III. DEFINITIONS

AT-WILL EMPLOYMENT

At-will employees serve at the will of, and may be removed with or without cause by the City Manager. Accordingly, at-will employees do not have the right to a pre-determination hearing prior to termination nor the right to an appeal hearing subsequent to termination of employment. Department Directors, probationary employees (new-hire probation), seasonal and temporary employees are all at-will employees.

ADMINISTRATIVE LEAVE

Exempt employees are authorized forty-eight (48) hours per fiscal year of administrative leave for the purpose of an occasional day(s) off work. Generally, administrative leave must be taken in full workday increments only. Administrative leave is not payable upon termination from employment and cannot be carried over from one fiscal year to the next fiscal year.

CONTINUOUS SERVICE (Seniority)

Continuous Service is service credit which determines eligibility for employee benefits (vacation accrual rate, retirement, etc.). Continuous service is deemed uninterrupted for the following paid or unpaid leaves of absence while an employee: annual military training, military service, Family and Medical Leave, or Workers' Compensation Leave. An employee's continuous service date is adjusted to reflect unpaid time for other leaves of absence.

DEMOTION

The movement of an employee, voluntarily or involuntarily, from one job classification to another job classification in a lower pay grade.

DEPARTMENT DIRECTORS

Department Directors are at-will employees who are appointed by, and serve solely at the pleasure of, the City Manager and are responsible for management of the offices or departments established by the City Charter, Ordinances, and/or City Manager. Department Directors may be dismissed with or without notice; with or without cause; and do not have access to a pre-determination hearing or post-termination appeal. The terms and conditions of employment for Department Directors are outlined in Employment Agreements, as authorized by the City Manager.

DESIGNATED WORK WEEK

The designated work week begins at midnight on Sunday and ends at midnight on the following Saturday of each week.

EXEMPT EMPLOYEE

Exempt employees are considered “salaried” employees in positions that are exempt from overtime payments as determined based upon the provisions of the Fair Labor Standards Act (FLSA); therefore, exempt employees are not entitled to overtime pay for hours worked in excess of forty (40) hours in a designated work week. Exempt employees are not eligible for cash payment of any administrative leave at any time during their employment nor upon termination of employment.

FULL-TIME EMPLOYEE
A full-time employee is an employee whose authorized, budgeted work schedule is forty (40) hours or more per week.

HOURS OF WORK
Hours of work refers to the shift an employee is scheduled to work in any 24-hour period.

IMMEDIATE FAMILY
Immediate family refers to spouse, and the following biological, adoptive, legal guardians or "step" relatives: child(ren), parents, brothers, sisters, daughters in-law, sons in-law, grandparents, and grandchild(ren) of both the employee and the employee's spouse.

MAY
The word "may" shall be interpreted as permissive.

NON-EXEMPT EMPLOYEE
In accordance with the provisions of the Fair Labor Standards Act, “hourly” employees are deemed “non-exempt” and are entitled to overtime pay at the rate of one-and-one-half (1 ½) times their regular hourly rate for hours worked in excess of forty (40) hours of **worked** time in any designated work week.

NON-PROBATIONARY EMPLOYEE
A non-probationary employee is an employee who is assigned to an authorized, budgeted position and has satisfactorily completed the designated probationary period for new hires, as indicated on the Employee Performance Evaluation form completed by the supervisor.

NON-REPRESENTED EMPLOYEE
A non-represented employee is an employee whose position is not governed by a collective bargaining agreement. The terms and conditions of employment for non-represented employees are subject to the provisions of this Personnel Procedures and Rules Manual, as amended from time to time.

OVERTIME PAY
Overtime pay refers to the premium compensation paid at a time-and-one-half rate for work performed in excess of the established work week or tour of duty, as defined in the Fair Labor Standards Act, and as provided herein and in applicable collective bargaining agreements. For the purpose of computing overtime, non-worked hours, such as vacation, sick, holiday, bereavement leave, and all other paid and unpaid leaves, do not count as time worked.

PART-TIME EMPLOYEE
A regular status part-time employee is an employee whose regular work schedule is **less** than forty hours per week. A part-time employee is eligible for vacation and sick leave; eligibility for bereavement leave is outlined elsewhere in this manual. When a holiday occurs on a scheduled work day, a part-time employee receives holiday pay that corresponds to his work schedule for that day.

Part-time employees whose authorized (budgeted) work schedule is thirty-two (32) or more hours per week will be enrolled in the 401(a) Money Purchase Plan. Part-time employees are not

eligible to participate in the group health, group life, and long-term disability insurance programs. Budgeted part-time employees working 25 hours per week or more are eligible to participate, at their own expense, in voluntary insurance plans such as dental, vision, optional dependent life, short-term disability, and Internal Revenue Code Section 125 (Cafeteria) Plan medical reimbursement/dependent care accounts, and any other ancillary plans offered by the City.

Part-time employees are eligible for overtime pay **only** when they have worked more than forty hours in a scheduled work week.

If a full time regular status employee, who was eligible for full time benefits, has their weekly hours reduced to a minimum of 32 hours per week due to a budgetary reduction, they will be considered part time Reduction in Hours (RIH) employees. The employee who has had a RIH will be eligible to accrue sick and vacation time at a rate of 80% of the rate for a full time employee. The maximum vacation accrual will be 230 hours. The maximum sick leave accrual will be 384 hours. The RIH employee will also accrue a floating holiday at a proportional rate. The RIH employee will also be eligible to continue to participate in the group insurance benefits for which they were enrolled at the time of the reduction in hours.

PROMOTION
Appointment of an employee to a position in a higher pay grade.

PROBATIONARY EMPLOYEE/PROBATIONARY PERIOD
A probationary employee is one who has not yet successfully completed the probationary period. The initial (new hire) probationary period for employees covered by this policy manual is six months, except for sworn law enforcement and certified firefighter personnel, who serve a twelve-month probationary period. The probationary period for employees represented by a labor union is outlined in the respective collective bargaining agreements.

RECLASSIFICATION
A change in the classification of an existing position based on significant changes in assigned duties, responsibilities, level of difficulty, etc.

REGULAR STATUS EMPLOYEE
A regular status employee is a full-time or part-time employee who is not in his initial new hire probationary period and is in a budgeted, authorized position. Temporary, seasonal, and probationary (new hire) employees are not considered regular status employees.

REPRESENTED EMPLOYEE
A represented employee is an employee whose position and terms and conditions of employment are governed by a collective bargaining agreement.

SHALL
The word "shall" shall be interpreted as mandatory.

TEMPORARY or SEASONAL EMPLOYEE
A temporary or seasonal employee is an employee who is either employed through the City payroll or leased from a temporary agency for a specific period of time, normally not to exceed

nine months. Temporary/seasonal employees may work on either a part-time or full-time basis and they are “at-will” employees who may be removed at any time with or without cause by the Department Director. Temporary/seasonal employees include office or professional staff and casual laborers who work as required intermittently when there are specific tasks to be performed; and student/intern employees (bona fide students in an accredited educational or vocational program) who perform services for the City in a temporary position reserved solely for students.

Temporary/seasonal employees are not eligible to participate in any of the following fringe benefits: health, dental, vision, or life insurance; short-term/long-term disability insurance; vacation; sick/personal leave; or retirement plan.

The terms and conditions for temporary workers provided by an employment agency, with which the City has a contract, are governed solely by the provisions of the agency's service agreement. All requests for temporary employees must be submitted to the Human Resources Department for coordination/processing. The City Manager must authorize all temporary assignments.

TERMINATION OR LEAVE OF ABSENCE DATES

The effective date of termination (voluntary, involuntary, or failure to return from an approved leave of absence) shall be the last day worked or the last day for which pay was received. The start date of an unpaid leave of absence shall be the date following the last day worked or the last day for which pay was received.

TRANSFER

The assignment of an employee from one position to another position which involves no title change (e.g., Maintenance Worker in the Public Works Department who is transferred to a Maintenance Worker position in the Parks and Recreation Department) or which involves a title change but no change in the pay grade (i.e., a lateral transfer).

USE OF PRONOUNS "HE," "HIM," AND "HIS"

The use of the pronouns "he," "him," and "his" in this Personnel Procedures and Rules Manual shall also refer to similar pronouns of the feminine gender unless otherwise qualified by the context.

WORK DAYS

The term "work days" generally refers to the 5-day period, Monday through Friday, except where 7-day/week and/or 24 hours/day operations, or other schedules, apply.

WORK DAY/SHIFT

Work day/shift refers to the number of hours regularly scheduled to be worked in one 24-hour period.

WORK PERIOD/TOUR OF DUTY

The specific, recurring interval of time declared by the employer in which hours worked are counted for the purpose of computing overtime, in accordance with the Fair Labor Standards Act.

WORK WEEK

Work week refers to the number of hours regularly scheduled to be worked during the designated work week. The City has established the designated work week to be Sunday through Saturday. This established work week is set forth on the City of Oviedo Time Sheet for the purpose of determining overtime in accordance with the Fair Labor Standards Act.