

**ORDINANCE 2008-22**

**AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES; PROVIDING FOR MILITARY RELATED LEAVE; PROVIDING FOR NEW QUALIFYING REASON FOR LEAVE; PROVIDING FOR NEW LEAVE ENTITLEMENT; PROVIDING FOR EXHAUSTION OF PAID LEAVE; PROVIDING FOR CERTIFICATION FOR ACTIVE DUTY; PROVIDING FOR DISCIPLINARY TYPES OF OFFENSES; PROVIDING FOR SEVERALBILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED** by the City Commission of the City of Lake Wales, Polk County, Florida.

**SECTION 1.** Chapter 2, Administration, Lake Wales Code of Ordinances is hereby amended to read as follows:

**ARTICLE III PERSONNEL ADMINISTRATION.**

**DIVISION 1. GENERAL POLICIES.**

**Secs. 2-219.18            Military Related Leave**

The City will provide eligible employees with the following leave for military related leave:

(a)    *New Qualifying Reason for Leave.* Up to 12 weeks of leave for qualifying exigencies arising out of a covered family member's active military duty, i.e. spouse, son, daughter, or parent, and

(b)    *New Leave Entitlement.* An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during" a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

(c)    *Exhaustion of Paid Leave Required*

Prior to receiving leave under this policy, the employee must exhaust any available paid leave.

(d)    *Certification for Active Duty Because of Any Qualifying Exigency*

In addition to an application for leave, employees will be required to furnish in a timely manner any certification that a family member is issued regarding their active duty or call to active duty in the Armed Forces.

**Secs. 2-211.07           Types of Offenses**

(a) There are two (2) groups of sample offenses for which employees may be disciplined up to and including termination, and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses as set forth in Sections 2-211.01 and 22-211.04 above shall apply. Nothing herein shall be construed to require the City to have just cause for any form of disciplinary action, including termination, or to limit disciplinary action to the sample offenses enumerated below.

(b) This paragraph provides recommended but not mandatory penalties to apply to the specific example offenses listed here; however, the penalty utilized shall be discretionary with management in all matters of discipline and nothing herein shall require that a particular form of discipline be utilized in any case prior to the utilization of another form of discipline, provided, however, in the event a Department Head wishes to deviate from the recommended penalty, he shall first obtain approval from the Human Resources Director and the City Manager, or his designee.

**GROUP II OFFENSES**

**First Offense - Up to termination**

1. Conviction of a felony.
2. Abuse of leave privileges.
3. Use of official position for personal advantage.
4. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.
5. Falsification of personnel, City, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
6. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
7. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.

8. Use, possession, or display of firearms, explosives, or weapons on or in City property, unless specifically permitted by law or by the City.

**(not the entire list of offenses)**

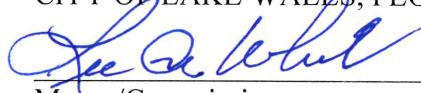
**SECTION 2.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3.** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 4.** This ordinance shall become effective immediately upon its passage by the City Commission.

CERTIFIED AS TO PASSAGE, this 15<sup>th</sup> day of July, 2008.

CITY OF LAKE WALES, FLORIDA

  
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Mayor/Commissioner

ATTEST:

  
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City Clerk