUNDS WORKSHEET FY 2018-19</b>			
Information Technology Fund – Internal – Other Contractual 65052525-034000		\$181,000.00	
Total Expended/Encumbered to Date.....		\$ 31,479.90	
Pending Work Orders/Contracts.....		\$ 0.00	
<u>Current (WO/Contract).....</u>		<u>\$ 71,471.00</u>	
Balance.....		\$ 78,049.10	
<b>Recommended Action :</b>			

Adopt Resolution 2018-XX approving piggybacking the Florida Department of Management Services Contract with Gartner, Inc. for IT research and advisory services.

APPASSURE BACKUP AND REPLICATION | CITYWIDE (CURRENT VENDOR: INSIGHT PUBLIC SECTOR, INC.)+F80:F117  
 ARCGIS MAPPING SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: ESRI)  
 ARCHIVE SOCIAL ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: ARCHIVE SOCIAL)  
 AUTODESK/AUTOCAD ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: DLT SOLUTIONS)  
 BARRACUDA SPAM AND FILTER ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR : INSIGHT PUBLIC SECTOR)  
 BONFIRE PUBLIC PROCUREMENT SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: BONFIRE)  
 CD+ ANNUAL LICENSE & MAINTENANCE | COMMUNITY DEVELOPMENT DEPT (CURRENT VENDOR: PERCONTI DATA SYSTEMS)  
 CONSTANT CONTACT EMAIL SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: CONSTANT CONTACT)  
 CYBERGOLF SOFTWARE ANNUAL LICENSE & MAINTENANCE | PARKS & RECREATION (CURRENT VENDOR: CYBERGOLF)  
 DOCUMED SOFTWARE ANNUAL LICENSE & MAINTENANCE | FIRE DEPARTMENT (CURRENT VENDOR: DOCUMED SYSTEMS INTERNATIONAL)  
 DOCUSIGN E-SIGNATURE SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: DOCUSIGN)  
 ENGAGEMENT PROFX REPLACING IDEA SOFTWARE  
 EXCLAIMER EMAIL SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: EXCLAIMER LTD)  
 FIREPROGRAMS SOFTWARE ANNUAL LICENSE & MAINTENANCE | FIRE DEPARTMENT (CURRENT VENDOR: EWERS TECHNOLOGY)  
 FIRE MEDICAL MANAQUIN SOFTWARE  
 GENETEC CAMERA AND ACCESS CONTROL LICENSING (CURRENT VENDOR: TBD)  
 GLOBAL MAPPER LICENSE | CITYWIDE (CURRENT VENDOR: BLUE MARBLE GROUP)  
 INFRAMAP SOFTWARE ANNUAL LICENSE & MAINTENANCE | UTILITY DEPARTMENT (CURRENT VENDOR: IWATER)  
 JAGUAR SOFTWARE ANNUAL LICENSE & MAINTENANCE | TBD (CURRENT VENDOR: JAGUAR SOFTWARE)  
 TREND MICRO ANTIVIRUS SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: CDW)  
 KRONOS SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: IMMIX TECHNOLOGY)  
 ZOHOO SERVICE DESK, MANAGE ENGINE RECOVERY, PASSWORD MANAGER SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: ZOHOO CORPORATION)  
 MICROSOFT DESKTOP LICENSES | CITYWIDE (CURRENT VENDOR: SHI INTERNATIONAL)  
 MSDS ONLINE | CITYWIDE (CURRENT VENDOR: TBD)  
 MUNIS ERP SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: TYLER TECHNOLOGIES)  
 NAVIGATIONS ELECTRONICS - GPS UNITS  
 NETMOTION SOFTWARE | CITYWIDE (MULTIPLE VENDORS)  
 NEW WORLD SYSTEMS FIRECAD SOFTWARE ANNUAL LICENSE & MAINTENANCE (CURRENT VENDOR: FLAGLER COUNTY THROUGH ILA)  
 ONBASE SOFTWARE ANNUAL LICENSE & MAINTENANCE | CITYWIDE (CURRENT VENDOR: DATABANK/HYLAND)  
 Adobe Enterprise Annual License and Maintenance(CDW)  
 ROCKWELL SCADA ANNUAL SOFTWARE LICENSE & MAINTENANCE | UTILITY DEPT? (CURRENT VENDOR: WESCO DISTRIBUTION, INC.)  
 TARGET SOLUTIONS | CITYWIDE EXCEPT FIRE DEPARTMENT (CURRENT VENDOR: TARGET SOLUTIONS LEARNING)  
 TELE-STAFF  
 TERADYCHI  
 VMWARE LICENSES | CITYWIDE (MULTIPLE VENDORS)  
 CIVIC REC SOFTWARE ANNUAL LICENNSE & MAINTENANCE | PARKS & REC DEPT (CURRENT VENDOR: CIVIC PLUS)  
 FIRE RFID SYSTEM  
 LOGMEIN HELP DESK SOFTWARE  
 Solarwinds  
 Salesforce License Renewal (Carahsoft).  
 Airlink Support for Fire Truck WiFi Connection  
 ATMS Software Maintenance  
 Backup Exec(Current Vendor: SHI)  
 BARRACUDA IM ARCHIVER | CITYWIDE (CURRENT VENDOR SHI)  
 DELIVER365 - FOR QR CODES | CITYWIDE(VENDOR: Delivr)  
 FIRESCENE | FIRE  
 GFI EMAIL ARCHIVER | CITYWIDE (SHI)  
 Github  
 ICPR4 subscription renewal(Streamline Technologies)  
 INFLOW INVENTORY | UTILITY DEPARTMENT (Inflow Inventory)  
 InfoCare (Innovyze)  
 Know Be 4  
 KONICA PRINTER SERVICE & MAINT | CITYWIDE (CURRENT VENDOR: Konica Minolta)  
 LANDFX | COMMUNITY DEVELOPMENT - PLANNING (LandFX)  
 LINKOFOG - UTILITY PRETREATMENT SOFTWARE | UTILITY DEPARTMENT (Linko Technology)  
 NETFLOW | IT DEPARTMENT (SHI)  
 SURVEY MONKEY | CITYWIDE (Survey Monkey)  
 TYLER CASHIERING | CITYWIDE (Tyler Technologies)  
 Win 911 (SHI)  
 WINDOWS VIRTUAL DESKTOP ACCESS (VDA) | CITYWIDE  
 Zoom(Zoom)

# City of Palm Coast, Florida

## Agenda Item

Agenda Date : 12/18/2018

<b>Department</b>	Information Technology	<b>Amount</b>	\$71,471.00
<b>Item Key</b>		<b>Account</b>	65052525-034000
<b>Subject</b>	RESOLUTION 2018-XX APPROVING PIGGYBACKING THE FLORIDA DEPT. OF MANAGEMENT SERVICES CONTRACT WITH GARTNER, INC. FOR IT RESEARCH AND ADVISORY SERVICES.		
<b>Background :</b>			
<b><u>UPDATE FROM DECEMBER 11, 2018 WORKSHOP</u></b>			
This item was heard by City Council at their December 11, 2018 Workshop. There were no changes suggested to this item.			
<b><u>ORIGINAL BACKGROUND FROM THE DECEMBER 11, 2018</u></b>			
The City Council adopted priorities for FY2019 include a performance measure to engage an external consultant to evaluate existing software products. In addition, City Council adopted several additional priorities that could benefit from IT technical expertise and consulting services.			
Gartner is well known as a global leader in research and IT Executive services. Included in this engagement are the following planned outcomes:			
<ul style="list-style-type: none"> <li>• Diagnostic Benchmark of Digital Capabilities and IT Cost Optimization,</li> <li>• Enable Future Growth through Rationalization and Effective Cost Realignment,</li> <li>• Assist with Development of a Comprehensive IT Strategic Plan to include Cloud and Enterprise Applications Modernization Strategy,</li> <li>• Assist with Smart City Initiatives including search for Private Partnership,</li> <li>• Access to I.T. and Government-related research material including software/services reviews and a plethora of statistics data.</li> </ul>			
City staff is recommending piggybacking the Florida Dept. of Management Services (#81141902-Vita-18-AC) with Gartner through 3/12/2021 for IT research and advisory services. Piggybacking existing competitively bid contracts is advantageous since the pricing is generally better than what the City could obtain on its own, and the City does not incur the expense and delay of soliciting a bid.			
The underlying contract is a service agreement that is subscription based, meaning all services become available with the annual subscription payment. Attached is the services included in the subscription. The annual subscription costs for these services is \$71,471.00 in 2019. Funds for this project have been budgeted for in the FY2019 Information Technology Department.			
<b>SOURCE OF FUNDS WORKSHEET FY 2018-19</b>			
Information Technology Fund – Internal – Other Contractual 65052525-034000		\$181,000.00	
Total Expended/Encumbered to Date.....		\$ 31,479.90	
Pending Work Orders/Contracts.....		\$ 0.00	
<u>Current (WO/Contract).....</u>		<u>\$ 71,471.00</u>	
Balance.....		\$ 78,049.10	
<b>Recommended Action :</b>			

Adopt Resolution 2018-XX approving piggybacking the Florida Department of Management Services Contract with Gartner, Inc. for IT research and advisory services.

October 14, 2019

City of Palm Coast  
160 Lake Ave.  
Palm Coast, FL 32174

Dear Mr. Morton,

It has been such a pleasure to work at the City of Palm Coast over the last year and a half. I've had so many wonderful experiences and opportunities for growth (both personally and career wise) that I count myself blessed to work for such an amazing organization. However at this time, I write to inform you of my intention to resign as Head of Innovation & Economic Growth from the City of Palm Coast, as I am pursuing other career opportunities. This can be as effective from two weeks from today (10/14/19), or now immediately given the nature of government work.

I appreciate your leadership over the last few months. I look forward to reading about the new direction you'll continue to drive for the City – including the directions you are unsure of as of today.

Please let me know what assistance you'll require from me during this transition period (if any at all).

Thank you,

A handwritten signature in black ink, appearing to read 'Wynn Newingham', with a long horizontal line extending to the right.

Wynn Newingham



**INVESTIGATIVE REPORT**

**To: Matthew Morton, City Manager**

**From: Richard V. Blystone, Esq., Board-Certified Labor and Employment Attorney (“Investigator”)**

**Date: March 8, 2021**

**Subject: Conclusion of Investigation of Tech Beach Hackathon**

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The following is the report of my investigation into concerns over potential conflicts of interest pertaining to the City of Palm Coast Tech Beach Hackathon (“Hackathon”), which was held January 17-19, 2020. This matter was referred to the undersigned Investigator by City Manager, Matthew Morton.

The Investigator interviewed the following persons as part of this investigation:

Matthew Morton, City Manager, City of Palm Coast

William Reischmann, City Attorney, City of Palm Coast

Neysa Borkert, attorney at Garganese, Weiss, D’Agresta & Salzmann, P.A. Ms. Borkert works with City Attorney Reischmann at the same law firm, and on various City matters.

Blake Kershaw, Head of Research and Development of IT, City of Palm Coast

Milissa Holland, Mayor, City of Palm Coast

Timothy Hale, Managing Partner at Coastal Cloud

The Investigator also reviewed and analyzed voluminous records, including but not limited to, notes, summaries and written responses to inquiries directed to certain former employees of the City, internal memoranda and email correspondence related to the Hackathon, media reports related to the Hackathon, the Hackathon website, the Coastal Cloud website, the Salesforce website, participant rules, guidelines, and agreements, Innovation District Advisory Council agenda records, and relevant City Council business meeting minutes.

The Investigator was given timely access to all witnesses<sup>1</sup>, documentation and information that were requested from the City. No person attempted to alter or influence the outcome of this investigation.

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<sup>1</sup> The Investigator also contacted Wynn Newingham, former Head of Innovation & Economic Growth at the City of Palm Coast and requested to speak to her regarding this investigation. Ms. Newingham was involved in planning the Hackathon. However, Ms. Newingham did not return the Investigator’s call.



## Definitions

**Hackathon** – Collaboration where “hack” means to create something new from things that already exist. Developers, designers, and idea generators (participants) are joined by technology partners for a brief period, e.g., 24 hours, to develop products, services, ideas and/or presentations in response to challenges posed by hackathon organizers.

**City of Palm Coast Tech Beach Hackathon** – The Tech Beach Hackathon, held at the City of Palm Coast on January 17-19, 2020, resulted in teams addressing the following challenges:

1. Create solutions that help patients better understand their care in a meaningful way, and effectively manage clear communication between everyone involved in the care plan.
2. Disrupt with new ideas that connect the health data on patients' smart devices in an effective and valuable way for the patient and clinician. Build proactive systems that focus on whole-person care, health monitoring and/or financial incentives for healthy behavior.
3. Create solutions that address the need to keep costs down for patients and provide more low-or-no-cost options and education for the community. Leverage data through Salesforce tools like Einstein to ensure the lowest prices available to patients.

**Coastal Cloud** - Salesforce Platinum Consulting Partner, which provides consulting, implementation, and managed services to businesses, nonprofits, and the public sector.

**Salesforce** – Technology platform, which creates or supplies applications that automate business processes. Salesforce is among the world’s fastest growing companies, and trades on the New York Stock Exchange (NYSE).

**Sandbox Environment** – Technology-related testing environment that isolates untested code changes and experimentation from the production environment.

**BeMyApp** – One of the world’s largest and most well-known hackathon organizers.

**Innovation District Advisory Council (IDAC)** – Volunteer group of business and community leaders committed to sharing insight and expertise with the City, especially as it relates to developing the City’s Innovation District.

## Issues and Analysis

Salesforce was utilized by the City as the technology platform for the Hackathon. It was from that platform that Hackathon participants developed potential solutions to the above-referenced Hackathon challenges. Upon working through the Hackathon challenges, teams developed ideas, proposed solutions, and made presentations. The teams’ presentations, and other Hackathon content, can be found on YouTube. The teams were judged, and winners determined. The winning teams earned cash prizes ranging from \$6,000 (grand prize) to \$1,000 (third runner up). The cash prizes were funded by community sponsors, one of which included Coastal Cloud.

Coastal Cloud also offered guidance and technical support for the Hackathon and to the Hackathon participants. Concern was expressed that because Mayor Holland was/is employed by Coastal Cloud, which is a Salesforce Platinum Consulting Partner (meaning that Coastal Cloud’s clients utilize Salesforce as a technology platform), the use of Salesforce represented a potential conflict of interest and/or ethical

issue. It was apparently perceived by at least one former employee of the City that Mayor Holland stood to obtain financial or other material benefit because of the use of Salesforce as the Hackathon's technology platform. It was also perceived by at least one former employee of the City that Coastal Cloud was engaged to run or organize the Hackathon, and that by implication, Mayor Holland stood to benefit from such engagement. To some extent it was apparently also inferred that City Manager Morton supported the Mayor and/or use of Salesforce as the technology platform for the Hackathon, and that such support may have been inappropriate, due to the Mayor's potential conflict. Finally, a former employee expressed concern that the intellectual property developed by the Hackathon participants, which addressed health-care related issues, might be utilized, or developed further by Coastal Cloud, and then marketed and sold to one or more healthcare providers.

#### Mayor Holland

Mayor Holland did not obtain any material or financial benefit or payment in connection with the Hackathon. Salesforce technology is utilized by the City, and has been since 12/27/2018, when it was purchased by the City in relation to its citizen engagement platform. It was not purchased from Coastal Cloud. Salesforce licenses were purchased through Carahsoft, a government IT solutions provider, which teams with Salesforce to provide products and services to the public sector. Mayor Holland recused herself from the City Council's vote on the resolution involving the purchase of Salesforce licensing from Carahsoft, which vote occurred long before the Hackathon was conceived. According to both Mayor Holland and Tim Hale, Managing Partner of Coastal Cloud, Coastal Cloud receives no payment directly from Salesforce when any Coastal Cloud client utilizes or purchases Salesforce's product(s). In fact, Coastal Cloud pays Salesforce for the right and/or opportunity to be a Salesforce "Partner." Likewise, Mayor Holland earned nothing from the Hackathon, by Coastal's "role" in the Hackathon, or due to the use of Salesforce as the technology platform for the Hackathon. Indeed, during the months preceding the Hackathon, and for some time thereafter, Mayor Holland's nearly sole focus was caring for her seriously ill child. Her daughter was receiving nearly around the clock care in South Florida at the time, and Mayor Holland was with her. This has been covered by the media to some degree. As a result of her personal situation, Mayor Holland was scarcely involved in the Hackathon or its planning. At most, she was sporadically informed about the Hackathon at either IDAC meetings or from the City. She was also present on the day the Hackathon prize winners were announced. She did not involve herself in the details of the Hackathon, or somehow require that the Hackathon involve Coastal Cloud or Salesforce, and the Investigator is aware of no credible evidence to the contrary.

#### Coastal Cloud

Coastal Cloud contracted with the City on or about 09/15/2018, at which point the City and Coastal Cloud entered into a **zero-dollar** Innovation Partnership Agreement. Coastal Cloud thus provides services and/or consulting to the City free of charge and has done so since 2018. Tim Hale estimates that to date Coastal Cloud has provided the equivalent of \$500,000 in services and/or consulting to the City, all of which have been gratis. As it relates to the Hackathon, Coastal Cloud did not run or organize the Hackathon. It merely provided various technical support and ideas toward the Hackathon and/or participants. It was paid nothing for this. In fact, it was a sponsor of the Hackathon. It contributed \$10,000 toward such sponsorship, which went toward the participant prize money. While Coastal Cloud is a Salesforce "Platinum Partner" it had very little interaction with Salesforce as it related to the Hackathon. Further, Coastal Cloud did not utilize any product or presentation from the Hackathon to either further develop or sell. The participant agreements, rules and regulations for the Hackathon, which

were developed by BeMyApp, the entity hired by the City to run the Hackathon, and to some extent the City Attorney's office, made evident that any intellectual produced from the Hackathon was the property of the applicable Hackathon participant(s). Also, the presentations and other content from the Hackathon were made immediately available on YouTube, and given that it was a City event, this information was/is a matter of public record. Anyone who desires access to the presentations from the Hackathon is free to obtain the content through publicly available sources. Coastal Cloud did not develop, attempt to develop, market, attempt to market, sell or attempt to sell anything having to do with the Hackathon. Notably, the Hackathon lasted approximately 24 hours, and while the presentation and ideas developed by Hackathon participants were commendable, nothing developed in the short time allotted appeared to have been close to market ready. Indeed, development of a market-ready product was not the motivation for the Hackathon. The issues to be addressed by the Hackathon participants originated from the IDAC, which was formed to help bring attention to the City's Innovation District, and in the larger picture, to bring diversification to Palm Coast's economy. It was thought that a Hackathon, given its technology focus, was in keeping with those goals. Neither Salesforce, Coastal Cloud, the Mayor nor the City Manager proposed the challenges directed at the Hackathon participants, demanded that Salesforce technology be used for the Hackathon, or stood to gain any financial benefit from the Hackathon or the use of Salesforce for the Hackathon.

Frankly, to the extent that Coastal Cloud has in any way been cast in a negative light for its contributions to the Hackathon, it is unfortunate, given that all its contributions were in a volunteer or sponsorship capacity.

#### Salesforce

Use of Salesforce as the technology platform for the Hackathon was not conceived by the Mayor. Rather, multiple companies that participate in the IDAC were already utilizing Salesforce as a technology platform when the Hackathon was conceived. This included Coastal Cloud, but it also included (perhaps among others) Intracoastal Bank, Advent Health System, and ACI. These companies' utilization of Salesforce had/has nothing to do with Mayor Holland. The utilization of Salesforce by other contributors to the IDAC appears to have begun well before Mayor Holland was elected, and prior to the City's use of Salesforce. This arguably speaks to Salesforce's popularity and versatility. Salesforce is often a preferred platform for hackathons, in fact, due in part to being considered a no code or low-code platform. This means that it can be used without any significant programming or coding skills. The City Manager, as well as IDAC contributors, felt that use of Salesforce would open the competition to participants such as creative thinkers, persons with strong analytical skills but without technical expertise, and/or persons adept at giving presentations, in addition to those with coding/programming expertise. Blake Kershaw, Head of Research and Development of IT at the City, agreed. Don Kewley, then Chief Innovation Officer at the City, originally questioned the use of Salesforce as opposed to additional platforms, but later acknowledged in a July 30, 2020 email that the Hackathon was a signature achievement, and that he was proud of it. Mr. Kewley was appointed to assist with the Hackathon after Wynn Newingham, former Head of Innovation & Economic Growth, who was previously involved in planning the Hackathon, resigned.

#### Wynn Newingham

It was principally Wynn Newingham who expressed concerns over the City's alleged utilization of Coastal Cloud and/or Salesforce for the Hackathon. The Investigator contacted Ms. Newingham for an interview, but Ms. Newingham did not respond. Regarding Coastal Cloud, again, Coastal Cloud was not utilized by

the City to run or organize the Hackathon. BeMyApp was hired by the City to run it. To the extent Coastal Cloud participated, it did so in a volunteer capacity, without any payment or expectation of payment. Regarding Salesforce, as noted, the City has been utilizing its software since 2018. As a result, the City already had Salesforce licenses. Salesforces permits trials of its products, even without a Salesforce license, however. In pertinent part, Salesforce “Sandboxes Environments” were utilized by the Hackathon participants to develop solutions to the Hackathon challenges. These Sandboxes Environments allow for technology-related testing for limited purposes, and for trials of Salesforce products. To that end, the City was not required to pay anything for the use of Salesforce technology at the Hackathon.

Ms. Newingham made her concerns known to the City while the Hackathon was being planned. She mentioned concerns to the City Manager, for instance, who asked her to specifically identify the concerns so that they could be addressed. Ms. Newingham questioned a) who was going to “own” what was produced by the Hackathon participants, b) who would benefit from any Hackathon end products, c) whether the Salesforce license in place with the City was sufficient to cover the use of Salesforce at the Hackathon, d) who would judge the Hackathon, and e) what prize(s) would be offered and from whom. Ms. Newingham appears to have brought some of these issues up at a September 25, 2019 meeting of the IDAC, and internally. The City Manager invited her to contact the City Attorney’s office about her questions or concerns. Ms. Newingham spoke with City Attorney Reischmann on at least one occasion about Hackathon questions, and with attorney Neysa Borkert on multiple occasions. Mr. Reischmann and Ms. Borkert took the concerns seriously. In turn, precautions were taken to ensure that no conflict of interest occurred, or even potentially occurred. Hackathon participant agreements and guidelines stated that the Hackathon participants owned their own intellectual property; neither Salesforce, Coastal Cloud nor the Mayor received a penny from the Hackathon, or in relation to Salesforce being utilized as the technology platform for the Hackathon; Coastal Cloud did not judge the event; and while Coastal Cloud sponsored the event, sponsorship was open to anyone and everyone. The City Manager, though he originally understood why Ms. Newingham raised these questions, ultimately became frustrated with Ms. Newingham, because she failed to timely or effectively organize and plan the Hackathon. While Ms. Newingham was well-liked, Mr. Morton, as well as one or more members of the IDAC, found her to be out of her element and unfocused organizationally when it came to planning the event.

#### Don Kewley

As mentioned, Mr. Kewley was charged by the City Manager with organizing the Hackathon after Ms. Newingham resigned. The City Manager grew concerned once again, however, when at approximately two months out, event planning and organization was still uncertain and behind schedule. For instance, wi-fi usage, sponsorships, the Hackathon itinerary, meals and sleeping arrangements for participants, etc., had yet to be decided, or in some instances, considered. Thus, the City Manager reached out to Timothy Hale of Coastal Cloud, whom he believed to have knowledge of hackathons, for some guidance and/or brainstorming. Mr. Hale was quite busy at the time, and so invited Mr. Morton and Mr. Kewley for a weekend meeting at his office. According to Mr. Kewley, the meeting occurred on or about November 23, 2019, but it may have been November 22, 2019. According to both the City Manager and Mr. Hale, Mr. Kewley appeared to be in over his head. Mr. Kewley has a technical background. His focus at the meeting was the participants’ use, or lack thereof, of the City’s wi-fi network. He was unable to offer significant details about the event. Mr. Hale described the meeting as “rough.” His impression was that the Hackathon would almost certainly need to be cancelled or postponed. This, he stated, was when Mr. Morton stepped in. He took over the meeting and the parties continued brainstorming. Ultimately, the

City Manager came up with a plan, which was executed. In Mr. Hale's view, the City Manager saved the Hackathon.

### **Findings**

The Investigator finds that there is no credible evidence of any wrongdoing on Mayor Holland's part, or to the extent it has been inferred, on the City Manager's part, in relation to the Tech Beach Hackathon. The Investigator does not blame Ms. Newingham for raising the questions she did. It was reasonable at the time to ask those questions given Mayor Holland's employment with Coastal Cloud. With that said, the Investigator believes Ms. Newingham may have been confused about the nature of the relationship between Coastal Cloud and Salesforce (in that seemed to refer to them interchangeably). Salesforce is a billion-dollar company that trades on the NYSE, and its product are used across the globe. Coastal Cloud is a medium-sized local business. It is privately owned. It does not receive payment from Salesforce. Indeed, it pays Salesforce to be a "Partner." In effect, it advises clients who happen to use Salesforce technology. Neither the Mayor nor Coastal Cloud ever stood to earn any money from the City utilizing Salesforce at the technology platform for the Hackathon. Salesforce did not either. Ms. Newingham's concerns, and to the extent Mr. Kewley had any concern, appear to have no basis in fact. Though there was no conflict from the onset, the City Attorneys took quite reasonable steps to avoid even a potential conflict, despite one ultimately being inferred because of Mayor Holland's employment with Coastal Cloud.

The City Manager also responded reasonably to any concern, by suggesting first that Ms. Newingham specifically identify her concerns, and second, by encouraging her to speak with Salesforce and/or the City Attorney(s) about any issues. In the end, the City was permitted to use Salesforce, and was provided with technical support and guidance from Coastal Cloud, entirely free of charge. Even had Salesforce charged the City something related to the event, however, neither Coastal Cloud nor the Mayor stood to receive any payment. During this time, the Mayor was understandably focused on a personal matter and had quite limited involvement in the Hackathon. It is not a conflict of interest for a public servant's private-sector employer to provide free or voluntary services of this type, nor is it an ethical violation by the public servant. To the contrary, Coastal Cloud's contributions to the City, and to the Hackathon, were both voluntary and commendable. The Mayor obtained no material or financial benefit from the Hackathon, from Palm Coast's use of Salesforce as the Hackathon's technology platform, or due to any assistance provided by Coastal Cloud toward the Hackathon, nor did she or Coastal Cloud ever stand or seek to. Notably, Mayor Holland is not an owner, member, or officer of Coastal Cloud, and Coastal Cloud was never retained by the City to provide services toward the Hackathon.

It likewise follows that the City Manager engaged in no wrongdoing, and in fact, it seems City Manager Morton took steps to help make the Hackathon a signature City event, when at one point it appeared as if it was destined to be cancelled or postponed.

### **CONCLUSION**

This completes the Investigative Report.



## REQUEST FOR APPROVAL TO PURCHASE (RAP)

Complete this form (RAP) and attach to your Requisition in Munis

### GENERAL INFORMATION

Date:  Department:  Dept. Contact:

Purchase Type:            Goods            |            Services            |            Construction

General Description of Purchase:

Detail Description of Purchase:  
GovQuote:  
Local Preference:

Delivery Location:

Delivery Timeline:

Purchase Process:    Quote                    Bid                    Piggyback                    Emergency                    Sole Source                    Direct Purchase

City Council Approval

Date:

Exempt:

### REQUIRED ATTACHMENTS

Please Attach Following Documents as Indicated to MUNIS Requisition

Quote(s) <input type="text"/>	Quote Tabulation Sheet <input type="text"/>	Contract <input type="text"/>
Resolution <input type="text"/>	Engagement Letter <input type="text"/>	Agenda <input type="text"/>
Price Sheet <input type="text"/>	Notice of Intent to Award <input type="text"/>	Work Order <input type="text"/>
Sole Source Form <input type="text"/>	Emergency Form <input type="text"/>	

### SELECTED VENDOR

Vendor Name:  Vendor Number:   
 Vendor Address:   
 Vendor City:  Vendor State:  Vendor Zip Code:

Vendor Contact Name:  Vendor Phone # :   
 Vendor Contact Email Address:

Is the vendor located in Palm Coast or Flagler County?

If not using a local vendor, please state why?

### FINANCIAL

Grant Funded?  Grant Agency:  Grant Project Name:   
 Total Purchase Amount  Organization Code   
 Object Code  Project Code

Additional Notes:(optional)

### JUSTIFICATION

Reason for Purchase:

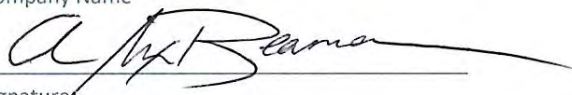
Item	Quantity	UOM	Price	Total
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# PRICE SCHEDULE

## Price Schedule

GENERAL BIDDER INFORMATION	
BeMyApp	_____
Company Name of Bidder	
950 Battery Street, Floor 2	_____
Mailing Address	
San Francisco, CA 94111	_____
City, State, ZIP	
650.862.3021	_____
Phone Number	

Pursuant to and in compliance with the Request for Quotes, and the other documents relating thereto, the undersigned Bidder, having familiarized himself/herself with the terms of the Contract Documents, local conditions affecting the performance of the work, and the cost of the work at the places where the work is to be done, hereby proposes and agrees to deliver materials/services in a workmanlike manner and in strict conformity with Request for Quotes requirements, including any addenda, and Contract Documents, for the amount hereinafter set forth. Prices shall include all applicable taxes.

SIGNATURE BLOCK	
	IN WITNESS WHEREOF, Bidder has hereunto executed this
	form this <u>22nd</u> day of
BeMyApp	<u>October</u> 20 <u>20</u> .
Company Name	
	_____
Signature	
Alexa Beaman, Account Executive	_____
Name & Title, Typed or Printed	

PRICE SCHEDULE
Price in US Dollars: \$ <u>48,425</u>

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR SUBMITTAL



# RFQ-IT-20-12 - Tech Beach Hackathon

## Project Overview

<b>Project Details</b>	
<b>Reference ID</b>	RFQ-IT-20-12
<b>Project Name</b>	Tech Beach Hackathon
<b>Project Owner</b>	Kelly Downey
<b>Project Type</b>	RFQ
<b>Department</b>	Procurement
<b>Budget</b>	\$0.00 - \$0.00
<b>Project Description</b>	This Invitation to Quote (RFQ) is issued for the purpose of obtaining quotes for the organization and execution of the Tech Beach Hackathon, to create innovative healthcare solutions using Salesforce.





<b>Open Date</b>	Oct 22, 2019 8:30 AM EDT
<b>Intent to Bid Due</b>	Oct 25, 2019 2:00 PM EDT
<b>Close Date</b>	Oct 25, 2019 2:00 PM EDT

<b>Awarded Suppliers</b>	<b>Reason</b>	<b>Score</b>
<b>BeMyApp</b>		<b>100 pts</b>

## Seal status

<b>Requested Information</b>	<b>Unsealed on</b>	<b>Unsealed by</b>
Price Schedule	Oct 25, 2019 2:03 PM EDT	Kelly Downey
References, Forms 1, 2, 3 & 4	Oct 25, 2019 2:03 PM EDT	Kelly Downey

## Submissions



Supplier	Date Submitted	Name	Email	Confirmation Code
BeMyApp	Oct 22, 2019 1:26 PM EDT	Alexa Beaman	alex@bemyapp.com	NjEyMTE=

## Project Criteria

Criteria	Points	Description
References, Forms 1, 2, 3 & 4	Pass/Fail	References, Forms 1, 2, 3 & 4
Pricing	100 pts	Price Schedule
Technical Review	Pass/Fail	Technical Review
<b>Total</b>	<b>100 pts</b>	



## Scoring Summary

### Active Submissions

	<b>Total</b>	<b>References, Forms 1, 2, 3 &amp; 4</b>	<b>Pricing</b>	<b>Technical Review</b>
<b>Supplier</b>	<b>/ 100 pts</b>	<b>Pass/Fail</b>	<b>/ 100 pts</b>	<b>Pass/Fail</b>
BeMyApp	100 pts	Pass	100 pts (\$48,425.00)	Pass



# City of PALM COAST

**Finance Department**  
Budget & Procurement Office

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3730

## NOTICE OF INTENT TO AWARD

**Project:** RFQ-IT-20-12 - Tech Beach Hackathon

**Date:** 10/25/2019

**Appeal Deadline:** Appeals must be filed by 5:00 PM on 10/29/2019

Firm	Bid
BeMayApp San Francisco, CA	\$48,425.00

The intent of the City of Palm Coast is to award RFQ-IT-20-12 to BeMayApp

Cc: Contract Coordinator, Project Manager, ASSED Director, Department Director, Finance Director

*For questions regarding the NOIT please contact project coordinator @palmcoastgov.com.*

*Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast Central Service Division's Bid Protest procedures.*

*A proposer may protest matters involving the award of this Bid within three (3) business days from the posting of this recommendation to award. Failure to protest to the City's Administrative Services and Economic Development Director, Beau Falgout (bfaulgout@palmcoastgov.com) shall constitute a waiver of the protest proceedings.*





B E M Y A P P

SOW

**BEMYAPP CORPORATION**

950 Battery, Second Floor  
San Francisco, CA 94111

P 650.862.3021

E [alex@bemyapp.com](mailto:alex@bemyapp.com)

W [agency.bemyapp.com](http://agency.bemyapp.com)

**The City of Palm Coast**

160 Lake Avenue  
Palm Coast, Florida 32164

DATE: 10.18.19

PROJECT: The City of Palm Coast Tech Beach External Hackathon

SOW NUMBER: AB19017

**I/ SCOPE OF WORK**

The City of Palm Coast is hiring BeMyApp to organize and execute the Tech Beach Hackathon, to create innovative healthcare solutions using Salesforce.

**Dates:** January 17-19, 2019

**Location:** Palm Coast City Hall

**Overview**

The City of Palm Coast is engaging BeMyApp to organize, support and facilitate this hackathon. The following details are given as an illustration and will be finalized during the project planning phase.

- Developers, healthcare professionals, entrepreneurs, Salesforce consultants, designers, university students and other skilled individuals will form teams at the beginning of the event and brainstorm innovative healthcare solutions for your challenges.
- Teams will be mentored and coached throughout the hackathon by BeMyApp and your mentors, to increase quality of projects.
- Prototypes will be showcased at the end of the event in front of the audience and the judging panel, and winners will be awarded.

**Execution Requirements**

*BeMyApp requires at least 8 weeks of planning & preparation to execute the event.*

In order for BeMyApp to successfully execute this format, the City of Palm Coast will provide:

- One point of contact for weekly planning calls, as well as swift validation of format, content and branding elements.
- Judges and mentors; BeMyApp can provide recommendations and best practices.

**II/ OBJECTIVES**

- Develop innovative healthcare solutions for your hospital partners using Salesforce
- Recruit your target medical and technical audience to engage in your hackathon challenges, building a community of innovators around Palm Coast
- Generate awareness around the City of Palm Coast's technological and healthcare initiatives



B E M Y A P P

SOW

**BEMYAPP CORPORATION**

950 Battery, Second Floor  
San Francisco, CA 94111

**P** 650.862.3021

**E** [alexa@bemyapp.com](mailto:alexa@bemyapp.com)

**W** [agency.bemyapp.com](http://agency.bemyapp.com)

### III/ SAMPLE SCHEDULE OUTLINE

*To Be Refined With Your Unique BeMyApp Project Manager*

#### **TECH BEACH KICKOFF EVENT @CENTRAL PARK**

**Friday, January 17th**

5:00pm: Participant Registration

5:30pm: Opening Announcements, Introductions & Challenges Presented by the City of Palm Coast Officials and Salesforce Representatives

6:00pm: Participant-Challenge Q&A: With City of Palm Coast/Salesforce Leadership

6:30: Networking with Drinks & Appetizers

#### **HACKATHON: DAY 1 @CITY HALL**

**Saturday, January 18th**

8:30am: Breakfast

9:00am: Welcome and Q&A

9:30am: Hacking Begins! *Development to be continued throughout the day*

11:00am: Fun Activity (Drone Race, Social Media Challenge, etc.) Facilitated by BeMyApp

12:00pm: Lunch

12:30pm: Technical Workshop from Salesforce

3:00pm: Fun Activity Facilitated by BeMyApp

6:00pm: Dinner

*Coding continues throughout the night.*

#### **HACKATHON DAY 2 @CITY HALL**

**Sunday, January 19th**

8:00am: Breakfast

8:30am: Hacking Continues

11:00am: Pitch Run-through & Demo Rehearsal

12:30pm: Lunch

3:00pm: Hacking Ends

3:30pm: Final Demos

4:30pm: Judge Deliberation & Fun Activity for Participants

5:00pm: Winner Announcements & Award Ceremony

5:30pm: Closing



B E M Y A P P

SOW

**BEMYAPP CORPORATION**

950 Battery, Second Floor  
San Francisco, CA 94111

P 650.862.3021

E [alex@bemyapp.com](mailto:alex@bemyapp.com)

W [agency.bemyapp.com](http://agency.bemyapp.com)

## IV/ BEMYAPP DELIVERABLES & BUDGET

### 1/ Setup and Preparation

- Hackathon Concept Definition
  - BeMyApp will propose 2 alternative event concepts, including event name, format, challenge design and prize pool recommendation.
  
- Terms and Conditions
  - BeMyApp creates a first draft by customizing one of our templates.
  - Draft sent to your legal team for validation. As the document is solely a template, it will be the responsibility of your legal team to effectively edit and finalize.
  - 1-hour call with your legal team included.
  
- Website Refinement and Registrations Management
  - BeMyApp will refine the website for your event, based on this template: <https://CityPalmCoast-template.pagedemo.co/>
  - The customization includes: visual elements such as your logo, customized colors, icons and graphics, as well as dedicated copy.
  - Website will be hosted on a [bemyapp.com](http://bemyapp.com) domain.
  - This module includes 2 rounds of feedback.
  - A dedicated Blackthorn page will be created and integrated with the website as a ticketing / registration platform.
  - Google Analytics will be setup to track the traffic and performance.
  
- Workback Schedule Creation
  - BeMyApp will share with you the workback schedule within 2 days of the kick-off meeting.
  - The document will lay out all the tasks and their dependent sub-tasks, their owners and deadlines needed to bring the project to its successful completion. It will be updated and shared weekly as the main supporting document for weekly calls.

### 2/ Event design

- Judging Process Definition
  - BeMyApp will make recommendations for the best judging process for your event based on your objectives and the event format, including judging criteria, descriptions, weighting, rounds, timing, and scoring tools.
  - BeMyApp will deliver the chosen judging tool for the judges to use at the hackathon.



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- Event Planning

- BeMyApp will craft the event agenda in coordination with your team.
- Agenda will include activities, workshops, coaching checkpoints, hackathon milestones and deadlines for teams, which will be shared with registrants ahead of the actual event.
- Based on this agenda, BeMyApp will create an event cue-sheet to detail the sequence of tasks needed to be executed by the project team (BeMyApp staff + the City of Palm Coast stakeholders) during the event.

- Logistics coordination

- BeMyApp will share a document including a list of technical requirements, space layout and other hackathon prerequisites / logistics best practices.
- BeMyApp will coordinate event details and manage communication with the City of Palm Coast and vendors to ensure all logistics requirements are met prior to the hackathon.
- This module includes 2 dedicated calls, outside of weekly calls.

- The City of Palm Coast Stakeholders Management

- BeMyApp will share guidelines for putting your mentor team and judging panel together, which include profiles, skills, level of involvement, expertise needed, and scheduling tips.
- BeMyApp will create dedicated documents to brief your mentors and judges before the event.
- 2 webinars will be held to answer questions, 10 days before the event. 1 webinar for mentors, 1 webinar for judges.

### **3/ Outreach, Promotion and Communication**

- Communication Materials Creation

- BeMyApp will suggest edits for and validate 1. digital banners based on the website banner for online promotion (newsletters, social media, agenda insertions) and 2. communications copy including email campaigns, newsletters and social media posts.
- Note: All digital digital banners and communications copy will be created and edited by the City of Palm Coast.

- Outreach Activity

- Developer communities partnerships including meetup groups, incubators, universities, associations, coding bootcamps (70 partners contacted)
- Event listing on the main online agendas (up to 10 agendas)
- BeMyApp network engagement including: 1 newsletter, 1 dedicated email, 3 Facebook posts, 3 Twitter tweets, 1 LinkedIn post
- Customized 1:1 email invitations to relevant developers (1,000 contacted)
- Includes detailed reporting on outreach actions taken, results obtained, next steps, registrants number and profiles.





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- Promotional Package
  - Local ads run on Facebook, Twitter, or LinkedIn.
  - Paid strategic partnerships with meetups, communities, or other group leaders.
- Registrant Follow-up and Management
  - BeMyApp will constantly monitor registration stats, adjusting outreach efforts to ensure highest number and quality of participants attend the event.
  - Follow-up content and RSVP strategy creation (4 follow-ups, usually including 3 emails and 1 text message).
  - Communication, QA and email support with all registrants.

#### 4/ Hackathon Facilitation

- On-site BeMyApp Management
  - 3 BeMyApp staff (includes 1 for overnight).
  - Welcoming attendees, MCing and hosting.
  - Participant Management: team support, pitch coaching, checkpoints, demo rehearsals.
  - Mentors Management: briefing on-site, crash test coordination, and helping mentors coach participants.
  - Judges Management: briefing on-site, management of deliberations to ensure the winners selection remains fair, impartial and on time.
  - Logistics Management: monitoring and ensuring all logistical aspects of the hackathon are running smoothly and on time.
  - Communication: produce content (1 article, pictures and videos) to be shared on social media and city and partner channels.
- Hackathon kit
  - On-site print, including name badges, copies of the T&Cs, Code of Conduct, judging tools, participant Q&A, demo order, etc.
  - Event supplies buying and shipping (includes giant post-it boards, sharpies and pens, participant profile buttons, A/V equipment, back-up power supplies, and miscellaneous event supplies).

#### 5/ Post-event

- "Thank you" email sent to all participants, including a satisfaction survey (built in coordination with you and/or your tech team).
- Website updated with winning projects.
- Final report creation, including goals, results, key metrics, teams & projects, winners details and recommendations on next steps.
- Debrief meeting with the BeMyApp Project Manager and Account Executive.



BEMYAPP

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BUDGET & BEMYAPP DELIVERABLES	Day / Unit	Price	Total	
<b>1/ SET UP AND PREPARATION</b>				Subtotal
Hackathon Concept Definition	2	\$900	\$1,800	\$6,300
Terms and Conditions	1	\$900	\$900	
Website Creation and Registrations Management	3	\$900	\$2,700	
Workback Schedule Creation	1	\$900	\$900	
<b>2/ EVENT DESIGN</b>				Subtotal
Judging Process Definition	1	\$900	\$900	\$8,100
Event Planning	3	\$900	\$2,700	
Logistics Coordination	3	\$900	\$2,700	
Stakeholders Management	2	\$900	\$1,800	
<b>3/ OUTREACH, PROMOTION AND COMMUNICATION</b>				Subtotal
Communication Materials Creation	2	\$900	\$1,800	\$17,400
Outreach Activity	11	\$900	\$9,900	
Promotional Package	1	\$3,000	\$3,000	
Registrants Follow Up and Management	3	\$900	\$2,700	
<b>4/ HACKATHON FACILITATION</b>				Subtotal
On-site BeMyApp Management 3 BMA staff for 3 days	9	\$1,350	\$12,150	\$14,825
Overnight supervision	1	\$675	\$675	
Hackathon kit	1	\$2,000	\$2,000	
<b>5/ POST-EVENT</b>				Subtotal
Post-event deliverables	2	\$900	\$1,800	\$1,800
<b>TOTAL MANAGEMENT</b>				<b>\$48,425.00</b>

**NOTE:** This budget does not include staff travel and accommodation expenses, which will be reimbursed upon completion of the event based on your travel policy.



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**W** agency.bemyapp.com

**IV/ PAYMENT TERMS**

In order to cover our out-of-pocket expenses, we'll invoice 50% of the Management deliverables (Budget Sections 1 to 5) upon signature of this SoW, to be paid within 30 days.

The remaining 50% of the Management deliverables will be invoiced upon project completion, to be paid within 30 days.

Detailed payment schedule below:

PAYMENT SCHEDULE		Due upon signature		Due upon completion	
Deliverables	Total	%	\$	%	\$
Management	\$48,425	50%	\$24,213	50%	\$24,213
<b>TOTAL DUE</b>			<b>\$24,212.50</b>		<b>\$24,212.50</b>

**Cancellation Policy**

If the City of Palm Coast cancels less than 1 week prior to the Event, BeMyApp will charge 100% of the SoW total amount.

If the City of Palm Coast cancels within 1 month of the event, BeMyApp will charge 75% of the SoW total amount.

If the City of Palm Coast cancels within 3 months of the Event, BeMyApp will charge 50% of the SoW total amount.

Any cancellation occurring more than 3 months prior to the Event will entitle The City of Palm Coast to a full refund.

In case of postponement of the Event, this Statement of Works remains valid for six months after the original Event date. Past those six months, the Event will be considered canceled and this Statement of Work terminated.

**City of Palm Coast - Authorized Signatory**

Representative's Name & Designation: MATT MORTON City Manager

Signature: 

Date: 10/29/19

## City of Palm Coast, Florida Agenda Item

Agenda Date: 11/19/2019

<b>Department</b>	CITY CLERK	<b>Amount</b>										
<b>Item Key</b>	7348	<b>Account</b>										
<b>Subject</b> RESOLUTION 2019-XX APPROVING A MASTER SERVICES AGREEMENT WITH BEMYAPP CORPORATION FOR THE TECH BEACH HACKATHON												
<p>State Road 100 Corridor Community Redevelopment Agency of the City of Palm Coast, Florida set a priority to develop a lasting Vision for the Innovation District through a phased approach which consists of ways to promote the Innovation District involves hosting and conducting a hackathon. Staff has developed the Tech Beach Hackathon, which will be held on January 17, 2020 through January 19, 2020 in Community Wing at City Hall. The event is about engaging software applications developers, healthcare professionals, Salesforce consultants, high school students, university students, entrepreneurs or other skilled individuals to form teams and brainstorm to create innovative solutions for the regions healthcare related issues.</p> <p>City staff advertised and solicited quotes for event management services the Tech Beach Hackathon. The City received four, one quote which was responsive and responsible. The project bid overview and notice of intent to award are attached. Staff recommends the SR 100 Corridor CRA Board approving the master service agreements with BeMyApp Corporation.</p> <p>The contract amount for these services is \$48,425. The Fiscal Year 2020 Budget includes \$60,000.00 within SR100 Community Development portfolio to purchase these services.</p> <p><b>SOURCE OF FUNDS WORKSHEET FY 2020</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">SR 100 CRA-Other Contractual Services 21802600-034000</td> <td style="width: 30%; text-align: right;">\$235,500.00</td> </tr> <tr> <td>Total Expended/Encumbered to Date.....</td> <td style="text-align: right;">\$ 2,322.31</td> </tr> <tr> <td>Pending Work Orders/Contracts.....</td> <td></td> </tr> <tr> <td>Current (WO/Contract).....</td> <td style="text-align: right;">\$ <u>48,425.00</u></td> </tr> <tr> <td><b>Balance</b>.....</td> <td style="text-align: right;"><b>\$184,752.69</b></td> </tr> </table>			SR 100 CRA-Other Contractual Services 21802600-034000	\$235,500.00	Total Expended/Encumbered to Date.....	\$ 2,322.31	Pending Work Orders/Contracts.....		Current (WO/Contract).....	\$ <u>48,425.00</u>	<b>Balance</b> .....	<b>\$184,752.69</b>
SR 100 CRA-Other Contractual Services 21802600-034000	\$235,500.00											
Total Expended/Encumbered to Date.....	\$ 2,322.31											
Pending Work Orders/Contracts.....												
Current (WO/Contract).....	\$ <u>48,425.00</u>											
<b>Balance</b> .....	<b>\$184,752.69</b>											
<p><b>Recommended Action :</b> RESOLUTION 2019-XX APPROVING A MASTER SERVICES AGREEMENT WITH BEMYAPP CORPORATION FOR THE TECH BEACH HACKATHON</p>												

**RESOLUTION 2019 -144**  
**SR 100 CORRIDOR COMMUNITY REDEVELOPMENT AGENCY**  
**TECH BEACH HACKATHON**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA APPROVING A MASTER SERVICES AGREEMENT WITH BEMYAPP CORPORATION FOR THE TECH BEACH HACKATHON; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, BeMyApp Corporation has expressed a desire to provide services for the Tech Beach Hackathon to the SR 100 Corridor Community Redevelopment Agency within the City of Palm Coast; and

WHEREAS, the CRA Board of the City of Palm Coast desires for BeMyApp Corporation to provide the above referenced services the City of Palm Coast.

**NOW, THEREFORE, BE IT RESOLVED BY THE SR 100 CORRIDOR CRA OF THE CITY OF PALM COAST, FLORIDA AS FOLLOWS:**

**SECTION 1. APPROVAL OF AGREEMENT.** The SR 100 Corridor CRA of the City of Palm Coast hereby approves the terms and conditions of the master services agreement with BeMyApp Corporation to provide services for the Tech Beach Hackathon, as attached hereto and incorporated herein by reference as Exhibit “A.”

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the necessary documents.

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.


**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

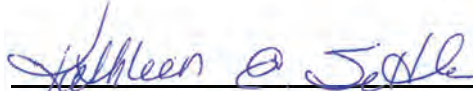
**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the SR 100 Corridor CRA of the City of Palm Coast.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast,  
Florida, on this 19th day of November 2019.

**STATE ROAD 100 CORRIDOR  
COMMUNITY REDEVELOPMENT AGENCY  
OF THE  
CITY OF PALM COAST, FLORIDA**

  
\_\_\_\_\_  
NICHOLAS KLUFAS, VICE MAYOR

ATTEST:

  
\_\_\_\_\_  
KATHLEEN SETTLE, DEPUTY CITY CLERK

Attachments:

Exhibit "A" –Master Services Agreement- BeMyApp Corporation

Approved as to form and legality


  
\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney





EXHIBIT 14









May 18th, 2021

Re: Email Correspondence, Milissa Holland 2017

To whom it may concern,

On October 24th, 2017 at 10:00 am, an email with the subject, "What I learned from Hurricane Irma" was created and sent with an automated marketing system as a marketing promotion.

This email activity was created and sent at that time by our marketing staff based in the Coastal Cloud Kentucky office.

A handwritten signature in black ink, appearing to be "M Hauck", written in a cursive style.

Matt Hauck  
Director of Marketing  
Coastal Cloud  
[matt.hauck@coastalcloud.us](mailto:matt.hauck@coastalcloud.us)

---

[www.coastalcloud.us](http://www.coastalcloud.us)

One Hammock Beach Parkway, Suite 200 | Palm Coast, Florida 32137  
T: 800-237-9574 | F: 866-903-2014

EXHIBIT 2

Before the  
State of Florida  
Commission on Ethics

Complaint No. 20-054

IN RE: Milissa Holland,  
Respondent.

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**Affidavit of Nick Klufas**

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**State of Florida**

**County of Flagler**

BEFORE ME, the undersigned authority, personally appeared Nick Klufas, who, having been duly sworn, does hereby state as follows:

1. My name is Nick Klufas. I am an individual, over the age of 18 years, and competent to make this affidavit upon my personal knowledge of the matters contained herein.
2. I am a member of the Palm Coast City Council. I was first elected in 2016 and re-elected in 2020.
3. In January of 2020, the City of Palm Coast sponsored a "Tech Beach Hackathon" which brought participants from around

the country to compete in solving health care-related challenges utilizing market technologies.

4. Several businesses partnered with the City in sponsoring the event, including AdventHealth, Coastal Cloud, Hilton Garden Inn, Hammock Beach Resort, Blackthorn, Cline Construction, and the University of North Florida.
5. I attended the Hackathon throughout the weekend of January 17-19, 2020. I did not observe Mayor Holland attending a many of the events during the weekend.
6. I also was a judge of the Hackathon and at no time did I observe Mayor Holland removing Donald Kewley from any room or interfering in any way was the decision-making of the judges.

(Remainder of Page left blank)

**FURTHER AFFIANT SAYETH NAUGHT.**

*Nick Klufas*



Nick Klufas

Sworn to (or affirmed) and subscribed before me by means of  
 physical presence or  online notarization, this 19th day of  
May, 2021, by Nick Klufas (name of  
person making statement).

*Summer Brown*



(Signature of Notary Public - State of Florida)

Online Notary Public. This notarial act involved the use of online audio/video communication technology.

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_ OR Produced Identification

Type of Identification Produced Fla. Drivers License