VI. CODE OF CONDUCT

Section 1. STANDARDS OF CONDUCT AND CODE OF ETHICS

The City of Oviedo is committed to serve the public with the highest standards and ideals of public service. Therefore, City employees and officials recognize their responsibility to serve the public with respect, concern, courtesy, and responsiveness, and to provide a safe, pleasant environment for employees and the public.

Each employee is a "good-will ambassador" whose duty it is to provide service in a manner to ensure the public will maintain confidence in the City and a favorable impression of its programs and policies.

Employees shall maintain a high standard of ethical conduct in which their behavior, including the appearance of their behavior, is beyond reproach. Accordingly, employees must avoid placing themselves in situations that create, or have the appearance of creating, a conflict of interest with their positions as public employees. City employees are expected to conform to the code of ethics outlined in Florida Statutes, Chapter 112, for public employees and as outlined in this Personnel Procedures and Rules Manual.

Employees shall not provide to anyone any information (other than public information) that was obtained as a result of employment with the City in order to gain personal advantage for themselves or another. This rule shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit using or providing information that would place the employee or the recipient in a position of advantage over the general public, and thereby constitute a violation of public trust.

An employee who conducts himself/herself in a manner which reflects unfavorably on the City is subject to disciplinary action up to and including termination.

POLICY

This Code of Conduct establishes standards that must be adhered to by each employee of the City of Oviedo. Every employee shall:

1. Commit to and practice the ethical obligations inherent in public service. This obligation requires each employee to be aware of the potential ramifications of his conduct.

2. Use the authority and resources of the City, which are entrusted to employees, to support and implement the policies and programs adopted by the City Council.

3. Safeguard the ability to make objective, fair, and impartial decisions, avoiding any conduct that might undermine the public trust.

4. Ensure that any anticipated personal action, business endeavor, or contractual relationship complies with applicable statutes or the provisions of this Procedures and Rules Manual. If uncertain about the propriety of such action, the employee should submit a written request to the Human Resources Director for review, analysis, and an advisory opinion **prior** to engaging in the action.

5. All employees shall conduct themselves according to the following:

a) Employees shall not act in any manner that may discredit the City, public officials, fellow employees, or themselves; however, employees shall have the right to report fraud, waste or abuse. The rights of employees outlined in "whistleblower legislation" shall be honored and respected.

b) Employees shall avoid any conduct or speech that is subversive to good order and discipline. Employees shall treat each other and the public with courtesy and respect, and refrain from making any derogatory or demeaning remarks concerning one another at a time, in a place, or in a manner which will adversely affect the City in any way.

c) Sexual, gender, racial, or religious harassment or discrimination shall not be tolerated; employees who engage in this prohibited conduct shall be subject to disciplinary action up to dismissal.

d) Employees shall avoid conduct and speech which unjustly or maliciously criticizes City departments, divisions, offices, officers, employees, or the policies, programs, or actions of the City, or ridicules or interferes with the reasonable supervision or proper discipline of personnel.

Section 2. CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

The City of Oviedo is considered the primary employer for City employees. No employee of the City of Oviedo shall participate in any employment or business relationship that will create a conflict of interest with City employment. The Code of Ethics for Public Officers and employees, Florida Statutes, Chapter 112, Part III, applies to all City employees. http://www.ethics.state.fl.us/

Employees acting in their official capacities shall not, directly or indirectly, procure contractual services for the City or substantially participate in the procurement of contractual services for the City from any business entity in which a relative, as defined by Florida Statutes Chapter 112 Part III, is an officer, partner, director, or owner or in which such member or a spouse, child, or any combination thereof has a material interest.

Employees are responsible for disclosing to their immediate supervisor whenever a family member is employed in any capacity in an organization or business entity which is being considered or has been approved to provide goods or services to the City of Oviedo, in cases in which the employee will participate through decision, approval, disapproval, recommendation, or preparation of any part of a purchase request by influencing the content of any specification or procurement standard; by the rendering of advice; by investigation; by auditing or by participating in any other advisory capacity in the procurement of contractual services or commodities.

Employees shall not use or attempt to use their positions or any City property or resource entrusted to them in an effort to obtain a special privilege, gain or benefit for themselves or others.

Any employee who wishes to perform "outside employment," or continue same if a new employee (e.g., working for an employer other than the City, engaging in private or self-employment for financial gain, or rendering service to private interests for remuneration) may do so only after first submitting the appropriate

form and obtaining written approval from the Department Director and the Human Resources Director. A copy of the form with appropriate approvals shall be maintained in the employee's personnel file and a copy will be returned to the employee.

No employee shall be permitted to perform outside employment which would violate any provision of State law or this Manual, or would present a conflict of interest, real or perceived, when viewed in the context of the employee's position with the City. The non-existence, existence, or perception of a conflict of interest shall be determined by the Department Director with the concurrence of the Human Resources Director, and, if necessary, by review of the City Attorney.

An employee's outside employment shall not interfere with the employee's effectiveness with the City position or impede, be inconsistent with, or adversely affect the performance of City employment.

Employees shall not use any equipment, supplies, facilities, vehicles, uniforms, or other property of the City to pursue or engage in outside employment. This prohibition shall include, but not be limited to, the City telephone service, photocopy machines, facsimile machines, etc.

Permission to engage in outside employment may be denied or withdrawn at any time by the Human Resources Director or Department Director upon a determination that such activity is interfering with or may likely interfere with the employee's efficiency or production, or which causes discredit, or is in conflict with the best interests of the department or the City.

Section 3. CONFLICT OF INTEREST REGARDING CONTRACTED CITY WORK AND/OR PURCHASE OF PROPERTY, MATERIALS OR SUPPLIES

1. Employees are prohibited from seeking business with, or submitting bids to, the City or having a material interest in any entity which seeks business with or submits bids to the City.

2. The term "material interest" is defined in Section 112.312, Florida Statutes as no direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity, but indirect ownership does not include ownership by a spouse or a minor child of the employee.

3. Employees and entities in which they own a material interest may bid on surplus City property.

Section 4. DISCLOSURE OF INFORMATION

1. Employees shall not, in order to gain any personal advantage for themselves or for another, use or furnish any information to anyone which is not available to the public generally, and which was obtained as a result of City employment. These procedures and rules do not

limit, hinder, or prevent the release or use of information in performing official duties.

2. Confidential or legally sensitive information obtained in the course of official duties shall not be released except by those employees specifically charged with this responsibility; provided, however, that it is the policy of the City to comply with the laws of the State of Florida relating to public records.

Section 5. SOLICITATION/ACCEPTANCE OF GIFTS, GRATUITIES, BENEFITS, OR THINGS OF VALUE AND PROMOTING PRIVATE BUSINESSES

1. Employees shall not solicit or accept any gift, either directly or indirectly, from any person or entity doing business with, regulated by, or seeking to do business with the City, or from the agent or lobbyist of any such person or entity. Employees who have questions in this regard should request an advisory opinion from their Supervisor, Department Director, the Human Resources Director, or the Assistant City Manager. Any supervisor or Department Director may, in turn, seek guidance from the City Manager and/or City Attorney. The discussions are general in nature and written in an effort to assist employees. Employees are to refer to Florida Statutes, Chapter 11, Part III. Http://www.ethics.state.fl.us/

2. The term "gift" means any gratuity, benefit, or any other thing which is accepted by, or given to an employee or another person on the employee's behalf, either directly or indirectly, and includes by way of illustration and not limitation, the following:

   a) Real property and/or the use thereof;

   b) Tangible or intangible personal property (as defined in Section 192.001, Florida Statutes) and/or the use thereof;

   c) A preferential rate or terms on a debt, loan, goods, or services that is neither a government rate available to all other similarly situated government members or officials, or a rate which is available to similarly situated members of the public;

   d) Forgiveness of an indebtedness;

   e) Transportation, lodging, or parking unless on City business and the provision of same is disclosed on a travel voucher;

   f) Food or beverage for employee;

   g) Membership dues;

   h) Entrance fees, admission fees, or tickets to events, performances, or facilities;

i) Plants, flowers or floral arrangements;.

j) Services provided by persons pursuant to a professional license or certificate;

k) Other personal services for which a fee is normally charged by the person providing the services; and

l) Any and all other similar goods or services having value not already provided for in this definition.

3. The term "gift" does not include:

a) Salaries, benefits, services, fees, commissions, or expenses associated with the employee's employment;

b) Contributions or expenditures reported pursuant to Chapter 106, Florida Statutes; campaign-related personal services provided without compensation by volunteers or any other contribution or expenditure by a political party;

c) An honorarium or an expense reimbursement related to an honorarium event paid to individuals and/or family members; however, disclosure of same shall be made, in writing, to the Human Resources Director;

d) An award, plaque, certificate, or similar personalized item given in recognition of the employee's public, civic, charitable, or professional service;

e) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;

f) The lawfully permitted use of a public facility or public property for an authorized and approved public purpose;

g) Transportation provided by an agency in relation to officially approved governmental business;

h) Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to a member of that organization;

i) Candy, food products, or plants which are generally distributed during holidays as an act of courtesy or benevolence; however, such items shall be placed in an area which allows and encourages all employees and the public to partake of such items;

j) Office supplies such as calendars, pens, pencils, or address books of nominal value, which are distributed generally to employees;

k) Discounts offered to all employees (e.g., theme park discount cards).

4. Exceptions Regarding Gifts

a) When an employee's duties and responsibilities include attendance (such as a speaker or program participant) at business, industry or public luncheons or dinner meetings with public, industry, or business committees, organizations, or associations and these meetings are related to City business, employees may participate. When a meal is provided at the function, the employee is authorized to accept the meal.

b) Employees authorized to attend meetings, seminars, conventions, etc., sponsored by professional organizations are free to participate in the social functions that are part of the meetings or sanctioned by the host.

c) It may be appropriate for employees to attend social functions sponsored by members of an industry, business, or profession for a broad spectrum of community groups (such as legislators, businesspersons, and local officials). However, in deciding to attend such functions, employees should be careful to avoid any appearance of impropriety.

5. Employees are prohibited from promoting private businesses while on City time and from engaging in political activity, on behalf of themselves or others while on City time.

In the event that a gift, other than for general consumption, is received by mail or "dropped off" for an individual employee, the employee shall notify the Human Resources Director immediately upon becoming aware of the gift. The Human Resources Director will advise the employee as to the disposition of the gift.

Section 6. BRIBERY

1. An attempt to bribe an employee is a flagrant attack on the integrity of the City and all of its employees. A bribery attempt occurs when an offer is made to give anything of value to an employee with the intention that the employee will do something or fail to do something relating to the performance of the employee's duties. Whether the action or inaction would have taken place anyway is not pertinent to whether a bribery attempt has occurred.

2. Bribery offers are often made subtly rather than in direct fashion. Employees must be perceptive and alert to solicitations to accept gifts of money or anything else of value in return for acts or omissions involving their official functions and shall promptly report suspicious offers in order that the facts can be evaluated and

investigations initiated when required. Any employee who has reasonable grounds for believing that a bribery attempt has occurred or will occur shall:

a) Immediately report the matter to his Department Director; and

b) Cooperate fully in any investigations.

Section 7. ADDITIONAL ETHICAL CONDUCT REQUIREMENTS FOR EMPLOYEES WITH REGULATORY RESPONSIBILITIES

1. The following definitions shall apply for the purposes of this Section:

   a) The term "regulatory responsibilities" means duties or responsibilities assigned to an employee which involve:

      i) The direct responsibility for determination of whether or not an entity or the property of an entity is in compliance with Federal, State or local statutes, ordinances, laws, rules, or regulations, or for determinations or recommendations as to whether any license, authority to conduct business, or other certificate of authority issued by the City should be issued to an entity, be revoked, be canceled, or be suspended; or

      ii) Direct responsibility for the approval of purchases by the City from an entity.

   b) The term "entity" for the purposes of this Section means any individual, partnership, association, corporation (profit or non-profit), utility, or other organization, whether public or private, doing business with or subject to regulation by the City.

2. Each employee exercising regulatory responsibility shall, within five working days of making application for employment with a person or entities doing business with or subject to the regulation by the City, report to his Department Director, in writing, that such application has been made. The term "application" means a verbal or written communication whereby an employee seeks employment or for a contractual relationship for remuneration.

3. Each employee exercising regulatory responsibility who receives an offer of employment or an offer for a contractual relationship for remuneration from any person or entity doing business with or subject to the regulation by the City shall report such offer, in writing, to his Department Director within five working days of receipt of such offer. The term “offer” means a verbal or written communication in which a person or entity states an interest in retaining or employing the employee.

4. Any employee exercising regulatory responsibility who has or who obtains a financial interest in an entity doing business with or subject to the regulation by the City shall report such fact to the appropriate Department Director within five

working days of the acquisition of such financial interest. The term "financial interest", for the purpose of this Section, means any arrangement whereby an employee acquires an ownership or material interest, or the right to acquire an ownership of material interest, in an entity.

Section 8. ADDITIONAL ETHICAL CONDUCT REQUIREMENTS FOR REPORTING INDIVIDUALS AND PROCUREMENT EMPLOYEES

1. As used in this Section:

   a) The term "reporting individual" means any employee who is required by law, pursuant to Section 112, Florida Statutes, to file full or limited public disclosure of his financial interests (financial disclosure). A procurement employee shall file financial disclosure pursuant to Section 112.3145, Florida Statutes.

   b) The term "procurement employee" means any employee who participates through decision, approval, disapproval, recommendation, or preparation of any part of a purchase request; by influencing the content of any specification or procurement standard; by the rendering of advice; by investigation; by accepting quotes, by auditing or by participating in any other advisory capacity in the procurement of contractual services or commodities.

2. A reporting individual or procurement employee shall report the receipt of expenses relating to any honorarium event from a political committee or committee of continuous existence, as defined in Section 106.011, Florida Statutes, from a lobbyist who lobbies the City directly or indirectly, or from the partner, firm, employer, or principal of such lobbyist.

Section 9. POLITICAL ACTIVITY/PARTICIPATION

The City of Oviedo recognizes the citizen rights of its employees; however, no employee is permitted to engage in political activity which would conflict with his employment with the City. Employees may participate in political activities so long as such participation is **not** on City time, premises, property, vehicles, or in a City uniform. The City Manager may designate an escort to accompany candidates through City facilities for the purpose of introduction, with minimal disruption to City operations. Each employee is required to use his best judgment in determining when other political participation may conflict with the performance of his duties. It is the intent of this section to permit meaningful, constructive political participation, but not in those areas where the effectiveness of the employee or the City organization as a whole would be harmed.

Section 10. EMPLOYMENT OF RELATIVES (NEPOTISM POLICY)

A. PURPOSE

The purpose of this regulation is to restrict the employment of relatives within City departments and to prohibit preferential treatment or favoritism which such relationships may cause.

B. POLICY

In accordance with Florida Statutes, the City policy regarding employment of relatives is as follows:

A City employee may not appoint, employ, supervise, promote, or advance, nor advocate for appointment, employment, promotion, or advancement in or to a position in the department/division in which he is serving or over which he exercises jurisdiction or control, any individual who is a relative of the City employee.

All persons currently employed by the City who have existing relationships which would otherwise prevent their employment by the City, are not affected by the above prohibition.

All employees who are protected by the exception above are subject to the following restrictions and conditions on their continued employment:

If any of the relatives are not presently in the same department or division, no such transfer to the same department or division shall take place in the future.

1. If any of the relatives are subject to promotion or advancement, or a raise in pay or status other than cost-of-living/general increases, the City Manager reserves the right to evaluate the proposed changes to ensure that there was no influence on the part of a relative before the promotion, advancement, or raise becomes effective.

If two City employees change their relationship by marriage, adoption, or other means, so as to come in conflict with the employment prohibitions of this article, the restrictions and conditions outlined above apply.

Any variance to this policy requires the approval/authorization of the City Manager.

C. DEFINITIONS

For the purposes of this section, the following definitions apply:

1. **Public Official** means an officer, or employee of a department who is vested with the authority by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals for appointment, employment, promotion, or advancement in connection with employment in the department.

2. **Employee** means every person engaged in any employment of the City under any appointment or contract of hire, expressed or implied, oral or written, for remuneration, including, without limitation, all full-time, part-time, seasonal, regular status, and temporary employees.

3. **Relative** with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, spouse, 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, grandparent, or grandchild.

Section 11. USE OF CITY PROPERTY

1. **General:** The equipment and facilities that are provided for use by City employees are to be used to conduct official City business only. Employees shall not use, request or permit the use of City-owned vehicles, equipment, material, or property for personal convenience except when such services are approved by the City or are available to the public generally. Conducting personal business with City equipment/facilities or removing any property/ equipment off-site for personal use is prohibited

   Employees have no personal privacy rights when using City equipment, facilities, lockers, etc.

2. **Communications Equipment:** The City encourages the full use of the telecommunications systems to provide the best possible service to employees and our citizens, in accordance with the correct and permissible use of the system, as outlined below.

   Office equipment used as a basis for telecommunications is described as, but not limited to, telephone, voice mail, computer and beepers/pagers.

   The use of all City telecommunications equipment is limited to legitimate City business purposes. Personal use of telecommunication equipment shall be kept to a minimum. Under no circumstances shall City telecommunications equipment be used for any commercial promotional purpose, or to communicate any material of a political, religious, obscene, or derogatory nature.

   Voice, text messaging and electronic mail are provided for City business communications only. However, incidental and occasional personal use is permissible. Abuse of this privilege will be subject to disciplinary action, up to and including termination.

Management and systems administrators may, from time to time, have a requirement to review employee voice, electronic or text messages for any of the following purposes:

- To retrieve lost messages.
- To recover from system failures or monitor system performance.
- To comply with investigations into suspected criminal acts.
- To ensure that City systems are being used for business purposes only, and in conjunction with City policy.

No privacy interest is present relative to any City communications equipment of whatsoever type or nature.

3. Examples of Inappropriate Use of City Property (the following are prohibited):

- Use of the City mail system to receive personal mail or use of the City's postage meter for personal mail.
- Use of official letterhead stationery for personal correspondence.
- Use of obscene or profane language on City cellular telephones, mobile, or desk unit radios. "
- "Borrowing" or taking City equipment from City premises for personal use.
- Use of City computers, electronic mail, or on-line services for personal business and use of software that is not owned or licensed by the City.

The City reserves the right to monitor the use of any City property, equipment, facilities, etc., to ensure compliance with this policy. An employee who uses City property, equipment, or facilities for personal reasons or personal gain shall be subject to disciplinary action up to and including termination. Employees have no right of privacy with respect to any personal information or messages created or maintained on City electronic devices.

4. Use of Official Badge of Authority

No official or employee whose duties involve the use of a City identification card, badge, or clothing insignia as evidence of authority, or for identification purposes, shall permit such card, badge, or insignia to be used or worn by anyone who is not authorized to use or wear same, nor to permit same to be out of his possession without approval of his Department Director or other authorized Supervisor. Such badge, card, or insignia shall be used only in the performance of official duties of the positions to which they relate. Misuse of City badge of authority shall be cause for disciplinary action up to and including termination.

If an employee's City identification card, badge, or clothing insignia is lost or stolen, the employee shall report the loss/theft to supervision immediately in writing, and detail the circumstances of the loss.

5. Use of City Vehicles

Employees must possess and carry a valid Florida Operator's, Commercial Driver's License (CDL), Non-Commercial Driver's License, or Class "D" (Chauffeur's) license when operating a City vehicle or self-propelled machinery during work assignments as required by the position description.

Drivers and/or passengers of City vehicles must wear seat belts while the vehicle is in motion, in accordance with State law.

An employee who is assigned a City vehicle, receives a vehicle allowance, or operates a vehicle in connection with City work assignments, must operate the vehicle in a safe manner and must avoid any activities which may distract the employee from safe operation. In order to assist in creating a less distracting driving environment, the following rules apply to use of electronic devices:

a. Using a mobile phone, smartphone, tablet or any other wireless voice/data communication device, either department or personally owned, for data communication (sending, reading, or composing texts or e-mails) while driving is **prohibited** except as provided in section "c" below, or except when the device is used with a hands-free listening device. The term driving includes waiting at a traffic light, therefore, the employee is prohibited from reading or composing during this time.

b. A vehicle must be pulled over and parked in a safe spot before dialing, texting, or engaging in verbal communication unless a hands-free device is used. To place or accept a call, employees shall pull their vehicle off the road and stop in a safe location or use voice speed dialing features to avoid driver distraction. Additionally, such use is prohibited in any other vehicles (i.e. personally owned, rental, or loaned) while the employee is on duty or conducting official City business.

c. Viewing Mobile Data Terminal or other electronic device's user messages by certified fire and sworn law enforcement officers while in a moving vehicle is only permitted in connection with the performance of official duties. Members will take care when operating an MDC while driving. Simple inquiries and viewing the nature of an in-coming message may be performed while driving. Message response and complex or multiple iquires are not to be conducted while driving.

d. Navigation Systems. While vehicle navigation systems have proven to be an invaluable tool in assisting employees to locate specific addresses and locations, their use while driving a vehicle may cause unintentional distractions (i.e., the user either entering data while the vehicle is in motion or simply studying the roadway maps while driving). Employees shall use extreme caution when utilizing a vehicle navigation system.

If an employee is involved in an accident while operating a City vehicle, he shall notify his supervisor and contact a law enforcement agency immediately. The supervisor will notify the Human Resources Director and will conduct an accident investigation and may request assistance from the Human Resources Department, depending on the circumstances of the accident, or as deemed necessary by the supervisor. Additionally, the employee will receive written notice that the accident may be reviewed by an Accident Review Board (ARB) and the employee may be subject to disciplinary action after the Supervisor/Department Director evaluates the ARB's findings/recommendation. If an employee receives a traffic citation as a result of the accident, payment of the ticket/fine shall be the employee's responsibility.

If an employee whose position requires a driver's license has his license suspended or revoked for any reason, it is the employee's responsibility to notify his supervisor as soon as he is notified of the suspension/revocation. The supervisor will review the circumstances involved. The employee may be placed on suspension, with or without pay, pending a review of the circumstances, or arrangements may be made to place the employee in a non-driving capacity depending upon the circumstances of the license suspension/revocation, employee's overall record, and operational requirements. A memorandum outlining the circumstances will be forwarded to the Human Resources Director for concurrence prior to any decision being reached/communicated to the employee.

The Human Resources Department may monitor monthly, quarterly, or annual updates from the State of Florida Department of Highway Safety and Motor Vehicles regarding status of the driver's license of each employee whose job description requires possession of a valid Florida Driver's License. If such reports indicate that an employee's license has been suspended/revoked and the employee has failed to notify the appropriate supervisor as outlined above, and has operated a City vehicle without a valid driver's license, in violation of this policy and in violation of law, the employee will be subject to disciplinary action, including dismissal.

Individuals who are not employees, vendors, contractors, etc. of the City are allowed as passengers in City vehicles **only** upon prior approval of supervision.

City vehicles may only be used to conduct official City business. Personal errands and/or business shall not be conducted while on City time or while using a City vehicle. However, employees who are authorized a take-home vehicle or a vehicle during work hours are permitted the use of the vehicle for transportation during designated meal periods or work breaks while on duty.

Employees shall not bring weapons into any City vehicle at any time (even if an employee has a valid concealed weapons permit), excluding sworn police officers who carry weapons in connection with their official duties. Employees are prohibited from carrying or having in their possession a weapon at any time while performing services on behalf of the City whether on or off City property, excluding sworn police officers who carry weapons in connection with their official duties.

Authorization for an employee to be assigned a take-home vehicle is in accordance with departmental policies and procedures, based on operational considerations, subject to approval of the Department Director.

Internal Revenue Code regulations govern the taxable or non-taxable status of take-home vehicles.

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

6. Employee Responsibility

Each employee who is provided City equipment, tools, supplies, or a vehicle shall exercise reasonable care in the safekeeping, use, and preservation of such City property and shall return the property in the same condition as the property was in when issued, except for normal wear and tear, upon separation from employment or upon request.

Employees shall promptly report, in writing, to their supervisor the loss, damage, or unserviceable condition of City property assigned to the employee or under the employee's control. The immediate supervisor shall forward the report to the Department Director for appropriate action.

Section 12. COMPLAINTS RECEIVED FROM THE PUBLIC AND INVESTIGATIONS OF COMPLAINTS

Any complaints regarding City services or employees by any citizen which are brought to the attention of any employee of the City shall immediately be relayed, through the Supervisor, to the Department Director. The Department Director shall advise the City Manager and Human Resources Department (in the case of complaints against City

employees) of the complaint so that an investigation can be conducted, as deemed necessary, and appropriate action taken. Investigations resulting from complaints regarding a certified firefighter or sworn law enforcement personnel shall be conducted in accordance with the provisions of the Firefighters' or Police Officers' Bill of Rights, respectively, as outlined in Florida Statutes, and elsewhere in this manual.

Employees shall cooperate in any official investigation, as directed by the Department Director/designee. Employees shall be required to appear for interviews, hearings, and/or inquires as directed and shall be required to answer truthfully and fully any questions related to the subject of the investigation.

Section 13. STATEMENTS OF CITY EMPLOYEES TO ATTORNEYS CONCERNING CITY EMPLOYEES/BUSINESS

If a City employee is requested or subpoenaed to make a statement to an attorney or law firm regarding litigation related to the City, the employee shall inform his Department Director immediately upon receipt of the request/subpoena. The Department Director will, in turn, inform the Human Resources Director, who will consult with the City's or insurance company's legal counsel to determine the proper course of actions. Failure to comply with this rule may subject the employee to disciplinary action.

Section 14. COMMUNICATION WITH CITY COUNCIL MEMBERS

Employees should respond to City Council's requests for information within the business day and to the best of their ability. Subsequently, the employee should notify his direct supervisor of the request and the the action taken. The supervisor is responsible for notifying the Department Director. The Department Director will notify the City Manager as appropriate.

If the employee does not have the ability or authority to address City Council's questions or requests, the employee should refer the question or request immediately to their supervisor for follow up. The employee's Department Director should be notified within a reasonable period of time of the Council's question/request, and the Department Director will notify the City Manager.

The Department Director or designee in charge should make sure the City Manager and City Council are informed of incidents and provided with regular updates.

If employees have questions concerning City employment, benefits, safety, and employee relations issues, they should contact their supervisor. If the issues are not addressed within a reasonable time, the matter should be brought to the attention of the Department Director or Human Resources Director.

Section 15. DRESS, GROOMING, AND PERSONAL APPEARANCE

Employees of the City shall maintain their dress, grooming, and personal hygiene in accordance with generally accepted contemporary professional standards. Employees shall at all times present an image appropriate to the work being performed and in accordance with the rules established in each department/work site. Casual dress days for employees may be allowed, as established by each department. The employee's supervisor is authorized to require an employee to modify dress or grooming when such dress or grooming would create a safety hazard to the employee or others, disruption in the workplace, or does not comply with established standards.

Any employee who does not meet the standards of this policy, or who fails to wear City-issued uniforms when required to do so, shall be directed by a supervisor to take corrective action, which may include leaving the workplace. Any work time missed because of failure to comply will not be compensated, and repeated violations of this policy will be cause for disciplinary action up to and including termination.

Section 16. STATEMENT CONCERNING DISCRIMINATION AND ALL FORMS OF HARASSMENT

A. All employees have the right to work in an environment free of discrimination and any form of harassment or hostility based on race, religion, color, gender, age, marital/family status, national origin, veteran status, or disability.

B. To ensure that no employee is subjected to discrimination, harassment, or hostility, the City also prohibits any offensive physical, written, or spoken conduct regarding any of these subjects, including but not limited to, conduct of a sexual nature. Such conduct may constitute harassment when engaged in by one employee toward another or by someone in the City in a position to influence employment decisions when:

- submission to such conduct is made either expressly or implicitly a condition of the recipient's continued employment; or

- submission to or rejection of such conduct by the recipient is used as the basis for repeated and unwelcome physical, written, or spoken conduct by either a supervisor or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive, or offensive working environment.

Employees who engage in such behavior, which is both illegal and in violation of the City's policy, shall be subject to disciplinary action, up to dismissal, and may be personally liable for any damages allowed by law against an individual.

C. If an employee believes that he is being subjected to any of these forms of harassment or believes he is being discriminated against because other employees

are receiving favored treatment in exchange, for example, for sexual favors, the employee is encouraged to report such occurrences to a Department Director, the Human Resources Director (who has responsibility for administration of this policy), or the City Manager (if the complaint is against a Department Director). Any complaint will be investigated promptly, under the direction of the Human Resources Director, Department Director, City Manager, and/or legal counsel, depending upon the nature of the complaint. Upon the conclusion of the investigation, appropriate action will be taken if it is determined that violations have occurred.

D. A record of the complaint and the findings will become a part of a complaint investigation record, and the file will be maintained separately from employees' personnel files. Any resulting disciplinary action will become a part of the permanent personnel file of the employee receiving the disciplinary action.

E. Any person who files a complaint regarding discrimination or harassment will be treated courteously, the problem handled swiftly and confidentially (to the extent practical and allowed by law), and the filing of a complaint will not be used or held against the employee, nor will it have an adverse impact on his employment status. This does not preclude disciplinary action against an employee who knowingly files a false complaint.

At the conclusion of the investigation of a complaint, all records become public records, in accordance with applicable Florida Statutes.

Section 17. DRUGS AND ALCOHOL (DRUG-FREE/ALCOHOL-FREE WORKPLACE)

The City of Oviedo is committed to providing a drug-free/alcohol-free workplace and a safe work environment for employees, guests, our community, and the public. In order to maintain the highest standards of morale, productivity, and safety in our operations, the City has established a zero tolerance drug -free and alcohol-free workplace policy, in accordance with the provisions of Florida Statutes, Chapters 112.0455 and 440.102. These procedures and rules apply to all employees, including temporary employees. The City's procedures and rules and the requirements of the Statutes are outlined below.

A. It is the City's policy that employees present themselves for duty free of the influence of illegal drugs, controlled substances, or other intoxicants. The use of illegal drugs and the abuse of alcohol by City employees constitute a danger to the employee, fellow employees, and the general public. The use, sale, or possession of an illegal drug or alcohol in the workplace or other places may negatively affect the City's efficiency in providing service to its citizens and can have an adverse impact on how the public perceives the City and its employees.

For the purpose of this section, "illegal drug" means any narcotic, barbiturate, marijuana, central nervous system stimulant, hallucinogen, cocaine, or any controlled substance as defined by Section 893.03, Florida Statutes, and other

controlling law as amended from time to time, not possessed or used in accordance with a lawful prescription.

B. The use, consumption, possession, distribution, manufacture, or being under the influence of illegal drugs or alcohol by employees while performing job duties for the City or in a manner which brings discredit to the City is prohibited.

1. Employees are prohibited from possessing, using, distributing, or being under the influence of alcohol while on the job or on City property. City property includes such areas as parking lots, vehicles, break rooms, and locker rooms, as well as buildings and other facilities.

2. The use, consumption, possession, distribution, or sale of illegal drugs, whether on or off duty, is prohibited as it may affect on-the-job performance and the confidence of the public in the City's ability to provide services and meet its obligations.

3. If an employee has knowledge of the use and/or presence of alcohol or illegal drugs in the workplace, the employee shall immediately report this information to a supervisor or to the Human Resources Director. Reports, complaints, and investigations will be kept confidential to the extent permitted by law, but may be used as evidence in disciplinary proceedings.

C. Sworn law enforcement personnel who are acting within the scope of their employment are permitted to possess illegal drugs for specific job assignments. Such personnel shall be responsible for the accountability and proper disposition of illegal drugs as directed by Police Department rules and statutory regulations.

D. Employees shall report the use of over-the-counter medications or prescription drugs to supervision if the medication may impair their ability to perform their jobs; e.g., operating vehicles/equipment, public safety, etc.

E. The City of Oviedo conducts the following types of drug/alcohol testing, in accordance with the provisions of the Florida Drug-Free Workplace Act and Florida Drug-Free Workplace Program requirements (Florida Statutes 112.0455 and 440.102 et seq) and the United States Department of Transportation regulations governing drivers of commercial motor vehicles, as follows:

- **Applicants for Part-Time, Temporary, or Full-Time Positions** who have been made an offer of employment conditioned upon successfully passing an employment screening examination, will be tested for the presence of alcohol and illegal drugs, as part of the post-offer of employment physical examination.

  Final employment offers will not be made until the drug/alcohol test has been administered and the results are known. Candidates who test positive for alcohol or illegal drugs will not be hired by the City.

- **Reasonable-Suspicion Testing:** The City may require an employee to undergo testing when there is a reasonable suspicion to believe that the employee has possessed, used, distributed, or been under the influence of illegal drugs or alcohol in violation of this policy. A reasonable suspicion is suspicion which is based on facts derived from the surrounding circumstances from which it is reasonable to infer that further investigation is required. A supervisor may suspect that an employee is using or is under the influence of illegal drugs or alcohol by observing certain symptoms or behavior, including, but not limited to:

    1. Excessive absenteeism or chronic lateness.
    2. Drowsiness or sleepiness.
    3. Alcohol on breath.
    4. Slurred or incoherent speech.
    5. Aggressive behavior.
    6. Unexplained change in mood.
    7. Lack of manual dexterity or coordination.
    8. Arrest for drug or alcohol related crime.
    9. Documented trustworthy information received from a third party.
    10. Abnormal behavior while at work or a significant deterioration in work performance.
    11. Evidence that the employee has tampered with a drug test.

- **On-the-Job Injury/On-the-Job Motor Vehicle Collision Testing:** Employees who cause, contribute, or are involved in an on-the-job injury will undergo a Urine Drug Screen at the time medical treatment is administered. Additionally, an alcohol screen may be required, as deemed necessary by the City's Human Resources Director based upon the facts relating to the incident.

  Employees operating a City vehicle involved in a motor vehicle collision will be tested as follows:

  Drivers of commercial motor vehicles that require a commercial driver license, will undergo drug and alcohol testing in accordance with controlling law if involved in an on-the job motor vehicle collision while operating a city vehicle.

  Drivers of non-commercial vehicles will undergo drug and alcohol testing pursuant to controlling law and criteria established by the United States Department of Health and Human Services if involved in an on-the-job motor vehicle collision while operating a City vehicle. This may include: testing of urine, hair, blood and other body specimens that are

appropriate for drug and alcohol testing at the time of the accident.

All testing will be administered immediately following the motor vehicle collision, or as soon as possible. Employees shall not drive a City vehicle until results from the drug/alcohol screening facility are received and the City is notified of the employee's cleared status. The employee may return to work prior to the receipt of the results of the drug/alcohol screen but are not allowed to drive or operate a City vehicle.

- **Testing for Drivers of Commercial Motor Vehicles Involved in Accidents:** Drivers of commercial motor vehicles who are charged with a traffic citation for an accident or who are operating a commercial motor vehicle involved in an accident in which a fatality occurs (whether charged or not) are subject to drug/alcohol testing.

- **Random Testing for Operators of Commercial Motor Vehicles:** Employees whose job duties require a Commercial Driver's License (CDL) for operation of a commercial motor vehicle will be selected in an unbiased manner, randomly throughout the year, for drug and alcohol testing, as follows: 10% of the operators of commercial motor vehicles will be tested for alcohol annually and 50% of the operators of commercial motor vehicles will be tested for drugs annually.

- **Routine Fitness-for-Duty Testing:** Employees may be drug tested as part of any routinely scheduled employee fitness-for-duty medical examination.

- **Follow-up and Return to Duty Testing:** Employees who have failed a drug/alcohol test and are permitted by the City to return to work after completing treatment for alcohol or drug abuse will be tested prior to returning to work and will be subject to unannounced follow-up testing on a quarterly, semi-annual, or annual basis for a period up to two years, or for a period of up to sixty months for drivers of commercial motor vehicles (with at least six tests conducted within the first twelve months following return to work).

- **Additional Testing:** Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations, or as deemed necessary by the City.

F. When the employee's supervisor has reasonable suspicion of the presence or use of controlled substances or alcohol in the workplace, the following steps will be taken:

The Department Director and the Human Resources Director will be notified immediately to assist in the investigation.

The Human Resources Director will notify the Police Department and the City Manager if illegal drugs are found/involved. The City, in coordination with law enforcement, reserves the right to search City property, vehicles, and facilities and employees have no privacy rights.

The employee will be ordered to submit to drug/alcohol screening and will be taken by a supervisor to the testing facility.

Following the drug/alcohol testing at a facility designated by the City, the employee will immediately be relieved of duty pending the results of the test. Depending on the gravity of the circumstances that led to the order for drug/alcohol testing, the employee may be allowed to use vacation, sick leave, or may be suspended without pay until the test results are received.

Depending on the outcome of the drug/alcohol screening, the employee may be subject to disciplinary action, including termination, in accordance with the City's zero tolerance for drug/alcohol abuse; or, at the discretion of the City, offered rehabilitation/treatment through the Employee Assistance Program (EAP) and appropriate agencies, depending on the circumstances, the nature of the employee's position/duties, the employee's documented employment record, willingness to undergo treatment, and such other matters as may be determined by the City Manager. The City may turn the matter over to law enforcement personnel as it deems appropriate.

G. For those employees who recognize that they have a drug or alcohol abuse problem, confidential assistance is available from the City's Employee Assistance Program (EAP). Information regarding the EAP is available from the Human Resources Department and is posted on City bulletin boards. The EAP can also be contacted to obtain information on additional resources for substance abuse treatment/counseling. However, violation of this policy will not be excused or condoned because an employee has sought assistance from the Employee Assistance Program.

H. Drug/alcohol testing is conducted by providers contracted by the City and is performed in accordance with controlling law. All records of drug/alcohol test results are maintained on a confidential basis as permitted by controlling law.

I. The complete "Drug-Free Workplace Policy" is available in the Human

Resources Department, from each Department Director, on the City Intranet and is posted on City bulletin boards.

Section 18. WORKPLACE VIOLENCE PREVENTION POLICY

OBJECTIVE:

The City of Oviedo is committed to preventing workplace violence and to maintaining a safe work environment and has adopted the following rules to deal with intimidation, harassment, or other threats of violence or acts of violence that may occur during business hours or on City premises. This policy applies to all City employees, of any type or status, including temporary employees.

PROHIBITED CONDUCT:

The City does not tolerate any type of workplace violence committed by or against employees or any other individual on City premises. Employees are prohibited from making threats or engaging in violent activities.

All employees shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on City premises without proper authorization, such as the firearms of sworn law enforcement personnel. Employees with a **valid** concealed weapons permit may carry a weapon in their vehicle, but under no circumstances is the employee allowed to bring the weapon into City buildings or display/remove it from their vehicle while on City premises.

Conduct that threatens, intimidates, or coerces another employee, a customer/vendor, or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based upon an individual's gender, race, religion, age, or any characteristic protected by federal, state, or local law.

Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on City premises without proper authorization, such as in the case of sworn police officers in connection with their official duties. Employees may keep a lawfully possessed weapon or firearm locked inside their private vehicle in a City parking lot in accordance with controlling law. Employees are not permitted to bring weapons into any City vehicle at any time (even if an employee has a valid concealed weapons permit), excluding sworn police officers who carry weapons in connection with their official duties. Employees are prohibited from carrying or having in their possession a weapon at any time while performing services on behalf of the City whether on or off City property, excluding sworn police officers who carry weapons in connection with their official duties.

The following list of behaviors, while not inclusive, provides examples of prohibited conduct:

- Causing physical injury to another person;
- Making threatening remarks;

- Aggressive or hostile behavior that creates a reasonable fear of injury to a person, or subjects a person to emotional distress;
- Intentionally damaging employer property or property of another employee; or a member of the public while on City property;
- Display or use of a weapon while on City premises or possession of a weapon at any time while performing services on behalf of the City; except sworn police officers in connection with their official duties or as allowed in accordance with controlling law;
- Committing acts of sexual harassment or domestic violence.

REPORTING AND INVESTIGATION PROCEDURES:

Any potentially dangerous situations and all threats of violence or acts of violence, both direct and indirect, must be reported immediately and in writing (as soon as is practicable) to any member of supervision/management or the Human Resources Department. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees are not to place themselves in danger by attempting to resolve a potentially violent situation without assistance. If an employee sees or hears a commotion or disturbance in his work area, the employee should not try to intercede or see what is happening. The employee should immediately contact supervision and/or the Police Department for assistance.

Reports can be made anonymously and all reported incidents will be investigated promptly and thoroughly by the Human Resources Director in conjunction with the department in which the incident occurred and/or the Police Department. The identity of the City employee making a report will be confidential to the extent allowed under public records laws. In order to maintain workplace safety and the integrity of investigations, the City may suspend employees, either with or without pay, pending the conclusion of the investigation.

Anyone determined to be responsible for threats of violence, acts of violence, or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City encourages employees to bring any disputes or differences with other employees to the attention of supervision or the Human Resources Director before the situation escalates into potential violence. The City will assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

ENFORCEMENT:

Any employee determined to have committed acts of workplace violence or other prohibited conduct shall be subject to disciplinary action, up to and including termination. Non-employees

engaged in violent acts on City premises will be reported to the proper authorities and may be prosecuted.

Section 19. "WHISTLE-BLOWER" ACT

Employees shall report in writing any violation of law by any City employee, official, or business entity with which the City is doing business.

Employees shall report improper use of public office, waste of funds, or any other abuse or neglect of duty on the part of the City, a City employee, or a member of the City Council or any City board. An employee with knowledge of such actions or activities shall report this information to his immediate Supervisor, other members of supervision, Department Director, Human Resources Director, or the City Manager for investigation and resolution. The investigation will be conducted by the City Manager, Human Resources Director, and/or Department Director, depending on the nature and circumstances of the allegations. Information related to an ongoing investigation will be maintained on a confidential basis to the extent allowed by public records laws. The Police Department shall be utilized in appropriate circumstances.

Retaliation against an employee who reports any violation, abuse, or other improper action is strictly prohibited by law, and by City policy. Disciplinary action may be taken against an employee who knowingly files a false and/or malicious report or who fails to make a report when required to do so.

Section 20. NON-FRATERNIZATION

A. PURPOSE AND SCOPE

Romantic or sexual liaisons that develop among employees in the workplace may be potentially disruptive to the conduct of City business, may create perceptions of favoritism, and may expose the City of Oviedo to significant legal liability.

B. POLICY

1. Supervisors and managers are expressly prohibited from engaging in dating and/or sexual relationship with any non-management employee within his or her sphere of responsibility.

2. Personal relationships between non-supervisory co-workers are permissible provided they do not adversely affect the work performance of the parties involved or their co-workers.

3. Employees are also prohibited from dating or engaging in any kind of dating and/or, sexual relationship with vendors or persons doing business with the City or from using any information obtained in the course of City business to further a personal or social relationship.

4. Should prohibited dating, and/or sexual relationships develop during the course of employment, the employees involved shall report the

relationship to their supervisor(s), Department Director or the Human Resources Director in a timely manner and work with the City to satisfactorily resolve the situation. In the event the supervisor or member of management becomes aware of such a relationship, the supervisor or member of management will intervene and discuss the romantic or sexual liaisons with the involved parties. The City may also take remedial measures, up to and including transfer to immediate discharge, when the City Manager decides that it is necessary to do so to protect the City's interests.

5. The City of Oviedo will determine what constitutes a prohibitive "dating and/or sexual relationship."

6. The City of Oviedo will vigorously enforce this policy in a manner that is consistent with all applicable laws. Any employee who engages in conduct in violation of this policy will be subject to disciplinary action, up to and including termination of employment.