



# OFFICE OF INSPECTOR GENERAL CITY OF JACKSONVILLE

## REPORT OF INVESTIGATION CASE NUMBER: 2016-0010

ISSUE DATE: DECEMBER 7, 2016

Steven E. Rohan  
Interim Inspector General

*"Enhancing Public Trust in Government"*

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### COJ EMPLOYEE USED COJ RESOURCES TO OPERATE VARIOUS BUSINESS VENTURES / FAILED TO REPORT SECONDARY EMPLOYMENT

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#### EXECUTIVE SUMMARY

The Office of Inspector General (OIG) received an anonymous complaint on May 7, 2015, forwarded from the Office of Ethics, Compliance, and Oversight, which alleged that Charzetta Spencer (Spencer), Financial Analyst (an appointed position), Neighborhoods Department, City of Jacksonville (COJ), used COJ resources in the operation of her personal business from her COJ office. The anonymous complaint also reported that Spencer had previously been disciplined for similar actions.

The OIG investigation revealed that Spencer sent and/or received in excess of 325 e-mails through her COJ e-mail account pertaining to various personal business ventures from 2011 through 2016, (with the majority being sent and/or received during 2011 and 2013). Of the 325 e-mails, over 200 e-mails pertained to marketing and/or advertising of Spencer's various personal business ventures. These e-mails were sent and/or received by Spencer at various hours throughout the work day.

The OIG reviewed the available internet history, a period of sixty-days (April 19, 2016 through June 17, 2016), of Spencer's COJ user account. The review revealed numerous visits to websites associated with two of her personal business ventures. The OIG investigation also discovered that Spencer never reported any secondary employment to COJ until after she was interviewed by the OIG.

Spencer admitted to OIG that she used her COJ computer and e-mail for her personal business ventures, and also failed to report her secondary employment to COJ.

The allegation that Spencer used COJ resources to operate various personal business ventures was **substantiated**. In addition, it has been **substantiated** that Spencer was in violation of COJ Employee Services Directive Secondary Employment Policy #0519 (effective September 1, 2010, and subsequent revisions effective May 8, 2015 and effective April 1, 2016) in that she failed to report secondary employment.

## INVESTIGATIVE REPORT

**ALLEGATION (1)**

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**Charzetta Spencer (Spencer), Financial Analyst, Neighborhoods Department (Neighborhoods), COJ used COJ resources to operate a personal business.**

**GOVERNING DIRECTIVES**

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- Florida Statute §112.313, Standards of Conduct for Public Officers, Employees of agencies, and local government attorneys;
- COJ Ordinance 601.101, Use of Public Property; and
- COJ Electronic Communications, Equipment, and Media Policy (effective July 1, 2010); and (effective October 14, 2015)

**INVESTIGATIVE FINDINGS**

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***Records Review***

A review of Florida Statute §112.313, Standards of Conduct for Public Officers, Employees of agencies, and local government attorneys revealed that it was prohibited for any public employee to “*corruptly use or attempt to use....any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.*”

COJ Ordinance 601.101 Use of Public Property reflected that “*It is unlawful for an officer or employee of the City or an independent agency to knowingly use property owned by the City or an independent agency for his or her personal benefit, convenience or profit, except in accordance with policies promulgated by the council or by the governing body of the independent agency owning the property.*”

COJ Electronic Communications, Equipment, and Media Policies were reviewed (effective July 1, 2010 and October 14, 2015) which reflected that “*City-owned technology resources shall serve the business needs of [COJ].*” The policies specifically *prohibit* the use of Internet and messaging (defined by COJ to include e-mail) for conducting a private business. A COJ Electronic Communications, Equipment and Media Policy Acknowledgement and Acceptance Form was signed by Spencer and dated October 28, 2015. (Note: OIG attempted but was unsuccessful in locating a 2010 acknowledgement form for Spencer.)

Based on a review of Spencer’s COJ e-mail account records from January 1, 2011 through June 22, 2016, and internet history from April 19, 2016 through June 17, 2016, the OIG investigation revealed that Spencer was involved in four separate personal business ventures (#1 – #4

referenced below), and also had additional secondary employment outside of COJ (#5 referenced below):

- (1) Total Life Changes (TLC) (promoting and selling);
- (2) Visalus health and wellness products, (promoting and selling);
- (3) Tailored Transitions (self-employed interior design business);
- (4) Mary Kay Cosmetics (Mary Kay) (promoting and selling); and
- (5) University of Phoenix professor

The OIG reviewed Spencer's archived COJ e-mails going back to January 1, 2011, sent and/or received, from her COJ assigned e-mail account. Numerous e-mails were found pertaining to three of Spencer's four personal business ventures (TLC being the lone exception), as noted below:

- Visalus:
  - Over 300 e-mails were sent and/or received by Spencer between 2012 and 2016 (many appeared to be system-generated e-mails sent by Visalus to Spencer's COJ email account); and
  - 181 of these e-mails related to Spencer personally interacting with individuals to conduct business activities, such as notifying individuals about Visalus events hosted by Spencer in March and April 2012, and also sending order invoices to individuals in April 2015. These e-mails were sent and/or received by Spencer at various hours throughout the day. (Note: Nine of these 181 e-mails were sent and/or received by Spencer after 2012.)
- Tailored Transitions:
  - Over 20 e-mails were sent and/or received promoting Tailored Transitions during 2011 and 2013 by Spencer (to include Tailored Transitions advertisements);
- Mary Kay:
  - Five e-mails were sent and/or received by Spencer in 2011 from her COJ computer (including an attachment sent in November 2011 with a Mary Kay brochure, promoting and selling)

The OIG also reviewed Spencer's COJ account user Internet History (sixty-day period available). During the period of April 19, 2016 through June 17, 2016, Spencer accessed the following TLC and Visalus associated websites from her COJ computer, between various times between 8:00 a.m. to 6:00 p.m., as noted below:

<b>TLC</b>	
<b>Web Address Accessed</b>	<b># of Dates Accessed Between April 19, 2016 and June 17, 2016</b>
teamtlcmarketing.com	2
tools.securefreedom.com	10

totallifechanges.com	7
www.globalteam1.info	2
www.global1teamatlanta.com	1
www.totallifechanges.com	4

<b>Visalus</b>	
<b>Web Address Accessed</b>	<b># of Dates Accessed Between April 19, 2016 and June 17, 2016</b>
vinet.vi.com	1
visaluspay.paylution.com	3
webchat.visalus.com	1
www.ambspencer.bodybyvi.com	1
www.bodybyvi.com	2
www.myvi.net	8
www.visalussciences.com	1

A review of COJ Employee Services personnel records for Spencer did not disclose any prior disciplinary history, but did reflect a position reversion from appointed status to civil service status back in January 2008.

### ***Testimony***

#### ***Statement of Charzetta Spencer, Financial Analyst, Neighborhoods***

After reviewing the COJ e-mails pertaining to Visalus, Tailored Transitions, and Mary Kay obtained by the OIG for the period of October 8, 2011 through April 30, 2015, (all e-mails where Spencer appeared to be conducting personal business activities), Spencer agreed that she had used her COJ e-mail account for her personal businesses. Spencer said it was more convenient for her than logging into her personal e-mail account to use. Spencer was unable to explain why she had not handled her personal business ventures' e-mails outside of work.

After being shown the internet history summary for the period of April 19, 2016 through June 17, 2016, she confirmed that was she was accessing TLC and Visalus sites for her personal business ventures. Spencer advised that she was only logging onto these sites for a few minutes at a time.

According to Spencer, possibly in 2008, when she held the position of Assistant Management Improvement Officer, she was confronted by her then supervisor, Elizabeth Mangold (Mangold), Financial Services Manager, Finance and Administration, as to whether she (Spencer) was working on Tailored Transitions while at work. Spencer advised that she denied working on Tailored Transitions while at work; however she was given the option to either transfer to another division or leave COJ employment. Spencer chose to accept the other position within COJ.

Spencer said that she continued using COJ resources for her personal business ventures because in her opinion, Mangold's concern was more about Spencer spending *excessive amounts of time* versus *Spencer's personal use of COJ resources* in 2008.

Spencer confirmed her signature on the COJ Electronic Communications, Equipment, and Media Policy Acknowledge and Acceptance Form dated October 28, 2015. Spencer advised that she did not recall signing any such document prior to the October 28, 2015 form. Spencer stated that she could not say whether any supervisors were aware of her using her COJ computer and/or e-mail for her personal businesses.

***Statement of Elizabeth Mangold, Financial Services Manager, Finance and Administration***

Mangold stated that from 2007 through 2011, she served as the COJ Retirement Administrator and briefly worked with Spencer. Mangold stated that she did not recall whether she served as Spencer's direct supervisor. She reported that Spencer was reverted to a civil service position for several factors, which included work performance and attendance. Mangold could not recall with certainty, whether this specifically included Spencer working on her personal business venture while at COJ.

Mangold advised she was unaware if Spencer had used her COJ resources for her personal business but deduced it was likely because Spencer appeared to take calls for her home design business on her personal cellular telephone while at work.

***Statement of Kevin Grant, former Finance Manager, Neighborhoods***

Grant stated that he directly supervised Spencer from April or May 2014, until he left COJ employment on January 5 or 6, 2015. Grant advised that he was *not* aware that Spencer had used COJ resources for her personal businesses.

***Statement of Charles McNeil, Finance Manager, Neighborhoods***

McNeil had supervised Spencer since January 2015 (after Grant left COJ) and stated that he was *not* aware of Spencer using COJ resources for her personal businesses.

## **ADDITIONAL FINDING**

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**Charzetta Spencer, Financial Analyst, Neighborhoods Department (Neighborhoods) failed to report her secondary employment to COJ officials.**

## **GOVERNING DIRECTIVES**

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- COJ Ordinance Section 602.403, Moonlighting provisions (c) through (f) (Ord. 1997-890, Ord. 2007-329, and Ord. 2014-457);
- COJ Human Resources Directive #0519 Secondary Employment Policy (effective September 1, 2010); and
- COJ Employee Services Directive Secondary Employment Policy #0519 (effective May 8, 2015 and effective April 1, 2016)

## INVESTIGATIVE FINDINGS

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### *Records Review*

A review of COJ Ordinance Section 602.403, Moonlighting provisions, revealed that effective November 27, 2007, the following requirements pertaining to secondary employment for full-time COJ employees were added:

- Disclose any private, non-city employment upon obtaining said employment or obtaining employment with COJ;
- File a disclosure form with the COJ Office of Ethics, Compliance, and Oversight and provide a copy to COJ Employee Services and the employee's department head;
- File an updated disclosure form whenever any of the information required by the form changes; and
- Obtain prior approval from the Mayor or an individual designated by the Mayor, before accepting non-city employment or engaging in any work for an employer other than the city.

A review of COJ Human Resources Directive #0519 Secondary Employment Policy (effective September 1, 2010) and COJ Employee Services Directive #0519 Secondary Employment Policy (effective May 8, 2015 and April 1, 2016) revealed that each of these policies defined self-employment as any *“contract, self-employment and part-time work as well as any employment for another person or organization for any period of time while employed by [COJ].”* In addition, secondary employment was noted to include operating a business, as well as, any outside work, no matter whether or not any income was currently being generated.

During the OIG investigation, research relating to Spencer's personal business ventures was conducted and the following information was learned:

- Spencer “started a home-based, entrepreneural [*sic*] business with Visalus Sciences in January 2012 . . .” (Duval County Clerk of the Court records);
- Spencer registered the fictitious name “Tailored Transitions” on March 28, 2007, which expired on December 31, 2012 (Florida Department of State Division of Corporations);
- Spencer had been a Business Professor at the University of Phoenix since June 2008 and operated Tailored Transitions since June 2005. She also posted a photograph of herself with several individuals on July 24, 2016, which contained the caption “TLC Executive Directors.” (Social Media); and

- On October 29, 2015, Spencer sent an e-mail to Kimberly Scott (Scott), Interim Director/Operations Director, Neighborhoods, (and blind copied McNeil) with her resume attached. Per a review of the resume, Spencer noted that she had been a professor at the University of Phoenix since 2008.

On September 1, 2016, Pat Mayes, Executive Assistant, Employee Services provided a comprehensive secondary employment list for COJ employees which listed Spencer as having provided information related to TLC. A review of Spencer's secondary employment form revealed that it was dated August 16, 2016, the same date as her interview with the OIG. However, of note, Spencer's secondary employment form had not been approved by appropriate COJ officials until after August 16, 2016.

### *Testimony*

#### *Statement of Charzetta Spencer, Financial Analyst, Neighborhoods*

Spencer reported that since 2007, she had been associated with the following four business ventures during the time frames as noted below. Spencer said that she did not consider any of these business ventures as secondary employment because in her opinion they were sporadic.

- TLC (June 2016 to present)  
Promoted and sold health and wellness products since June 2016;
- Visalus (January 2012 through May 2016)  
Sold health and wellness products from January 2012 through May 2016;
- Mary Kay (December 2011)  
Sold cosmetics for one month, and
- Tailored Transitions (During a three month period in 2007)  
Self-employed as owner of an interior design company; however, she stated that she spent \$1,300 on advertisements in 2012 but did not obtain any business.

Additionally, Spencer confirmed that she worked as a professor for the University of Phoenix between 2008 and 2012. Spencer advised that she did not submit secondary employment forms for the work she was doing outside of COJ as it was sporadic or short-term. However, she thought that she possibly may have submitted a similar form (could not recall any details or time period) to a former supervisor (who supervised her for two to three years), which she thought was related to Visalus. She did not know whatever happened to this secondary employment form.

Spencer thought that Grant, who served as her supervisor prior to McNeil, had been aware of her work with Visalus and the University of Phoenix but there were "no formal sit down[s]." In reference to the October 29, 2015 e-mail to Scott (and McNeil) which contained her resume, Spencer said that no one spoke with her about the University of Phoenix professor reference on

her resume. Spencer also thought she may have mentioned selling TLC products to McNeil but said there was no “formal” discussion about this matter either.

***Statement of Elizabeth Mangold, Financial Services Manager, Finance and Administration***

According to Mangold, she was aware that Spencer had a home design business (name unknown) but could not recall how or when she learned this information. Mangold indicated that she did not know if Spencer had permission to have secondary employment or was even required to do so during this time frame (2007 or 2008).

***Statement of Kevin Grant, former Finance Manager, Neighborhoods***

Grant stated that he directly supervised Spencer from April or May 2014, until he left COJ employment on January 5 or 6, 2015.

Grant indicated he was aware that Spencer had a personal business venture outside of her COJ employment selling Visalus; however he was unaware of Spencer’s employment with the University of Phoenix. Grant advised that he learned of Spencer’s involvement with the Visalus business venture when he attended a Visalus event sometime during 2013 or 2014 after being invited by Spencer. Grant said that he assumed that Spencer was still involved with selling Visalus when she was under his supervision, but did not believe that she was as heavily involved as she had been previously been.

Grant reported that he did not recall if Spencer ever submitted any secondary employment forms. He said that he did not recall whether he asked Spencer to submit a secondary employment form.

Grant stated that he did not think about Spencer needing to report her secondary employment as he was involved with budget matters when Spencer was transferred to his supervision in April or May 2014. However, Grant added that employees would receive e-mails from Scott once a year reminding them to submit secondary employment forms if they had secondary employment or performed volunteer work. He stated that he was not tasked with collecting secondary employment forms.

***Statement of Charles McNeil, Finance Manager, Neighborhoods***

McNeil reported that he had supervised Spencer since January 2015 and stated that he was unaware of Spencer having additional employment or personal businesses outside of her COJ employment.

McNeil recalled the October 29, 2015 e-mail Spencer sent to both himself and Scott regarding her (Spencer’s) resume. According to McNeil, he briefly looked through Spencer’s resume and did not realize that she had noted on her resume that she was a professor at the University of Phoenix. McNeil acknowledged that this was an oversight on his part.

***Statement of Kimberly Scott, Interim Director/Operations Director, Neighborhoods***

Scott reported that although she did not have any personal knowledge, sometime during the past two years she learned, that Spencer was involved in selling dietary products (could not recall product brand).

According to Scott, she did not recall the October 29, 2015 e-mail sent by Spencer to her and McNeil which contained a resume where Spencer listed secondary employment with the University of Phoenix as a professor, and stated that she was not aware of Spencer serving as a professor with the University of Phoenix. Scott advised that it would have been the responsibility of Spencer's supervisor, McNeil to obtain information from Spencer concerning her working at the University of Phoenix.

Scott said that Spencer had recently submitted a secondary employment form after being interviewed by the OIG; however, she (Scott) had no information about whether Spencer had previously submitted a secondary employment form.

## CONCLUSIONS

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Through both records and Spencer's own testimony, during the period of January 1, 2011 through June 22, 2016, Spencer used COJ resources, namely her COJ computer (internet access) and COJ e-mail account that was intended for COJ official business to conduct personal business related to her four personal business ventures. Spencer used COJ resources to access websites associated for her personal business ventures during various times between 8:00 a.m. to 6:00 p.m.

The OIG investigation revealed that Spencer sent and/or received in excess of 325 e-mails through her COJ e-mail account pertaining to her personal business ventures during 2011 through 2016, (with the majority being sent and/or received during 2011 and 2013). In excess of 200 e-mails were related to Spencer advertising and/or marketing, promoting and/or selling, invoicing, inviting individuals (to include COJ employees) to business events hosted by Spencer, as well as other miscellaneous personal business venture related e-mails. These e-mails were sent and/or received by Spencer at various hours throughout the work day.

Based upon records reviewed and statements obtained during this investigation, the allegation that Spencer used COJ resources to operate a personal business was *substantiated*. Based upon both records and Spencer's testimony, this matter was not investigated for time and attendance fraud.

*In addition*, during the course of the OIG investigation, it was discovered that Spencer had never submitted any secondary employment forms until August 16, 2016, even though she had four personal business ventures and one additional work outside of her COJ employment since 2007. Spencer's justification for not submitting any secondary employment forms for her different private business ventures and outside employment was because in her opinion they were sporadic or short-term. Spencer added some of her supervisors may have been aware of her personal business ventures, but she had no formal discussions with any of them about this matter.

Two of her supervisors confirmed they were aware of Spencer having personal business ventures. However, one of the supervisors did not recall whether Spencer had to obtain approval or submit a secondary employment form during 2007 or 2008. The other supervisor stated he did not think about Spencer needing to report this information.

It has therefore been *substantiated* that Spencer was, in addition to the initial allegation, also in violation of COJ Employee Services Directive Secondary Employment Policy #0519 (effective September 1, 2010, and subsequent revisions effective May 8, 2015 and effective April 1, 2016) in that she failed to report secondary employment. After being interviewed by the OIG, Spencer filed a secondary employment form according to policy requirements.

### RECOMMENDED CORRECTIVE ACTIONS

The OIG recommends the following corrective actions:

1. Provide notification to all City employees that Florida State statute and City ordinances and directives prohibit the use of City property for personal benefit, convenience or profit, and that employees are at risk of criminal and disciplinary sanctions for engaging in this prohibited conduct. Employees should be mindful that this includes but is not limited to: city vehicles, computers/printers, and COJ cellphones.
2. Provide notification to all City employees that conducting personal business on City time is prohibited and constitutes payroll theft, and that engaging in such prohibited conduct places employees at risk of criminal and disciplinary sanctions.
3. Ensure that Directors and management staff are reminded that, with regard to reporting secondary employment, on April 4, 2016, the City issued a revised COJ Employee Services Directive #0519 (Effective April 1, 2016) and request that all city employees are again made aware of the new reporting requirements in effect.

In addition, OIG requests that the Administration advise if any personnel action(s) are taken (including all outcomes) as a result of this investigation.

### IDENTIFIED, QUESTIONED, AND AVOIDABLE COSTS

**Identified Costs:** N/A

**Questioned Costs:** N/A

**Avoidable Costs:** N/A

### SPENCER'S RESPONSE

On November 1, 2016, the OIG hand delivered a copy of the draft Report of Investigation to Spencer who was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Report of Investigation within ten (10) calendar days. Spencer did *not* provide a written explanation or rebuttal to the OIG.

### MANAGEMENT COMMENTS AND CORRECTIVE ACTION

On November 1, 2016, the Chief Administrative Officer, Office of Mayor Lenny Curry, City of Jacksonville, FL was provided the opportunity to submit comments, a written explanation, or a rebuttal to the findings as stated in this Report of Investigations within twenty (20) calendar days, due on or before November 21, 2016. The Administration subsequently requested and was

granted an extension with a response then due on or before November 30, 2016. On November 28, 2016, a written response was received from the Office of Mayor Lenny Curry and is attached in its entirety to this report.

As a result of this investigation, the Office of Mayor Lenny Curry reported that it was encouraging all departments to remind employees regarding the COJ Electronic Communications, Equipment and Media Policy, and that it was the responsibility of managers to remind employees of the risk of criminal and disciplinary action for conducting personal business on City time. The Administration noted that this policy includes prohibitions on the use of COJ property for personal use, as well as, conducting personal business on COJ time. In addition, the Administration noted it would remind employees regarding Executive Order 2015-4 Motor Vehicle Safety Policy and COJ Employee Services Directive #0519 Secondary Employment Policy.

Subsequent to the Administration's response, the OIG received a copy of an email dated November 29, 2016, whereby the policies referenced above were sent out to all City Directors requesting them to ensure that all departmental staff were made aware of the policies.

The Administration noted that disciplinary proceedings against Ms. Spencer were initiated on November 16, 2016.

Respectfully Submitted,



Steven E. Rohan  
Interim Inspector General  
December 7, 2016

Attachments:

Management's Response, dated November 28, 2016, (with accompanying attachments)

cc: IG Distribution A

**This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.**

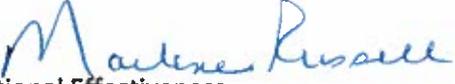


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To: Steve Rohan  
Interim Inspector General

From: Marlene Russell   
Director of Organizational Effectiveness

Date: November 28, 2016

SUBJECT: Response – Draft Report of Investigation  
Case No. 2016-0010

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Based on the conclusions in subject report and the recommended corrective actions from the Office of Inspector General, below are management comments regarding same.

### OIG Report Conclusion

Through both records and Spencer's own testimony, during the period of January 1, 2011 through June 22, 2016, Spencer used COJ resources, namely her COJ computer (internet access) and COJ e-mail account that was intended for COJ official business to conduct personal business related to her four personal business ventures. Spencer used COJ resources to access websites associated for her personal business ventures during various times between 8:00 a.m. to 6:00 p.m.

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Two of her supervisors confirmed they were aware of Spencer having personal business ventures. However, one of the supervisors did not recall whether Spencer had to obtain approval or submit a secondary employment form during 2007 or 2008. The other supervisor stated he did not think about Spencer needing to report this information.

It has been substantiated that Spencer was, in addition to the initial allegation, also in violation of COJ Employee Services Directive Secondary Employment Policy #0519 (effective September 1, 2010, and subsequent revisions effective May 8, 2015 and effective April 1, 2016) in that she failed to report secondary employment. After being interviewed by the OIG, Spencer filed a secondary employment form according to policy requirements.

**Recommended Corrective Action 1:**

Provide notification to all City employees that Florida State statute and City ordinances and directive prohibit the use of City property for personal benefit, convenience or profit, and that employees are at risk of criminal and disciplinary sanctions for engaging in this prohibited conduct. Employees should be mindful that this includes but is not limited to city vehicles, computers/printers, and COJ cellphones.

**Recommended Corrective Action 2:**

Provide notification to all City employees that conducting personal business on City time is prohibited and constitutes payroll theft, and that engaging in such prohibited conduct places employees at risk of criminal and disciplinary sanctions.

**Management Comments (1 & 2):**

The Administration is encouraging all departments to remind and share the attached City of Jacksonville Electronic Communications, Equipment and Media Policy with all employees. Managers are responsible for reminding employees of the risk of criminal and disciplinary actions for violations of the policy which includes the use of City property for personal benefit, and conducting personal business on City time. Please note that the policy was distributed city-wide in October, 2015, and acknowledged via employee signature. We will also share Executive Order 2015-4 – Motor Vehicle Safety Policy with employees regarding the proper use of city vehicles.

**Recommended Corrective Action 3:**

Ensure that Directors and management staff are reminded that on April 4, 2016, the City issued a revised COJ Employee Services Directive #0519 (Effective April 1, 2016) and request that all city employees are again made aware of the new reporting requirements in effect.

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**Management Comments (3):**

Employees will be reminded of the City of Jacksonville Employee Services Directive #0519 regarding Secondary Employment, that was disseminated in April, 2016.

In addition, OIG requested that the Administration advise them of any personnel action(s) taken as a result of this investigation. Ms. Spencer was terminated on November 16, 2016.

The Administration takes the investigation findings listed very seriously and has reviewed each recommended corrective action and responded accordingly.

Please let me know if you have any questions.

cc: Lisa Green, Director of Investigations  
Sam E. Mousa, P.E., Chief Administrative Officer  
Diane Moser, Acting Director, Employee Services Department  
Marsha Oliver, Director, Public Affairs  
File No. 2016-0010

Attachments: City of Jacksonville Electronic Communications, Equipment and Media Policy  
Executive Order No. 2015-4, Motor Vehicle Safety Policy  
Employee Directive 0519 – Secondary Employment Policy  
C. Spencer – Notice of Immediate Suspension without Pay and Dismissal Action

**CITY OF JACKSONVILLE**  
**ELECTRONIC COMMUNICATIONS, EQUIPMENT AND MEDIA POLICY**

Responsible Division\Dept :	Information Technologies Division
Last Updated:	October 14, 2015
Last Reviewed:	October 14, 2015

Purpose ..... 2

Applicability..... 2

Internet/Email/Online Usage/Equipment/Media ..... 2

    City Resources are for City Business ..... 2

    Confidentiality ..... 2

    Limited Personal Use ..... 2

    Limited use of external e-mail services ..... 2

    Music/Video ..... 2

    Specific Prohibitions and Limitations ..... 2

Exception Process ..... 3

Employee Responsibilities ..... 4

Management Responsibilities ..... 4

Policy Enforcement ..... 4

Exception Process ..... 5

Definitions ..... 5

Acknowledgement and Acceptance Form ..... 6

## **ELECTRONIC COMMUNICATIONS, EQUIPMENT AND MEDIA POLICY**

### **Purpose**

This policy defines the appropriate use of technology resources that are owned by the City of Jacksonville and provided for employee use. Departments are encouraged to issue their own policies that augment or adopt this policy through reference, but not to supersede or contradict it. Each department based on operational need may need to further define terms such as "Limited Personal Use" in terms that are appropriate, clear, and concise for their work force.

### **Applicability**

This policy applies to anyone who uses City technology resources including employees, temporary employees, contractors, vendors, and all others.

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### **Internet/E-mail/Online Usage/Equipment/Media**

#### ***City Resources are for City Business***

City-owned technology resources shall serve the business needs of the City of Jacksonville.

#### ***Confidentiality***

City-held information on the constituents of the City of Jacksonville may not be disclosed without a clear business need, or public disclosure request.

#### ***Limited Personal Use***

City-owned technology resources may be used for personal purposes on a limited basis, providing the following requirements are met:

- No marginal cost to the City
- No interference with work responsibilities
- No disruption to the workplace
- Supervisor is aware of use and approves

#### ***Limited use of external e-mail services***

The limited use of an external e-mail service is allowed, providing that the service applies anti-malware controls in a manner equivalent to that provided by the City.

#### ***Music/Video***

City computers must not be used to store music/audio/video files for personal use.

#### ***Specific Prohibitions and Limitations***

City policies regarding acceptable behavior and communication will apply to the use of the Internet and messaging. Specifically prohibited use includes, but is not limited to:

- Political campaigning;
- Conducting a private business;
- Accessing sites which promote exclusivity, hatred, or positions which are contrary to the City's policy of embracing cultural diversity;
- Accessing inappropriate sites including adult content, pornographic material, online gambling, and dating services;
- Accessing sites that promote illegal activity, copyright violation, or activity that violates the City's ethical standards;
- Using the internet to obtain or disseminate language or material which would normally be prohibited in the workplace;
- Making unauthorized general message distributions to all users (everyone);
- Sharing or storing unlicensed software or audio/video files;

- Using security exploit tools (hacking tools) to attempt to elevate user privileges or obtain unauthorized resources;
- Using a City e-mail address when posting to public forums (example: blogs, wikis and discussion lists for personal use);
- Accessing sites that distribute computer security exploits ("hacking" sites);
- Excessive use of online shopping;
- Excessive use of streaming media for entertainment during work hours;
- The use or installation of unauthorized Instant Messaging, (example: AIM, Yahoo Instant Messenger, Meebo, IRC, etc.);
- Using recreational games;
- Using unauthorized peer-to-peer networking, (example: E-Mule, Kazaa, Limewire, Warez, etc.); this includes all torrent drivers and sites (example: Bittorent, utorrent);
- The Use of "soft" VoIP phones (example: Skype, Vonage, etc.)
- Using unauthorized social media includes personal websites and all types of online communities (example: Facebook®, Yelp®, YouTube™, Twitter™, blogs, message boards, and chat rooms).
- Creating or forwarding a chain letter, joke, solicitation, offer to buy or sell goods, or other non-business material of a trivial or frivolous nature;
- Working on behalf of organizations without any professional or business affiliation with City of Jacksonville;
- Monitoring or intercepting files or electronic communications of employees or third parties;
- Using another employee's account or identity without explicit authorization;
- Permitting unauthorized persons to access the City's e-mail system;
- Using personal storage devices on City-owned personal workstations and laptop computers. These devices include, but are not limited to, USB storage & smart phones.

**If any of the above prohibited uses is required for a legitimate business reason, it is management's responsibility to follow the exception process as referenced below.**

***Additional Cost to the City***

Resources that incur a cost to the City, whether accessed via the Internet, mobile/PDA, e-mail or other applications, must not be accessed or downloaded without prior approval. It is the supervisor's responsibility to assure the business need, applicability, and safety of any new resource.

***No Expectation of Privacy***

Nothing in this policy confers an individual right or be construed to provide an expectation of privacy. Employees must not expect privacy in the use of City communications and digital equipment.

***Conflicts***

If any component of this policy conflicts with any applicable collective bargaining agreement, the collective bargaining agreement shall control. The remaining non-conflicting features of this policy shall remain in effect.

**Use Standard Resources Only:** Digital equipment and all applications must be authorized and installed by appropriate personnel. Only software, hardware, and communication protocols that meet the City's defined standards will be installed unless an exception has been documented in writing.

**Asset Management:** Documentation must be established and maintained regarding the electronic communications equipment asset, its location, and the user responsible for its care by ITD. All reassignments or relocations of electronic communication equipment must be requested through the ITD Service Desk for proper tracking and asset management. Users must surrender their portable electronic communications equipment within five business days upon request from ITD.

**Theft of City of Jacksonville-provided equipment and information:** Employees are prohibited from taking unauthorized pieces of the City's-provided electronic communications equipment with them from City facilities. The City conducts audits of electronic communications systems and devices to ensure that employees have all appropriate pieces of equipment according to the equipment assigned to them and the division/department. The unauthorized removal of equipment, technology assets, or devices from City facilities is considered to be theft, and employees are subject to discipline, up to termination, according to the City's discipline policy for any such actions. Employees also may be subjected to appropriate legal action.

#### **Employee Responsibilities**

- Monitor personal use of the internet, messaging, and other applications, to ensure that the City is being appropriately served.
- Adhere to City standards as discussed in the policy language above.
- Read and adhere to relevant policies.
- Obtain authorization from his/her supervisor before incurring charges (example: downloading data or accessing a paid service).
- Request ITD Service desk to download and install software unless express consent has been granted for employees to download and install software.
- Ensure all work files are stored on the employee's assigned network "F: drive".
- No files of a personal or work nature are to be stored on the employee's local "C: drive".

#### **Management Responsibilities**

- Support enterprise-grade technology to enforce this policy, to ensure that the primary purpose of that use is to meet City business needs, and that relevant City standards are met.
- Review and make decisions regarding the approval of all non-work related broadcast announcements. Acceptable uses for non-work related broadcast announcements would include arrival or departure of a department employee or a departmental charitable campaign event.

#### **Policy Enforcement**

In order to safeguard City resources, violators of this policy may be denied access to City computing and network resources and may be subject to other disciplinary action within and outside the City. Violations of this policy will be handled in accordance with the City's established disciplinary procedures.

The City may temporarily suspend, block or restrict access to computing resources and accounts, independent of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, confidentiality, or availability of City computing and network resources, or to protect the City from liability.

If violations of this policy are discovered, the City will take appropriate actions to resolve the issue and violators may be subject to disciplinary measures. If violations of this policy are discovered that are illegal activities, the City may notify appropriate authorities. The City reserves the right to pursue appropriate legal actions to recover any financial losses suffered as a result of violations of this policy.

Questions regarding this policy or to report misuse of this policy, please contact the ITD Service Desk at 255-1818.

### **Exception Process**

Exceptions to this policy will be requested through the ITD Service Desk at 255-1818. Exceptions will be documented in writing and retained according to existing retention schedules. The request must include these three key components:

- A clearly defined description of the exception including the time period for the exception.
- A business case for the exception.
- Approval by a Department Manager.

ITD shall review all exception requests for appropriateness. Upon approval of the exception, ITD will grant any necessary access.

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### **Definitions**

- **Internet:** the Internet is a worldwide "network of networks," including bulletin boards, World Wide Web (WWW), data servers, applications, messaging services, and other functions and features, which accessed via a computer, a BlackBerry, or other client devices.
- **Digital Equipment:** Includes but is not limited to computers, laptops, telephones, cellular telephones, Personal Digital Assistants (PDAs), digital cameras and combination devices such as Blackberries and iPhones®. Any technology provided by the City for communications, computing, printing, etc. is covered by this definition.
- **Data Files:** Information contained in files such as e-mail messages, database tables, telephone records, extracts from databases or output from applications.
- **Messaging:** Any technology used to facilitate digital communication, including but not limited to Instant Messaging (IM), electronic mail (e-mail, both City-provided and through external services for personal use), peer-to-peer networking (P2P), mobile, fixed, and software-based voice over Internet protocol (VoIP) telephones.
- **City-owned Technology Resources:** Technology resources paid for by city funds, including, but not limited to: Internet/Intranet/Extranet-related systems, computer equipment, software, operating systems, storage media, and network accounts providing electronic mail, and systems that enable web browsing, and file transfer.
- **Social Networking / Media:** Any Internet site that is focused on creating "networks" of individuals, online platforms that facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content such as MySpace, Facebook, etc.
- **Hacking/Hacking Tools:** Behavior and tools designed to circumvent security measures, or to otherwise effect unauthorized changes to computer hardware or software.
- **Peer-To-Peer Networking:** Protocol or service for networking devices without a centrally managed server.
- **Communication protocol:** An agreed-upon method of communication used within networks.
- **Malware:** A general term for potentially hostile software; encompasses viruses, Trojans, spyware, etc.
- **Remote.coj.net:** Remote connections are maintained by the City and allow users to access their City workstation and certain City applications. Remote connections will be limited only to employees who are required to access City applications other than e-mail from remote locations.



<b><u>ELECTRONIC COMMUNICATIONS, EQUIPMENT AND MEDIA POLICY</u></b>	
<b>Acknowledgement and Acceptance Form</b>	
<b>Completed by Employee</b>	<b>Date:</b>
<b>Name of Employee:</b>	<b>Employee Number:</b>
<b>Employee's Department:</b>	<b>Employee's Division:</b>
<b>Supervisor's Name:</b>	
I acknowledge that I have been provided with a copy of the Electronic Communications, Equipment and Media Policy. I understand that it can be located on the employee portal that it is my responsibility to abide by its stipulations.	
<b>Employee Signature:</b>	<b>Date:</b>
<b>The employees signature must be witnessed by the employee's supervisor or a management designee:</b>	
<b>Witnesses Signature:</b>	<b>Date:</b>

CC: Human Resources Division / ECEM



## OFFICE OF MAYOR ALVIN BROWN

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### EXECUTIVE ORDER NO. 2015-4

**TO: All Elected Officers, Department Heads, Division Chiefs and Independent Agencies**

**FROM: Alvin Brown, Mayor**

**SUBJECT: Motor Vehicle Safety Policy**

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By virtue of the authority vested in me as Mayor by the Charter of the City of Jacksonville and by Section 20.107, *Ordinance Code*, and as chief executive and administrative officer of the Consolidated Government, it is ordered as follows:

#### Background

The City of Jacksonville places a high priority on the safety of its citizens, employees, and property. It is incumbent upon the City to take precautions as to the reliability of its driving employees. This Executive Order establishes procedures to ensure that employees are properly certified and held accountable for their driving performances.

The City has invested millions of dollars in a large, diverse fleet of vehicles. Vehicular collisions impose a financial burden on the City and adversely impact the ability to provide necessary services. It is the duty and responsibility of the employees who operate motor vehicles to make every reasonable effort to protect those assets. Therefore, this Executive Order is a "Loss Prevention Tool" establishing minimum conditions and procedures for becoming certified to drive for the City.

The application of this Executive Order is not disciplinary in nature and by no means limits the reasonable and appropriate terms and conditions City departments and independent agencies may place upon their drivers. Additionally, it is not intended to limit fair and appropriate employee discipline initiated by City departments and independent agencies.

#### Part 1 – General Provisions

##### 1.01 Scope

This Executive Order replaces Executive Order 92-161 in its entirety and applies to all City departments except the Jacksonville Fire and Rescue Department ("JFRD"). The

Independent Agencies, Constitutional Offices (as defined below), and JFRD (collectively, "Members") participating in the risk management program under Chapter 128, *Ordinance Code* may voluntarily utilize this Executive Order for establishing driver safety protocols or, at their discretion, develop their own safety directives, policies, and procedures due to hazards unique to their operations. This Executive Order applies only to Public Drivers who operate Public Vehicles and Privately Owned Vehicles, when a Privately Owned Vehicle is used in the course and scope of City business (collectively, "Motor Vehicles"). Members shall enforce and provide copies of their applicable policies and standard operating procedures to the Risk Management Division. Members shall also cooperate with the Mayor's Vehicle Safety Board, established pursuant to Part 5 of this Executive Order, by providing data from their independent review of vehicle accidents, misuse, abuse, damage to or liability from the operation of Public Vehicles. This Executive Order supersedes any existing City vehicle related policies to the extent of a conflict. City policies concerning vehicles shall meet the letter and spirit of this Executive Order.

### 1.02 Use of Privately Owned Vehicle

Section 106.706, *Ordinance Code*, allows for the reimbursement of certain expenses associated with using a Privately Owned Vehicle for City business when a Public Vehicle is not available or would be less economical. The provisions of this Executive Order apply to such use, including the requirements for certification and accident reporting. Public Employees that require a City Driver Certification shall not be permitted to use Privately Owned Vehicles on City business unless they possess a current and valid City Driver Certification. A Public Driver operating a Privately Owned Vehicle for City business shall have auto insurance coverage with limits not less than what is required for financial responsibility under Chapter 324, *Florida Statutes* and Title 33, *Georgia Code*, as applicable.

### 1.03 Definitions

In this Executive Order, unless the context requires otherwise, the words below shall have the following meanings:

- (a) **"Accident"** means a collision involving a Motor Vehicle regardless of the amount of damage to public or private property or the extent of physical injury suffered.
- (b) **"Board"** means the Mayor's Vehicle Safety Board as established in Part 5 of this Executive Order.
- (c) **"Certification Coordinator"** means the employee(s) designated by each City department and participating Member as the person responsible for acting as a liaison between his or her respective City department, Independent Agency or Constitutional Office and the Risk Management Division.

- (d) **“City Driver Certification”** means the “City of Jacksonville Motor Vehicle Operator Certification”.
- (e) **“City Employee”** means an employee of the City of Jacksonville, who is not an employee of an Independent Agency, Constitutional Office, or JFRD, regardless of the funds used to pay the employee’s salary or wage, and regardless of the employee work status (e.g. temporary or permanent, full-time or part-time).
- (f) **“City Safety Officer”** means the person bearing the title “Safety Officer” within the Risk Management Division.
- (g) **“Constitutional Offices”** refers to the following Jacksonville elected offices: the Supervisor of Elections, the Tax Collector’s Office, the Property Appraiser’s Office, the Clerk of the Courts, and the Jacksonville Sheriff’s Office.
- (h) **“Department Disqualification”** means a written disqualification by a Department Executive where good cause is established to believe that the operation of a Motor Vehicle on the roads or highways by a Public Employee would be detrimental to the safety or welfare of the public.
- (i) **“Department Executive”** means the person appointed by the Mayor to exercise control over a department of City government.
- (j) **“Driver License”** means an employee’s Driver License or a Commercial Driver License (CDL) issued by the employee’s official state of residence, including its conversion to a State of Florida license, if required by law.
- (k) **“GVWR”** means Gross Vehicle Weight Rate. The GVWR is the value specified by the manufacturer as the maximum loaded weight of a single, combination, or articulated vehicle as stated in Section 322.01(23), Florida Statutes, as amended.
- (l) **“Independent Agency”** means an agency of the Consolidated Government, which participates in the self-insured risk management program under Chapter 128, *Ordinance Code*, which excludes the Jacksonville Transportation Authority and the School Board of Duval County.
- (m) **“Medical Disqualification”** means a diagnosis provided by a licensed medical professional that indicates the employee is not physically or mentally fit to drive. Nothing contained herein is intended to limit an employee’s disability rights under state or federal law.
- (n) **“Member Employee”** means an employee of either an Independent Agency, Constitutional Office, or JFRD regardless of the funds used to pay the employee’s

salary or wage, and regardless of the employee work status (e.g. temporary or permanent, full-time or part-time).

- (o) **“Member Executive”** means, in the case of an Independent Agency, the governing body thereof or, if authorized by the governing body, the chief administrative officer thereof; in the case of a Constitutional Office, the elected official; in the case of JFRD, the Director of Fire and Rescue.
- (p) **“Member Disqualification”** means the written disqualification by a Member Executive where good cause is established to believe that the operation of a Motor Vehicle on the roads or highways by a Public Employee would be detrimental to the safety or welfare of the public.
- (q) **“Motor Vehicle”** references, collectively, a Public Vehicle and Privately Owned Vehicle in use for City business by a City employee or participating Member Employee.
- (r) **“Permanent Revocation”** means revocation for the duration of an employee’s employment.
- (s) **“Privately Owned Vehicle”** means a vehicle, equipment, or apparatus which is neither owned, rented, leased nor furnished by the Constitutional Offices, the City or its Independent Agencies, or any other governmental entity.
- (t) **“Public Driver”** means a Public Employee who is required to have a City Driver Certification to drive a Motor Vehicle pursuant to the provisions and requirements of this Executive Order.
- (u) **“Public Employee”** means a City Employee or participating Member Employee, regardless of the funds used to pay the employee’s salary or wage, and regardless of the employee work status (e.g. temporary or permanent, full-time or part-time).
- (v) **“Public Vehicle”** means any vehicle, equipment, or apparatus that is owned, hired, rented or furnished for travel by or on behalf of the Constitutional Offices, the City or its Independent Agencies, or any other governmental entity.
- (w) **“Risk Management”** means the division within the Finance Department of the City of Jacksonville that is responsible for administering the City’s self insurance and loss prevention programs.
- (x) **“Additional Statutory Definitions”** means the definitions found in Florida Statute Chapter 316 State Uniform Traffic Control, traffic laws of Florida and Chapter 322, Motor Vehicle Driver License of Florida.

**1.04 Administration of Executive Order**

The City Safety Officer, as designated by the Risk Manager, shall administer this Executive Order.

**1.05 Records**

The Risk Management Division shall establish a database of each Public Driver under this Executive Order. The Certification Coordinator shall maintain a record of the application for each certified driver in his or her department.

**1.06 Functions of Certification Coordinators**

The Certification Coordinators shall serve as liaisons to Risk Management in the oversight and administration of driver safety. Specific duties of the Certification Coordinator shall include but are not be limited to:

- (a) Ensuring new employees submit City Driver Certification applications to Risk Management Division.
- (b) Assisting in the scheduling and tracking of his or her employees' attendance and completion of the City approved safe driver course.
- (c) Attending periodic Certification Coordinators meetings.
- (d) Receiving and distributing City operator certification cards.
- (e) Assisting in maintaining a tracking record for the application of driver certifications and their renewal.

**Part 2 – Use of Public Vehicles**

**2.01 Proper Use of Vehicles**

All Public Vehicles used by Public Drivers must at all times be utilized in a responsible and economical manner. Failure to do so shall subject the Public Employee to appropriate discipline or other administrative action as set forth herein.

**2.02 Private Use of Public Vehicles**

Unless permitted as described in 2.02(b) below, private use of Public Vehicles is prohibited under Section 122.301, *Ordinance Code*.

- (a) Private use includes, but is not limited to, the following:

- (1) Travel to or from home unless such use meets the requirements of Section 2.02(b) of this Executive Order;
  - (2) Stopping to accomplish personal business while performing City business duties or functions;
  - (3) Travel solely for the purpose of accomplishing personal business; or
  - (4) Transporting anyone other than City employees without written permission from Public Driver's Department Executive or participating Member Executive.
- (b) The use of a Public Vehicle that would otherwise be a private use under Section 2.01(a) of this Executive Order may become permissible when necessary for the performance of City business, duties, or functions under the following conditions:
- (1) When the using Public Driver is required to be on call for duty for a twenty-four (24) period; and
  - (2) The Department Executive or participating Member Executive provides written authorization; or
  - (3) The City or participating Member has specifically furnished the Public Employee a Public Vehicle as part of the Public Employee's contract for employment with the City or participating Member.

### **2.03 City Business Outside of the State of Florida**

If the Public Driver's City business will require driving out of the State of Florida, the City Employee or participating Member Employee should obtain a commercially available rental car including the optional liability insurance coverage for the duration of the rental period. Except for JSO and JFRD vehicles, Public Vehicles are not authorized to leave the State of Florida unless prior written authorization is provided by the Chief of Fleet or as authorized by the Member's written rules and policies.

### **2.04 Avoiding Distracted Driving**

Public Drivers must realize that driving safely enhances productivity. Productivity is undermined when a Public Driver has an accident, particularly where the accident results in injury or death. Distracted driving is one the most significant factors leading to liability, injury, and loss of life from vehicular accidents. Accordingly, all Public Drivers must adhere to Florida's driving laws and refrain from behaviors that distract drivers from providing their full attention to the task of driving. Distracted driving includes, but is not

limited to the following actions while driving: texting, eating, drinking, using a hand-held mobile communication device or using a hands-free mobile communication device. Often a passenger can handle communication tasks. The Public Driver can also safely pull over and stop the motor vehicle to handle such tasks. Avoiding distracted driving will save lives and dollars.

**2.05 Seatbelts**

No Public Employee shall operate any Motor Vehicle without wearing a seatbelt. For purposes of clarity, the occupants of the Motor Vehicle must also have secured their seatbelts prior to the Motor Vehicle being shifted into drive.

**2.06 Smoking in Public Vehicles**

All forms of smoking, including electronic simulating devices, are prohibited in all Public Vehicles.

**2.07 Authorized Persons Permitted To Ride in Public Vehicles**

Only Public Employees on duty are authorized to be transported in Public Vehicles. The only exceptions are for departments whose normal operations include public transportation services as provided by the City. Department Executives or participating Member Executives are authorized to allow transportation of non-employees for City business, and only with their knowledge and approval to do so. Transportation of any non-employee in a Public Vehicle is strongly discouraged and should not be abused when other provisions can be made. This shall not invalidate any existing car allowance provided by the City or the participating Member.

**2.08 Unattended Motor Vehicles**

No Public Driver shall allow any Public Vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key.

**2.09 Warning Lights**

In order to protect citizens and employees alike, any road or street maintenance equipment, vehicles, or road service vehicles will show or display amber lights or flashing white strobe lights when in operation or when a hazard exists, as permitted pursuant to Section 316.2397, Florida Statutes.

**2.10 Headsets**

No Public Driver shall operate a Motor Vehicle while wearing a headset, headphone, or other listening device other than a hearing aid or instrument for the improvement of impaired hearing, pursuant to Section 316.304, Florida Statutes.

#### **2.11 Securing of Load or Equipment**

- (a) All loads on a Public Vehicle shall be secured to prevent the load from shifting, dropping, or blowing onto the road or other vehicles.
- (b) It is the duty of all operators of any Public Vehicle hauling dirt, sand, lime rock, gravel, silica, trash, garbage or any similar material to prevent such material from falling, blowing, or in any way escaping from such Public Vehicle. Covering and securing the load with any available close fitting tarpaulin or other appropriate cover is required.

#### **2.12 Unauthorized Marking of City Vehicles**

Chapter 122, Part 3, *Ordinance Code*, defines required marking for Public Vehicles. No Public Vehicle will display any commercial advertisement or endorsement unless specifically approved by Fleet Management. This restriction includes but is not limited to bumper stickers, window decals, flags or pennants, election candidate materials, or any other similar device or application.

#### **2.13 Public Vehicle and Inspections**

City Departments and participating Members that have custody of Public Vehicles shall maintain, at a minimum, the procedural standards of accountability and inspections set forth below:

- (a) Key Control: Ignition keys should be accounted for at all times. Spare keys should be under locked control.
- (b) All Public Vehicles shall have a copy of the Vehicle Registration, City vehicle "Proof of Insurance Card" and accident reporting form/instructions.
- (c) All Public Vehicles shall have a documented quarterly inspection. Documentation of the inspection shall be forwarded to the Risk Management Safety & Loss Prevention Section within five (5) business days of the inspection.

### **Part 3 – Certification and Training**

#### **3.01 Certification Required**

Public Employees must acquire and maintain a City Driver Certification to operate a Motor Vehicle if either the Public Employee's job description specifically requires him or her to operate a Motor Vehicle or the City department or participating Member's operational policies require the Public Employee to drive regularly. The original certification will be issued to the Public Employee with a copy to the Certification Coordinator. Upon termination of employment, the certification shall terminate and the Public Employee shall surrender such certification to the Certification Coordinator. Each City department and participating Member may establish procedures for confirming certification of its Public Employees who drive.

### **3.02 Public Driver Certification Requirements**

The City Safety Officer is responsible for issuing all City Driver Certifications. In order to obtain a City Driver Certification, a Public Employee shall meet the following minimum requirements:

- (a) 18 years of age or older;
- (b) Possess a valid Driver License that shall not be under suspension or revocation by the respective State Department of Highway Safety and Motor Vehicles or by any court, or be the subject of any suspension or revocation proceedings;
- (c) Have attended and successfully passed the City's approved safe driving course no more than six (6) months preceding the application. Documentation of attendance in the course is required and a copy of such documentation must be forwarded with the application for certification to the City Safety Officer. If exceptional circumstances warrant, at the City Safety Officer's discretion, a temporary City Driver Certification can be issued until the Public Driver passes the approved safe driving course, provided the Public Driver meets all other selection criteria; and
- (d) The Public Employee applicant shall not have:
  - (1) pled guilty to, been cited for, or convicted of a violation of any traffic law resulting in an accident that caused the death of another or convicted of Driving Under the Influence (DUI) in any state during the thirty-six (36) months immediately preceding application for certification;
  - (2) permitted an unlawful or fraudulent use of the employee's Driver License or knowingly been a party to the obtaining of a Driver License by fraud or misrepresentation, or displayed or represented as the employee's own any Driver License not issued to the employee;

- (3) any of the following restrictions imposed on his or her Driver License: (1) Hardship license restriction (due to a safety related violation) or (2) Probation/Inter Lock Device; or
- (4) been cited for more than two (2) serious moving violations in the thirty-six (36) months immediately preceding application for certification; serious moving violations include:
  - i. speeding resulting in an accident;
  - ii. speeding more than 15 mph above posted speed limit;
  - iii. moving violation resulting in a crash;
  - iv. failing to stop at a traffic signal;
  - v. passing a stopped school bus;
  - vi. reckless driving;
  - vii. leaving the scene of an accident; or
  - viii. having an open container as operator

### 3.03 Driver License Classification

Public Drivers will be certified to operate Public Vehicles up to and including the class indicated on their Driver Licenses. Classes of motor vehicles adopted for use by the City coincide with the classes used by the Department of Highway Safety and Motor Vehicles. These classes are:

- (a) **Class A** Any combination of Public Vehicles with GVWR of 26,001 pounds or more, provided the GVWR of the vehicle(s) being towed is more than 10,000 pounds.
- (b) **Class B** Any single Public Vehicle with a GVWR of 26,001 or more.
- (c) **Class C** Any single Public Vehicle transporting placardable amounts of hazardous materials or designed to transport more than 15 persons, including the driver, with a GVWR of less than 26,001 pounds.
- (d) **Class E** Any single Public Vehicle less than 26,001 pounds GVWR not classified as A, B, or C.

**NOTE:** Classes A, B, and C require a Commercial Driver's License

### 3.04 Administration of the Certification Procedure

- (a) Each City department and participating Member shall designate a Certification Coordinator.

- (b) Each applicant must complete and sign a standardized form "Application for City Driver Certification".
- (c) A Public Driver shall complete and pass the City approved safe driving course once every four years.

### **3.05 Certification Upgrade and Renewal**

- (a) To upgrade a license "class", the Public Driver must submit an application for certification to the City Safety Officer. The Public Driver shall include a photocopy of the front and back of his or her current Driver License.
- (b) Public Driver certifications shall expire every four years from date of issuance.
- (c) The City department or participating Member's Certification Coordinator, along with the Public Driver, share the responsibility for requesting re-certification as a Public Driver.
- (d) At least ten (10) business days prior to the expiration of a Public Driver's Driver License, the Public Driver shall submit a completed application for re-certification and photocopy of the front of the new Driver License.
- (e) The name listed on the Public Driver's Driver License shall match the name listed in the City's or the participating Member's official human resources personnel file.

### **3.06 Suspension or Revocation of Certification**

The Mayor's Vehicle Safety Board may suspend or revoke a Public Driver's certification as provided below and in Part 6 of this Executive Order.

- (a) The Public Driver's certification shall be suspended under the following circumstances:
  - (1) The Public Driver's Driver License is suspended by administrative or judicial action of the state;
  - (2) The Public Driver has been involved in an Accident while operating a Motor Vehicle that causes serious personal injury or property damage and the Public Driver is found to have committed the driving violation or infraction by a court of competent jurisdiction or the Public Driver enters a plea of no contest;

- (3) The Public Driver has permitted another person not properly certified under this Executive Order to operate a Public Vehicle or use the Public Driver's certification;
  - (4) The Public Driver has made a material false or erroneous statement on or in connection with any application, report of training, accident report, or other documentation required or permitted to be filed under this Executive Order;
  - (5) The Public Driver has accumulated excessive points, as provided in Section 6.04 of this Executive Order, to warrant suspension;
  - (6) The Public Driver is medically disqualified until such time that the medical disqualification has been removed by competent medical authority and written documentation of the same is submitted to the Risk Management Division; or
  - (7) The Public Driver is departmentally disqualified until such time as the departmental disqualification has been removed in writing by the Department Executive or participating Member Executive and submitted to the Risk Management Division.
- (b) The Public Driver's certification shall be revoked under the following circumstances:
- (1) The Public Driver has committed an offense for which mandatory revocation of the employee's Driver License under Section 322.26, Florida Statutes would be required upon conviction;
  - (2) The Public Driver is convicted of any offense listed in Section 322.26, Florida Statutes;
  - (3) The Public Driver's Driver License is revoked by administrative or judicial action of the state;
  - (4) The Public Driver has accumulated excessive points, as provided in Part 6.04 of this Executive Order, to warrant revocation; or
  - (5) The Public Driver has been involved in an Accident while operating a Motor Vehicle that results in a death and the Public Driver is found to be legally at fault by a court of competent jurisdiction.
- (c) Public Drivers and their respective Certification Coordinators shall be notified in writing of the suspension or revocation of their Public Driver Certifications.

- (d) Suspensions and revocations shall commence immediately on the date an order is issued as provided in this Executive Order.
- (e) Suspensions shall last for no more than 365 days, as stated in Part 6 of this Executive Order.
- (f) A Public Driver whose driver certification has been revoked may not reapply for certification for a minimum of 365 days.

### **3.07 Annual Driver License Check**

Risk Management shall perform, at a minimum, annual Driver License checks on all Public Drivers.

## **Part 4 – Motor Vehicle Accident Reporting**

### **4.01 Requirement to Report an Accident**

- (a) Every Accident involving a Motor Vehicle shall be reported to JSO (if in Duval County) or to the local police department where the Accident occurs, regardless of the apparent property damage or resulting bodily injury. It is the responsibility of the Public Driver to ensure that the Accident is reported to his or her supervisor immediately to ensure proper investigation and documentation. Accident reporting forms should be available in the glove compartment of the Public Vehicle. Risk Management can provide vehicle accident reporting forms if there is not one immediately available or the Accident occurs while a Public Employee is operating his or Privately Owned Vehicle. Unless for good cause, these forms shall be completed within the next business day and forwarded to the City Safety Officer. A Supervisor Accident Investigation report shall be provided to Risk Management within 48 hours of the accident date.
- (b) Any Public Vehicle involved in an Accident must be taken to Fleet Management for an estimate of repairs prior to continued use for City business. Vehicles shall not be repaired until a vehicle accident report, Supervisor's Accident Investigation report, and, if applicable, the police report is provided to Fleet Management.

### **4.02 Drug Testing**

Workers' Compensation rules, union contract agreements, and City Administration policy, procedures, and guidelines established by the human resources department of the City or the participating Member will govern drug testing should a Public Driver have an Accident during the course and scope of employment.

## **Part 5 – Mayor’s Vehicle Safety Board**

### **5.01 Establishment; Members**

- (a) The Mayor’s Vehicle Safety Board is herein established. The Board shall be composed of the following voting members or their designees:
  - (1) Director of Finance – Chairperson;
  - (2) Director of Recreation and Community Services;
  - (3) Director of Public Works;
  - (4) Chief of Fleet Management;
  - (5) Chief of Planning and Development;
  - (6) JSO Safety Officer;
  - (7) JFRD Safety Officer; and
  - (8) Local Unions Representatives
    - i. Laborers’ International Union of North America (LIUNA) (630) ;
    - ii. American Federation of State, County, and Municipal Employees (AFSCME);
    - iii. Management and Confidential (M & C);
    - iv. Communication Workers of America (CWA); and
    - v. Jacksonville Supervisors Association (JSA)
- (b) It is recommended that voting members, or their designees, attend meetings on an occasional basis to become familiar with the operation of the Board.
- (c) Legal service for the Board will be provided by the Office of General Counsel.
- (d) The Finance Department shall provide a recording secretary.
- (e) The Risk Management Division of the Finance Department shall provide the Board with administrative support, including personnel services, equipment, and supplies.

### **5.02 Conduct of the Board**

- (a) The Chairperson shall preside at all meetings of the Board, shall vote only in the event of a tie vote, and shall sign all written determinations, including all suspensions and revocations. The Chairperson shall also be responsible for reporting final decisions to the Public Driver and Certification Coordinator as made by the Board pursuant to the requirements of this Executive Order.
- (b) The Board requires the physical presence of the Chairperson and at least six (6) voting members or their designees to establish a quorum.

- (c) The Board Secretary shall gather and present all Accidents and violations of this Executive Order to the Chairperson. The Chairperson shall conduct a review of these Accidents and violations to determine if there is cause for a Board review and possible point assessment. If the Chairperson determines there is cause for a Board review, the Chairperson shall convene a meeting of the Board to review each case.
- (d) The Public Driver, after notice, will be given a chance to be heard and present evidence to the Board prior to any final determination of the Board.
- (e) The Board shall determine by majority vote of those present whether the Accident at issue involved any unsafe actions by the Public Driver. If the Public Driver exhibited any unsafe actions, the Board will assign points as specified in Part 6 and may determine if the City Driver Certification shall be suspended or revoked as necessary.
- (f) If the Board deems any of the Public Driver's actions as unsafe, the Board shall provide its findings to the respective Department Executive or participating Member Executive for counseling or disciplinary action and to the Office of the General Counsel for such reimbursement action as may be legally appropriate in accordance with this Executive Order and the Ordinance Code.
- (g) The Board and its members shall comply with the Government-In-The-Sunshine Requirements of Section 286.011, Florida Statutes, as may be amended.

### **5.03 Reimbursement for Damages**

If the Board determines that a Public Driver demonstrated an unsafe practice in the course of an Accident, the City department or participating Member in which Public Driver belongs shall be subject to an increased allocation from the General & Automobile Liability portion of the City's Self-Insurance Fund.

## **Part 6 – Board Administrative Procedures**

### **6.01 Point Assignment**

The Board shall be provided with such evidence of an Accident or violation that supports the assignment of points under this Executive Order. The Board Secretary shall notify, in writing, those Public Drivers who have points assigned against their City Driver Certifications, with a copy delivered to the Certification Coordinators within five (5) business days following the Board meeting. The effective date of the assignment shall be the date of the Board meeting unless otherwise noted. Actions taken by the Board may be appealed as discussed in Section 6.02 of this Executive Order.

### **6.02 Right to Appeal Board's Decision**

The Board's decision shall be deemed a final agency action. As to the Board's decision, the Public Drivers shall have all rights for appeal as of right or for discretionary review as may be available to them under state and local.

### 6.03 Point System

There is established a point system for the determination of the continuing qualification of Public Drivers to maintain City Driver Certifications. The system assigns point values for various violations of the state and local laws and other practices detrimental to good driving practices. The Board shall assign points whenever it appears from the available documentation and evidence that the Accident involved unsafe practices by the Public Driver. The following points shall be assigned for the following safety violations:

<u>UNSAFE PRACTICE</u>	<u>RESULT</u>
Driving Under the Influence (DUI) on the job	Permanent Revocation
Causing death from Operating a Motor Vehicle	Permanent Revocation
Willful or malicious abuse of a Motor Vehicle	Permanent Revocation
Preventable Accident involving injury	Suspension
Failing to Report a Driver's License Suspension within one business day	18
Driving Without a Valid Driver's License	12
Driving Without a Valid City Driver Certification (after 06/01/2015)	12
Leaving the Scene of an Accident	10
Falsification of Information pertaining to this Executive Order	8
Failure to Follow Directions of a Flagman or Spotter	6
Careless Driving	6
Failure to Yield Right-of Way	6
Improper Backing	6
Improper or Illegal Lane Change	6
Following too Closely	6
Disregarding Traffic Signal/Sign	6
Speeding	6
Improper Passing	6
Failure to Exercise Due Care	6
Failure to Maintain Equipment	6
Passing a Stopped School Bus	6
Unauthorized or Improper Use of a Public Vehicle	6
Unauthorized alteration to a Public Vehicle	6
Failure to Spot/Flag for an Operator	6
Driving on the Wrong Side of the Road	6
Failure to Secure Load	6
Failure to Slow in Safety Zone	6
Improperly Parked/Obstructing Traffic	6
Failure to use Reasonable Care as an Instructor	4

Failure to Properly Report an Accident	4
All Other Traffic Violations under Chapters 316 and 322, <i>Florida Statutes</i>	3

#### **6.04 Accumulation of Points and Other Provisions**

- (a) The Board, after notice to the Public Driver, shall suspend a Public Driver's certification when 12 points or more are assigned within 12 months, or 18 points or more are assigned within 18 months.
- (b) The Board, after notice to the Public Driver, shall revoke a Public Driver's certification when 24 points or more are assigned within 36 months.
- (c) Days of suspension/revocation shall be calendar days.
- (d) The effective date of suspension/revocation shall be the date of the order.
- (e) Public Drivers who have had their City Driving Certification revoked may apply for recertification after 365 days (except in cases of permanent revocation). Should the Public Driver's state driving record show no other violations, the Board may reinstate the Public Driver's certification.
- (f) Department Executives and participating Member Executives will be notified in writing when Public Drivers under their control have accumulated sufficient points to warrant suspension or revocation of their City Driving Certification.
- (h) Nothing contained in this Executive Order is intended to restrict a City department or participating Member's right to initiate discipline against a Public Employee whose City Driver Certification has been revoked.

Approved as to conformity with  
sound fiscal policy:



Director of Finance

Approved and issued



Alvin Brown, Mayor

Approved as to form:



Jason R. Gabriel, General Counsel

Approval Date: APR 03 2015

Effective Date: APR 03 2015

# EMPLOYEE SERVICES

## Directive - 0519



Date: 04/01/2016

Established: 09/01/2010

## SECONDARY EMPLOYMENT POLICY

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### PURPOSE/OBJECTIVES

The purpose of this policy is to provide guidance in assisting City employees in meeting their obligations and responsibilities under the City's secondary employment requirements of the Jacksonville Ethics Code. The Ethics Code provision on secondary employment, Section 602.403, can be reviewed at <http://www.coj.net/Departments/Ethics+Office/Ethics+Code+.htm>. Employee Services, the Ethics Office and the Departmental Ethics Officers (DEO) will assist in identifying conflicts of interest that may arise by engaging in secondary employment. Employee Services will serve as the main contact for secondary employment and the required forms. This Secondary Employment policy supplements the law and addresses:

- Employees appointed by the Mayor seeking approval to undertake secondary employment.
- Employees appointed by a Constitutional Officer or City Council President seeking approval to undertake secondary employment.
- Notification of secondary employment by all other full time employees.

Employees of the Jacksonville Sheriff's Office (JSO) are excluded from this policy and are governed by JSO Secondary Employment policy as determined by the Ethics Director.

A list of DEOs may be reviewed at <http://www.coj.net/Departments/Ethics+Office/Ethics+Officers+.htm>.

### DEFINITIONS

#### **Secondary Employment**

Secondary employment refers to a second job held by a full-time City of Jacksonville employee. This secondary employment includes contract, self-employment and part time work as well as any employment for another person or organization for any period of time while employed by the City of Jacksonville.

Secondary employment includes:

- operating a business.
- providing paid consultancy services to another person or organization.
- partnerships and directorships of companies; (Note: any position that involves being engaged in the business of the company in an employee's spare time).
- paid work outside; and/or,
- voluntary employment in return for a benefit.
- employment undertaken while on approved leave (either paid or unpaid).
- employment that generates any taxable income on a W-2 form or a 1099 form, and work that an employee is doing that is not currently generating income (example: a business the employee is

"getting off the ground" or one in which the employee's spouse is receiving the salary and the employee is not generating income.) Any outside work is covered.

If in doubt, declare it or discuss it with your DEO.

**Conflict of interest** - exists when the outside employment could reasonably be expected to impair independence in judgment or performance of a City employee's duties. Some examples of conflicts occur when:

- the company the employee works for has any business dealings with the City of Jacksonville.
- secondary employment is undertaken during the same hours that an employee is being paid as a City employee, if not on approved leave.
- secondary employment makes use of any City of Jacksonville facility, equipment or resource including but not limited to telephone, computer software and information technology resources and fleet vehicles.
- secondary employment makes use of or may commercially benefit from information the employee possesses by virtue of their employment with the City of Jacksonville.

### **SECONDARY EMPLOYMENT POLICY STATEMENT**

An employee must not engage in private employment or contract work outside the service of the City of Jacksonville that could reasonably be expected to impair independence in judgment or performance of City duties.

Employment with the City of Jacksonville carries with it an obligation to act in the public interest. Accordingly, employees must abide by the standards provided in the Ethics Code, obey the law and consider the spirit of the law.

An employee must not engage in secondary employment outside the services of the City if prohibited from doing so by the appropriate approving authority or unless the employee has agreed in writing to any of the terms and/or conditions placed on the secondary employment by the appropriate approving authority.

### **APPLICABILITY**

This policy applies to all full -time employees as described below:

#### **A. Appointed Officials and Appointed Employees Reporting to the Mayor**

Appointed officials and appointed employees are responsible for reporting proposed secondary employment falling within the scope of this policy. Such employment must be approved and the secondary employment must not commence **prior** to the Mayor's designee's approval. All secondary employment of appointed officials and employees is posted on the City's website. This is required by the Ethics Code.

#### **B. Appointed Officials and Employees Reporting to the City Council**

All employees appointed by the City Council, while full - time employees of the Council, must obtain **prior** approval from the Council President/Designee before accepting secondary employment.

#### **C. Elected Constitutional Officials and their Employees**

All employees appointed by a Constitutional Officer, while full - time employees of the Constitutional Office, must obtain **prior** approval from the Constitutional Officer /designee before accepting secondary employment.

**D. All other full-time City employees**

All other employees must provide notification of secondary employment, by completing the attached form. Prior approval of secondary employment is not required, although, the latter review of conflict of interest standards by the employee's department official (department head or DEO) may result in notification to terminate the secondary employment relationship.

E. New employees with the City of Jacksonville will receive a copy of the Secondary Employment Policy during their on-boarding session. At this time they will acknowledge receipt of the Secondary Employment Policy by signing the Policy Acknowledgement and Loyalty Statement. Any updates to the Secondary Employment Policy will be sent to each department, with an acknowledgement form, to distribute to all employees. The departments will send all signed acknowledgement forms back to Employee Services.

**ANNUAL RENEWAL**

On an annual basis, January 31<sup>st</sup> of each year, all employees with approved Secondary Employment will be required to verify their information with Employee Services. Employees must send an email to laborrelations@coj.net stating there has been no change and they request their approval be extended for another year or follow the directions below to update their request. Any failure to follow this renewal process by the deadline will result in the immediate termination of the employee's Secondary Employment authorization.

**PROCEDURE FOR APPOINTED OFFICIALS AND EMPLOYEES**

1. Requests to engage in secondary employment shall be submitted using the attached form. The employee shall submit the form with the required information to his/her DEO with a copy to the direct supervisor.
2. The DEO will conduct the initial review of the secondary employment for any potential conflict issues, conferring with the Ethics Officer and General Counsel's office as necessary.
3. The DEO will then forward the recommendation to the Director/Chief for departmental recommendation.
4. The department recommendation shall be submitted, within five (5) days of receipt, to the Director of Employee Services /designee or appropriate appointing authority for approval.
5. The Employee Services recommendation shall be submitted to the Mayor's designee for final approval.
7. The employee shall be notified of the recommendation of approval or denial. A copy of the request/notification form shall be placed in the employee's personnel file.
8. After receipt of this approval, Employee Services will update the master list of Appointed City employees engaged in secondary employment for publication to the coj.net website and the Employee Portal.

**PROCEDURE FOR ALL FULL-TIME EMPLOYEES (OTHER THAN APPOINTED)**

1. Notifications of secondary employment shall be submitted using the attached form. The employee shall submit the form with the required information to his/her DEO with a copy to the direct supervisor.
2. The DEO will conduct the initial review of the secondary employment for any potential conflict issues, conferring with the Ethics Officer and General Counsel's office as necessary.
3. The DEO will then forward the form to the Director/Chief for the departmental review.
4. After review, the department shall submit, within five (5) days of receipt, to the Director of Employee Services/designee or appropriate appointing authority for final disposition.

5. The employee shall be notified if any conflicts of interest are apparent. This may result in a direction to cease the secondary employment. A copy of the notification form shall be placed in the employee's personnel file.
6. After receipt of this approval, Employee Services will update the master list of City employees engaged in secondary employment.

#### **UPDATES OF APPROVED SECONDARY EMPLOYMENT**

Employees must provide a new request through the same procedure used for initial submittals, for the following reasons:

- The duties and responsibilities of secondary employment changes,
- termination of secondary employment, or
- duties and responsibilities of City employment changes.

If any of these conditions are met:

1. All full time employees must provide secondary employment information updates, within thirty (30) days of the change, by using the attached form. The DEO will review the change and confer with the City Ethics Officer and General Counsel's Office as necessary to determine if a conflict of interest exists.
2. The DEO will then forward the recommendation to the Director/Chief for the departmental recommendation.
3. Directors/Chiefs are responsible for ensuring notifications of secondary employment are appropriately evaluated and forwarded to the Director of Employee Services /designee or appointing authority for consideration and/or approval within five (5) days of receipt.
4. For Appointed Officials and Appointed Employees, the Employee Services recommendation shall be submitted to the Mayor's designee for final approval.
5. The employee shall be notified of any conflicts that may result in a denial or a direction to cease the secondary employment. A copy of the notification form shall be placed in the employee's personnel file.
6. After receipt of this approval/notification Employee Services will update the master list of City employees engaged in secondary employment and post to the [coj.net](http://coj.net) website and the Employee Portal as appropriate.

#### **VIOLATIONS**

Not reporting secondary employment or any violations of the Secondary Employment Directive may result in disciplinary action, up to and including termination and/or preventing rehire, if deemed appropriate.

Any violations identified are to be reported to the Office of Ethics, Compliance and Oversight within three (3) calendar days.

Questions concerning this policy may be directed to the City's Ethics Officer at [ethics@coj.net](mailto:ethics@coj.net) or the appropriate DEO.

**REQUEST / NOTIFICATION / TERMINATION OF SECONDARY EMPLOYMENT**

To: Department Ethics Officer

Employee Name: \_\_\_\_\_ EIN: \_\_\_\_\_ Dept/Div: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Via: Department Director/Chief \_\_\_\_\_

**SUBJECT:** Request for Permission or Notification of Secondary Employment

Pursuant to the City's **Ethics Code Section 602.403 Moonlighting Provisions**, I am submitting my request and/or notification, as applicable, to engage in secondary employment. I have read and understand the City's Directive on Secondary Employment.

\_\_\_\_\_  
Employee Signature Date

- 1. City Job title, brief description of duties and responsibilities in City position: \_\_\_\_\_
- 2. Outside Employer/ Employment:  
Name of Entity: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Does the entity conduct business with the City of Jacksonville?  Yes  No  
If yes, explain: \_\_\_\_\_
- 3. Brief description of business conducted by entity: \_\_\_\_\_
- 4. Position title, duties and responsibilities of secondary employment: \_\_\_\_\_

Pursuant to the City's **Ethics Code Section 602.403 Moonlighting Provisions**, I am submitting notification, my secondary employment ended effective \_\_\_\_\_ **(NO APPROVAL REQUIRED)**

\_\_\_\_\_  
Employee Signature Date

Recommendation of Department Ethics Officer:  
Approve \_\_\_\_\_ Disapprove \_\_\_\_\_ (state specific reasons for denial)  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
Department Ethics Officer's signature Date

Dept. Director: Approve \_\_\_\_\_ Disapprove \_\_\_\_\_ (state specific reasons for denial)  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
Department Director's / Chief's signature or designee Date

Director of Employee Services/Constitutional Officer/Council President:  
Approve \_\_\_\_\_ Disapprove \_\_\_\_\_ (state specific reasons for denial)  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
Director's / Officer's / Council President's signature or designee Date

Mayor's Office:  
Approve \_\_\_\_\_ Disapprove \_\_\_\_\_ (state specific reasons for denial)  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
Mayor's signature or designee Date



**DISCIPLINARY ACTION**  
**NOTICE OF IMMEDIATE SUSPENSION WITHOUT PAY AND DISMISSAL**

**TO:** Charzetta Spencer, EIN 42603, AMIO – Departmental Financial Analyst  
**FROM:** Kimberly Scott, Interim Director of Neighborhoods Department *KS*  
**DATE:** November 16, 2016

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Your conduct as an employee of the Neighborhoods Department has been unacceptable and requires dismissal.

**Nature of Conduct**

Based on a thorough investigation conducted by the Office of Inspector General, it is determined that you have violated the City of Jacksonville Electronic Communications Equipment and Media Policy, dated October 14, 2015, which prohibits the use of City owned equipment and technology resources while working on behalf of businesses or organizations without any professional affiliation of the City of Jacksonville. Further, you have violated Civil Service Rule 11.01(6) which states it is unlawful for any officer or employee of the City of Jacksonville to use City property for personal gain. This conduct was determined to have taken place for an extended period of time while you were conducting business on behalf of other companies in which you apparently own and have ownership in.

Additionally, during this period of time you did not disclose any secondary employment which is a violation of City of Jacksonville, Employee Services Directive #0519, Secondary Employment Policy, dated April 01, 2016. The policy specifically addresses the requirement for appointed employees to request and obtain approval prior to engaging in such secondary employment. Only after you were questioned during the investigation, did you submit a request for approval. Your conduct in this matter warrants termination.

**Civil Service Rule Violations**

Your conduct has violated the City of Jacksonville's Civil Service and Personnel Rules and Regulations, Rule 9.05(1) relating to: (a) violated any lawful official regulation or order or failed to obey any proper directive made and given by a superior officer; (d) been guilty of disgraceful conduct; (f) been incompetent or inefficient in the duties of the position; and (g) been carless or negligent with the monies or other property of the City.

**Justification for Immediate Suspension**

Pursuant to Civil Service Rule 9.05(4), your immediate suspension without pay is justified as your continued presence in the workplace would be detrimental to the interests of the City government and substantially impair management's ability to maintain decorum and discipline.

### **Past Discipline and Conduct**

While no formal disciplinary history has been documented, The City's long established progressive discipline guidelines recognize and authorize immediate and swift terminal action for such intolerable misconduct in a position of trust.

### **Current Disciplinary Action**

Due to the seriousness of these actions and the resulting loss of trust, you are hereby dismissed from your appointed position and the reverted position, and salary, which you would occupy after dismissal from your appointed position pursuant to the provisions of the City's charter, for cause as stated.

Your conduct requires dismissal. You were placed in a position of trust with the Neighborhoods Department. Unethical activity by people in this office cannot be tolerated. Your conduct was work related and intolerable in an office that portrays a professional image. For all of these reasons you are dismissed from your appointed position effective immediately. The dismissal from your reversion position is effective immediately, except that if you choose to appeal your dismissal from your reversion position, you shall be immediately suspended without pay pending resolution of your appeal.

You are hereby requested to immediately surrender your keys, and any other property in your possession which belongs to the City. You should contact the City's benefit office regarding your benefit rights including your possible right to continue your health care benefits under COBRA.

### **Employee Assistance Program**

If you have personal problems, please consult with me or with the Employee Assistance Program. The City of Jacksonville offers you an Employee Assistance Program which provides counseling and other assistance to City employees and their families. The program provides help for personal or job related family, financial, alcohol and drug and stress problems and any other problems you may have. The phone number for the Corporate Care Works (CCW) Employee Assistance Program is (904) 296-9436. This program is confidential. All employees are encouraged to use this benefit and service.

### **Right to Appeal**

In the event you choose not to voluntarily accept this disciplinary action, it is your duty and responsibility to grieve this action in accordance with Civil Service Rule 9.05(2)(c). Failure to notify the Board of your desire for a hearing within the appropriate timeframe shall constitute a waiver of any further right to appeal. You may appear in person at the Civil Service Board Office, Suite 420, 231 East Forsyth Street, Jacksonville, Florida, to receive the date and time of your hearing in the event you request said hearing in timely manner. Alternately, you may also choose to appeal this action within the appropriate timeframe in accordance with Article 19 of the American Federation of State, County and Municipal Employees (AFSCME) collective bargaining agreement. You may elect only *one* avenue of appeal.

**Voluntary Waiver of Hearing**

I, Charzetta Spencer, the undersigned employee, understand the discipline contained in this Notice and accept the discipline, and voluntarily waive my right to appeal under the Civil Service and Personnel Rules and Regulations and my bargaining unit agreement, as applicable.

***IF EMPLOYEE SIGNS, COMPLETE BOTH WITNESS SIGNATURES AND DATES.***

\_\_\_\_\_  
Employee Date

\_\_\_\_\_  
Witness Date

\_\_\_\_\_  
Witness Date

**Acknowledgment of Receipt**

Charzetta Spencer, acknowledges receipt of this document.

***MUST OBTAIN ALL SIGNATURES. IF EMPLOYEE REFUSES TO SIGN, WRITE "EMPLOYEE REFUSED TO SIGN" AND COMPLETE WITNESS SIGNATURE AND DATE.***

 \_\_\_\_\_  
Employee Date

 \_\_\_\_\_  
Witness Date

- cc: Civil Service Board
- Employee Services/Personnel File via Employee and Labor Relations
- Union Organization (AFSCME)
- Department Employee File
- TAS